



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 17 June 2024

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



www.sjshire.wa.gov.au



Councillor Attendance Register

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

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

Council 1 January 2024 –

Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Cr Mazzini
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)	✓	✓	✓	✓	✓	✓	✓
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	✓	✓	✓	✓	✓	✓	✓



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Date	Type	President Coales	Cr Bishop	Cr Byas	Cr Duggin	Cr Jerrett	Cr Mack	Cr Mazzini
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

NA - Non Attendance

EPNG - Electronic Participation Not Granted

EP - Electronic Participation



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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



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Local Government Act 1995 (section 5.25(1)(e)) and Council's *Standing Orders Local Law 2002 (as Amended)* – Part 14, Implementing Decisions. No person should rely on the decisions made by Council until formal advice of the Council resolution is received by that person.

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

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



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 17 June 2024 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

President Coales declared the meeting open at 7pm and welcomed Councillors, Staff, and members of the gallery.

President Coales 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.

President Coales 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):

President: R Coales.....Presiding Member

Councillors: N Bishop
T Duggin
S Mack
C Mazzini

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

Leave of Absence: R Jerrett.....Councillor

Apologies: M ByasCouncillor

Observers: 19



2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting: 20 May 2024

Questions asked by **Ms Coralie Parkin** at the Ordinary Council Meeting, Monday, 20 May 2024. Correspondence was sent to Ms Parkin on Wednesday, 22 May 2024 (OC24/9773).

Question 1

Why, as I believe, is a debrief for Keysbrook fire not going ahead? There was to be a debrief held in April / May. Why / is it cancelled?

Response (Director Community Engagement)

The Shire of Murray was taking the lead on the delivery of the Community Recovery Event proposed for April 2024, with support and input from the Shire.

Shire Officers were subsequently contacted by the Shire of Murray on 3 April 2024 indicating that their priority was to conduct community engagement with the southern portion of their Shire as a result of the recent Bushfires in the Waroona area, with no further proposal for an event relevant to the Keysbrook fire.

Following Council's decision at its May meeting, the Shire will deliver a community debrief session on the December 2023 Keysbrook fire with the involvement of all relevant stakeholders, including the local emergency services, the Shire's Bushfire Awareness Team, and affected community members.

Information on this community debrief session will be communicated once a date, time and location is decided.

If there are any specific matters you would like to discuss, do not hesitate to contact the Shire's Emergency Services Team on 9526 1111.

Questions asked by **Mrs Lee Bond** at the Ordinary Council Meeting, Monday, 20 May 2024. Correspondence was sent to Mrs Bond on Friday, 31 May 2024 (OC24/9868).

Question 1

Why were perfectly good items put into a skip bin out the back of the Council office during renovations?

Response (Director Infrastructure Services)

Officers are not aware of items in good condition being disposed in skip bins. Officers will be able to investigate this further if you can provide further details regarding this issue. However, please note that the Shire commenced upgrade and refurbishment works at the Shire's Administration Offices in 2022, and as part of these works, some old office furniture that was in a poor condition and could not be repurposed, was disposed. Where possible, any surplus office furniture at the Administration Office that was still in good condition, was repurposed at other Shire facilities.

In addition, some of the office furniture that was in good condition but surplus to Shire's needs, was sent to the Shire's Reuse Shop at Waste Transfer Station to be repurposed.



Question 2

Why does Council always want me to do their work for them when I ask legitimate questions at OCM's it isn't that hard?

Response (Director Corporate Services)

This question has been taken as a statement.

Questions asked by **Mrs Michelle Rich** at the Ordinary Council Meeting, Monday, 20 May 2024. Correspondence was sent to Mrs Rich on Friday, 31 May 2024 (OC24/9871).

Question 1

Can the Shire of Serpentine Jarrahdale please provide details of the SAT application DR193/2023 DAP/23/02545 which is the proposed educational establishment at 575 (Lot 218) Abernethy Road Oakford?

Response (Director Development Services)

The applicant lodged a request for State Administrative Tribunal (SAT) review of the decision of the Metro Outer Development Assessment Panel (MODAP), regarding the proposed education establishment for 575 (L218) Abernethy Road, Oakford. This review was advised to the Shire on 22 December 2023, with the respondent being the Chair of the MODAP. As a result of additional information being submitted through the SAT process, the SAT invited the MODAP to reconsider its decision under Section 31 of the SAT Act 2004. At the MODAP meeting of 3 April 2024, a new decision was made by the MODAP to approve the proposed development subject to Conditions. At the time of writing this response, the Shire is advised that the matter still remains before the SAT.

Question 2

Remembering that to gain the 18 million hypergrowth road project funding from the 2021 State election commitment, the Shire had to jump through a number of hoops and prove that no other funding stream or mechanism existed for those roads. Please explain to me why the Shire of Serpentine Jarrahdale would think it is wise to apply for State or Federal government funding of 4.7 million for a road project when a funding stream is already in place for the road project through an approved development application?

Response (Director Infrastructure Services)

Delivery of the Shire's 3 Hypergrowth Road projects funded by the State Government were planned in a staged manner in the order of priority taking into account available budget, project complexity (i.e. services relocation and land acquisition), road safety and deliverability within the funding agreement timeframe conditions. Due to the significant service relocation, land acquisition requirement and high cost, the Kargotich Road – Abernethy Road and Kargotich Road – Orton Road were not able to be delivered as part of the current budget and funding agreement. However, both these intersections remain as the Shire's high priority Black Spots.

As such, due to the road safety risks, the Shire has been proactive in advance planning for ultimate upgrade of these intersections.



As part of this approach, the detailed design for both these intersections have been completed with some preliminary works being in progress to advance the projects to a construction tender ready stage when funding becomes available.

In respect of the development approval issued for the proposed school on 575 Abernethy Road, as per the answer to your question 1, this matter still remains before the State Administrative Tribunal. However, the Metro Outer Development Assessment Panel have imposed the following condition on its approval of the development which occurred at the 3 April 2024 meeting:

q. Prior to the lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating the provision by the applicant of a roundabout at the intersection of Abernethy Road and Kargotich Road. This roundabout must be fully constructed by the applicant, at its cost, in accordance with the approved plans prior to the commencement of the development's operations. Should the Shire receive a grant for the roundabout prior to the applicant commencing works on the roundabout, the applicant shall instead provide a monetary contribution to the Shire to cover any residual amount not covered by the grant, to fully deliver the roundabout.

The MODAP agenda also states specifically:

Requirement to build the roundabout

The applicant now seeks to deliver the roundabout, at the intersection of Abernethy Road and Kargotich Road, and for this to be fully constructed by the applicant prior to the commencement of the School's operations. Associated with this proposal, however, is a request that the Shire would use its best endeavours in order to try to secure grant funding for the cost, estimated to be in the vicinity of \$6m.

Officer Comment

By proposing to be responsible to deliver the roundabout, the application now addresses what was a key reason for refusal. Officers do note, however, some uncertainty in respect of how securing of grant monies could impact this. The subject intersection does require upgrading, and it is possible that some grant monies may be provided for this to occur. Officers consider, therefore, that an associated condition needs to be worded such that:

- on the one hand, the applicant needs to be responsible to deliver the roundabout should no grant be secured;

- but, on the other hand, should the Shire receive a partial grant and thus be responsible to deliver the roundabout, the applicant should be required to make a contribution to bring up that grant to meet the full cost to deliver the roundabout.

In respect of the second point, given the intersection qualifies as a State Government blackspot (rather than a Federal), a grant would likely be received for up to two thirds of the cost (circa \$4m), meaning a shortfall of one third (\$2m) would remain. A suitable condition needs to be developed to address this issue, for such arrangement to be future proofed.

Based on the above, the position of the Shire has been clear in that it would seek grants, and if a partial grant was successful, the condition needed to ensure a top up contribution could also be required from the applicant of the school. Importantly, as with all development approvals, there is no certainty that an applicant will proceed to build what they have approval for, given this is a private decision that a local government has no influence over or cannot force to be done.

Based on this, the current safety risk to road users in these intersections is significant, and in order to minimise this risk, the Shire has taken the approach to continue to advocate for funding for these projects by the Government so that the intersections can be upgraded as soon as possible to ensure road safety. The Shire places road safety as one of its highest priorities in order to protect the community.

Question 3

Please explain to me in detail the information provided to Councillors at the election advocacy policy concept forums and budget workshops surrounding the workforce resourcing that will be needed to deliver any election commitment funding if gained for the “Road Advocacy Upgrade Plan.”

Response (Director Infrastructure Services)

The Shire has developed robust and detailed costings and conceptual scopes for all the road advocacy projects which are adequate to inform resource requirements for delivery of these projects. These resources will be made available once funding is approved for the projects as required and charged to the individual projects. Furthermore, the structural changes made to the infrastructure directorate at the February OCM will support this delivery program by providing greater focus upon delivering of capital projects. This structural change was discussed with Councillors prior to the report being considered.

Question 4

During the questions from Councillors at the Q&A held on 13 May 2024 for this meetings agenda briefing it was stated by the Director of Corporate that Councillors were given all outstanding CRM's to satisfy Cr Byas alternate motion for resolution OCM022/02/24 from the 19 February 2024 OCM. How are community members to know if their CRM has been dealt with fairly when this Council will making decisions behind closed doors as to what is in and what is out of the 2024/25 budget?

Response (Director Corporate Services)

No decisions regarding the budget adoption is made behind closed doors. The budget will be adopted at a Council meeting as per the Shire's Integrated Planning, Reporting and Budget Timetable (Resolution OCM022/02/24) which is open to the public to attend. Additionally community members always have an opportunity to submit a further CRM if they are dissatisfied with outcomes of the budget or contact Councillors.

Question 5

Please explain to me what action has been taken, what discussions and the date of said discussions have been held with Councillors and what planning is currently being undertaken to solve and resolve the traffic issues been experienced within the Jarrahdale township since October 23, 2023.

Response (Director Infrastructure Services)

No action has been taken regarding Jarrahdale Road as Officers have not received any direction from Council on matter. Council considered this matter at the September 2023 OCM where Council requested information on asset management plans for footpaths be discussed at a future PCF however this did not include any direction regarding roads in Jarrahdale.

The matter was also subject of a Motion at the General Electors Meeting of 31 January 2024, where the Motion was carried (GME003/01/24). The Council resolution when considering the motions from the electors meeting (OCM052/03/24) of 18 March 2024 did not include any reference to traffic through Jarrahdale, only footpath works for consideration in the 24/25 FY year.



Question 6

Does the Shire of Serpentine Jarrahdale routinely build or upgrade roads that hinder or stop access of emergency service vehicles?

Response (Chief Executive Officer)

Officers are not aware of any such situations. If you have any concerns with and roads built or upgraded that you believe hinder or stop access of emergency service vehicles please let Officers know so the situation can be investigated and appropriate action taken.

2.2 Public questions:

Public question time commenced at 7:02pm.

Michelle Rich on behalf of Nick DiGiuseppe, Mundijong, 6123

Question 1

How much money has been spent so far on the area F1 project and how much committed funding will be carried forward from previous budgets?

Response (Director Development Services)

As reported to Council at the November 2023 meeting, the Mundijong F1 Precinct Structure Plan is a current project in the Corporate Business Plan.

Officers have recently procured consultants to update the traffic management plan, district water management strategy, bushfire management plan and activity centres review. Inception meetings for these works have been undertaken during May and June. Therefore, whilst no external costs have been incurred significant Officer time has been devoted to the project and purchase orders have been issued for the amount of \$167,155 which will be carried forward to next year's budget.

Question 2

Does the Area F1 structure plan have funding allocated to it in the 2024/ 2025 budget? If yes how much?

Response (Director Development Services)

Yes, it is anticipated that the funding of \$178,500 from the 2023/2024 budget will be carried forward to the 2024/2025 budget.

Bill Denholm, Byford, 6122

Question 1

I have heard this morning about the worst presented house for sale actually sold for a staggering approximately \$600,000 in Kelmscott. It made me think about the housing shortage, so my question is, what is the Shire doing to assist ratepayers etc in solving the housing supply crisis because people are obviously desperate?

Response (Director Development Services)

The Shire continues to ensure the planning framework is implemented efficiently and effectively, to support the ongoing supply of residential lots and the delivery of new housing.



Particularly in Byford and Mundijong, officers have been working collaboratively with applicants, landowners, State Government agencies and servicing authorities, in order to specifically coordinate infrastructure delivery which will be used to unlock further development and enable more product to be brought to market.

Further to this, the Shire is also embarking on Stage 3 of OneComm, which is a significant transformation of the organisation and its ability to use technology to assist applicants in all manner of regulatory approvals needed for new development, especially housing.

Question 2

With the new school proposed or relocated to the corner of Abernethy and Kargotich Roads, will the school have to contain their water on the property as it's an extremely wet area? I'm not sure as on the south of Abernethy Road, the paddocks are flooded and on the north side man-made drainage is guiding their water into the Shire drains.

Response (Director Development Services)

Development within the Shire is required to ensure that post-development flow rates do not exceed pre-development flow rates. This requires both groundwater and surface water management to be planned for.

The new school will be required to demonstrate compliance with this requirement. The Shire's road side drains are not designed for direct management of surface water flow from private land, but rather are required for drainage associated with road infrastructure.

There are Water Corporation drains that manage broader drainage issues, and these do occur through the Oakford area.

Question 3

Could I have a quick update of Keirnan Street Sporting Precinct as a lot of questions are being asked at sporting events of where we are up to. Have the monitoring holes requested by DWER been done before these winter rains?

Response (Director Infrastructure Services)

A detailed report regarding Stage 1A will be presented to Council at the July OCM. This report will also address the requirement for drilling the new monitoring bore into the deep aquifer.

The Shire has engaged consultants to prepare a concept plan and costings for staged delivery of Netball Courts (Stage 1C) of the project for advocacy purpose. It is anticipated that the concept plan and costings will be completed in July. Progress to detailed design and construction for Stage 1C of the project will be subject to funding becoming available.

The Stage 1B (BMX track) phase of the project is currently anticipated to be progressed following the completion of Stage 1A (Community Sporting Ovals).

A stakeholder reference group meeting is scheduled for the 27 June 2024.



Michelle Rich, Serpentine, 6125

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 (President Coales)

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

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

Mr Thomas Dyer, Cardup 6123

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 (President Coales)

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

Dave Atwell, Mundijong, 6123

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 (President Coales)

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

Michelle Rich, Serpentine, 6125

Question 1

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 (President Coales)

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

Vanessa Reynolds, Oakford 6121

Question 1

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

Response (President Coales)

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

Question 2

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 (President Coales)

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

Question 3

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

Response (President Coales)

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

Mrs Lee Bond, 6112

Question 1

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

Response (President Coales)

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



Question 2

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 (President Coales)

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

Question 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 (President Coales)

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

The Presiding Member, President Coales asked if there were any further public questions from the floor.

OCM145/06/24

COUNCIL RESOLUTION

Moved Cr Duggin , seconded Cr Mazzini

Council APPROVE an extension to public question time by 5 minutes at 7:17pm

CARRIED UNANIMOUSLY 5/0

Michelle Rich, Serpentine 6125

Question 1

President Coales has stated publicly that Council will hold a Policy Concept Forum in Serpentine on 24 June 2024. Community groups have been invited to talk to Council, which Community groups have been invited and is the Policy Concept Forum open to the wider community of Serpentine?

Response (President Coales)

The Community groups that have been invited to the Policy Concept Forum on 24 June 2024 at Serpentine, firstly, Council will attend the Old Bridge School, Councillors will then attend a tour of the Serpentine Cemetery. The Council will then move towards the Pony Club and the facilities there where they will have a briefing from the Junior Pony Club, the Senior Pony Club and the Adult Riders. That is not open to the public, it is the same rules as per Council policy, as any other Policy Concept Forum.



Bill Denholm, Byford 6122

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 (President Coales)

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

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

Public question time concluded at 7:20pm.

3. Public statement time:

Public statement time commenced at 7:20pm.

Karl Titelius, Byford 6122

To whom it may concern;

My partner Ms Joyce Eileen Davis and I are co-conveners for Friends of Brickwood Reserve over the past 19 years or so. We are thus key stakeholders in what is done to and for the Brickwood Reserve.

For ease of reference, I have reproduced some of the key wording from page 143 of Item 10.1.10 of the Shire meeting REF E24/7805.

"The PTA (Public Transport Authority) has identified an 'Offset Allocation Area's of approximately 7.5 Ha within Brickwood Reserve that contains sufficient extent of SCP3a and CCW to achieve State and Federal requirements for the BRE project. As Brickwood Reserve contains approximately 34 Ha of SCP3a in total there would be ample unallocated area remaining should the Shire require it for other environmental offsets in the future."

Lower down on the same page 143 it is stated that:

"Officers are now satisfied the proposal, as put forward by the PTA, can be supported. Accordingly, Officers recommend that Council support in-principle portion of Brickwood Reserve as an Environmental Offset for the BRE project, subject to a suitable Memorandum of Understanding which includes (but is not limited to):

the specific actions to be taken to achieve the required conservation outcomes;

the timelines for undertaking such actions;

the costs for such actions and all reporting aspects, and specifically how full cost recovery for the Shire will occur;

the specific reporting requirements, frequency and responsibilities for these;

the specific monitoring requirements."



The proposal agreed to by the PTA and the Shire fails the fundamental requisite for sustainable environmental stewardship; which is that the nett environmental capital is not reduced by an action such as the BRE project over time. This offset proposal in which the BRE project destroys/permanently alters an unquantified hectareage of SCP3a land that is in the development path of the BRE and then nominated a pre-existing 7.5 ha area of equivalent SCP3a land within the greater community's Brickwood Reserve is an environmental accounting trick.

Environmental offset accounting as presented in Item 10.1.10 by the PTA ,and agreed to by the Shire, is simply a ploy to cover up that the greater community is simply going to have a net loss of environmental capital in the path of the BRE. In this case it is SCP3a type land that'll be lost; better known as *Corymbia callophylla* -*Kingia australis* woodland on duplex soil. The only compensation being promised by the PTA is money, and perhaps expertise, to the Shire to partner it in its chronically funds challenged environment to care for existing, as yet undestroyed land of similar, ecological value to maintain it for an undefined amount of time. The destroyed SCP3a land , that is part of the BRE project remains destroyed from an ecological point of view, with the PTA pointing to the Brickwood Reserve land and simply nominating 7.5 ha (out of 34 ha similar ecological land) as something it'll help the Shire take care of for an unspecified time. The PTA did not create that 7.5 ha of SCP3a land/ecology in Brickwood Reserve. It has simply pointed to that parcel of land and offered to contribute to its care in compensation for equivalent land destroyed/irreversibly changed as a part of BRE project space and built human infrastructure requirements.

The net effect, once the BRE project is completed, is that the overall SCP3a environmental capital in the State of WA care is reduced. The PTA has not proposed that any strongly degraded SCP3a land is acquired and restored/regenerated (and then given to the Shire to care for, or help with care for) to better balance the environmental capital accounts book.

In agreeing with the PTA (as an instrument of the State of WA) the Shire has simply helped legitimise this slight of hand in environmental accounting, that would simply never be accepted in any legitimate, responsible, sustainable financial accounting service. Is this sort of sloppy environmental accounting just what is accepted in that the State feels it is entitled (via its instruments such as the PTA) to do to a local government such as the S/J Shire? It does not look fair or sustainable to me as a volunteer on ground carer for the greater community's nature built infrastructure that is Brickwood Reserve.

The PTA simply should have the courage to be clear in its communication in saying that the community will have less of the type of land degraded by the BRE project BUT in PARTIAL compensation it'll help the S/J Shire maintain an equivalent parcel of land, within a pre-existing nature built infrastructure such as Brickwood Reserve, in perpetuity or as long as the human built BRE infrastructure exists. That would be clear, honest and open communication and avoids using weasel words like environmental offsets which have no legitimacy when considering sustainable maintenance of environmental capital as part of full and open commitment to sustainable environmental stewardship.

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



Mrs Lee Bond, 6112

Made a statement on the Shires Dog Pound and code of conduct.

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

Mrs Michelle Rich, Suburb, Postcode

Made a statement on Item 10.1.12.

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

As there was no further public statements, Public Statement time concluded at 7:28pm.

4. Petitions and deputations:

Mr Clayton Plug on behalf Ms Kylie Shaw, Harley Dykstra, regarding item 10.1.7 – Proposed Scheme Amendment No. 4 – Lot 483 (2622) South Western Highway, Serpentine – Rezoning (PA24/179)

Harley Dykstra (the applicant on behalf of the landowner) acknowledges and appreciates the officer's recommendation to initiate the scheme amendment and progress to referral to the EPA and WAPC, and the advertising of the amendment. However, the applicant objects to the recommendation that the scheme amendment report be modified to insert the text requiring a Local Structure Plan be prepared and approved prior to subdivision and development.

This recommended modification is unexpected given the advice provided to the Shire's planners by the Department of Planning Lands and Heritage on March 14th 2024 prior to the submission of the Amendment documentation to the Shire by Harley Dykstra. The advice provided by DPLH to the Shire's planning officer was:

After careful consideration, DPLH advises that a structure plan is not required for the site, noting that the site 'rounds out' a rural living precinct south of Serpentine townsite and no further areas are identified for this form of development via the sub-regional framework or Shire's Local Planning Strategy.

The proposed scheme amendment is a comprehensive document which is supported by a Site and Soil Evaluation, Geotech investigation, Local Water Management Strategy, Traffic Impact Assessment, Bushfire Management Plan, Servicing Report and an Acoustic Assessment, as well as a concept plan showing an indicative lot design addressing extension of the existing local road network. There do not appear to be any planning matters that can't be addressed via the scheme amendment and subdivision process.

Your comments around a structure plan providing more certainty of design outcomes are noted, however it is common practice for minor modifications to structure plans (where required) to be facilitated through the subdivision process. Given this site is in single ownership and rounds off an existing zoned and subdivided rural living precinct, the concept plan provided with the proposed rezoning documentation is considered to provide a reasonable basis to move forward without the need for an additional layer of structure planning. The separation to Hardey Creek main drain for effluent disposal may require further consideration through the rezoning process.



This clarification from DPLH was sought by Harley Dykstra as the DPLH had previously issued a directive to planning consultants and local governments in relation to the consideration of Structure Planning triggered for land zoned Rural Residential.

DPLH directive advised that:

- *Clause 15 (a) provides that if an area is not suitable for 'urban or industrial development' and a structure plan is not required by the Scheme, then the land is not appropriate for a structure plan. This applies to land zoned rural residential in a local planning scheme, even when the Scheme contains a provision requiring a structure plan over the land. This is because the Regulations have the effect of overriding a Scheme provision to the extent of any inconsistency.*
- *It is noted that the practice of Local Governments in the past, has been to accept structure plan applications on the basis that the Scheme provides a head of power to require structure planning in the rural residential zone. The Department will not continue to support these applications if they are forwarded to the WAPC for determination.*
- *Clause 15(c) allows the Commission to determine that a structure plan is required for the purposes of orderly and proper planning for any area of land.*
- *The intent of clause 15(c) is to allow the Commission to consider exceptional circumstances where a structure plan may be needed outside urban or industrial development areas, where this may be considered appropriate.*

Harley Dykstra has prepared a detailed scheme amendment document which is supported by all the necessary studies and assessments. The Shire's new Local Planning Scheme allows for the development of the site without the need for Structure Planning.

The proposed development is currently in a single land parcel with the proposed the development adding approximately 33 homesites to the region as shown in the Concept Plan provided with the amendment documentation.

Any planning controls and works to be undertaken when the land is developed, can be adequately managed through the subdivision application process. To require Structure Planning to develop this land adds an unnecessary layer to the planning process and is considered an additional burden on the Shire's resources, the landowner, and other assessing agencies.

Therefore, it is respectfully requested Council approve the initiation of the scheme amendment, without the recommended modification to the scheme text requiring a Structure Plan to be prepared.

Ms Katherine Shirley, Taylor Burrell Barnett, regarding Item 10.1.8 – The Glades, Byford Village Centre Stage 1 – Local Development Plan (PA23/850) and Item 10.1.9 – The Glades, Byford Village Centre Stage 2 – Local Development Plan (PA23/966)

Dear Shire President and Councillors, this deputation is provided by Taylor Burrell Barnett (TBB) on behalf of our client Satterley, in respect of The Glades Estate, Byford as applicant of the proposed Local Development Plans (LDP) for Stage 1 and Stage 2 at the Glades Village Centre.

As background, The Glades Estate in Byford has been the subject of LDPs across all lots, since the project's inception in 2009. During this time, TBB on behalf of Satterley, has negotiated a set of consistent Residential Design Codes (R- Codes) variations across the estate in collaboration with the Shire, of which landowners have come to rely upon. These established controls have included common variations such as Open Space Provision, Soft Landscaping and Setbacks.

Importantly, consistently applying these variations has resulted in a cohesive vision across the estate and there is no evidence to suggest the provisions on the LDPs have been unsuccessful or



created poor built form outcomes, and as such Satterley are keen to see the principles of these variations continued for this last remaining cell in the Glades Estate north of Orton Road.

Officer's Report and Recommendation

The Officer's Report recommends approval of both the Stage 1 and Stage 2 LDPs subject to modifications. Whilst we are broadly comfortable with the majority of the Officer's Recommendation and Schedule of Modifications, there is one modification which we have significant concern over, being the requirement for garages to be setback a minimum of 5.5m for R40 and R60 lots where garages are located on the primary street.

As noted in the Officer's Report, Local Planning Policy 2.2 - Residential Development Standards (R25 – R60) (LPP 2.2), prescribes garage setbacks of 5.5m from the primary street boundary where footpaths are located at less than 1.0m from the lot boundary. The approved civil drawings locate the footpath approximately 0.3m from the lot boundary, therefore a garage setback of 5.5m is recommended under LPP 2.2.

The fundamental concern raised by the Shire's Officers is the need to provide a minimum 5.5m, the length of a standard car bay, between a garage and footpath to ensure that parked vehicles do not overhang onto the footpath.

We acknowledge the position of the Shire at the officer-level to not want to depart from the requirements of LPP 2.2 is one of having to be seen to comply with policy rather than considering the specific circumstances supporting the reasons to depart from the policy. The following comments are provided in support of the variation proposed by the LDP:

Deputation Comments

In response, there are three key points that need to be considered by Council in assessing the LDP variations against the policy measures in this context and on its merits:

1. Comprehensive Design Process

Satterley and its project team undertook a design review exercise across the LDP area to provide medium to high residential density within a walkable catchment of the retail core of the Village Centre and provide a mix of housing product that better responds to market demand and affordability.

The team met with the DPLH and Shire officer's pre-lodgement of the subdivision applications and during the assessment phase to discuss the subdivision and street design for the Village Centre precinct. The attached Concept Plan was prepared to provide an indicative illustration of the vision and intent for the precinct, and particularly for the 13.2m-wide streets ('mews'). The team has given a lot of consideration to the details so that the plan represents a close alignment to the principles that address the Council's requirements and community's needs, namely:

- An attractive and appealing urban setting for residents and people walking/cycling through the precinct to and from the Village Centre.
- Slow-speed car movement (<30 kph) in the 'special' streets with opportunities for on-street parking.
- Optimised tree and landscape planting on both sides of the street.
- A pedestrian pathway system that optimises shade coverage and directness to destinations, and avoids footpath obstructions.
- A built form interface that enhances the streetscape.



- A diversity of affordable built form that means the objectives of a village centre precinct.

As communicated to the Shire through the subdivision, LDP and engineering phases, a 4.5m garage setback from the primary street is an absolute requirement to ensure that the street trees (100L), services (particularly water main) are in accordance with the standard alignments. These requirements dictate where the footpath is located.

If a 5.5m garage setback was required, the footpath would need to be relocated, which would in turn impact street tree and servicing alignments. The resultant outcome would be the loss of street trees which are intended to be provided and ensure the streetscape outcome and public realm enhancement achieves the original vision intended for the precinct.

Subdivision and engineering approvals have been provided by the Shire based on these past agreements, in line with the designated garage locations and 4.5m garage setbacks controls proposed on the LDP. Lots have also been released to the market and civil construction commenced, including road works and servicing trenches, with a practical completion date anticipated for mid-August 2024, all on the basis of this understanding.

To depart from this vision and what we understood to be past agreements and approvals at this stage of the development process is a significant time and cost burden and heavily impacts on the delivery of housing supply for the Shire and Perth metropolitan region more broadly.

Summary: A comprehensive and collaborative design process was completed that led to this design outcome including the proposed garage setback requirements.

2. Alignment with State Government Policy

The 4.5m garage setback and other LDP controls proposed are consistent with established precedent at the Glades. Critical to the success of The Glades over these years are variations that are more in line with current state government policy and industry standards for medium-density development. These standards are heavily relied upon in providing greater opportunities for purchasers to provide for medium density, affordable homes and a consistent built form product delivered by the housing sector.

Under the newly gazetted R-Codes (2024), for R40 development, a 4.5m primary street garage setback is permitted. For R60 development, a 2.0m primary street garage setback is permitted. These requirements are irrespective of where a footpath is located.

The Western Australian Planning Commission's (WAPC) response to the demands of the development and housing industry through the preparation of Planning Bulletin 112/2016 Medium-density single house development standards – Development Zones (R-MD Codes) in 2016 permits a 4.5m garage setback from the primary street where a footpath is located less than 0.5m from the street boundary.

We acknowledge that the Shire's LPP 2.2 has been prepared acknowledging the standards of the R-MD Codes and to take into account local variances, however, it is abundantly clear from the above that the Shire's requirements for garage setbacks are more onerous than State Government Policy and established industry standard. The R-MD Codes and R-Codes (2024) have been formulated to produce efficient and consistent design outcomes, therefore medium density development controls should be cognisant of this. We also understand that as a result of the WAPC's adoption of the recent amendment to the R-Codes (2024) relating to medium density development, the Shire is considering a possible review of LPP 2.2.

The approved subdivision is in keeping with the medium density designation over the site and R40 and R60 lot product, comprising shorter 'squat' lots (19-21m deep).



The required 5.5m garage setback is particularly problematic in this instance as it significantly compromises efficient building design and not in keeping with acceptable medium density single house development standards essential to deliver density objectives and good built form outcomes.

The proposed garage setback of 4.5m is in line, or in the case of R60 development, more onerous than, State Government policy and industry standard and does not compromise the amenity of the street and no evidence to suggest such LDP provisions create poor built form outcomes. It could be said that purchasers are at a disadvantage compared to other local government areas given the misalignment of the Shire's LPP 2.2 with current State Government Policy and industry standards provided under the R-Codes (2024) and R-MD Codes.

Summary: the proposed 4.5m garage setback for the R40 coded lots is consistent with the State Government R-Code Policy requirements and more onerous for R60 lots. As the footpath is provided on one side of the street only, there are lots with a primary street garage setback that are consistent with LPP 2.2 (Lots 3113, 3114, 3131 and 3132). The LPP is also only a guide, and the LDP is an acceptable mechanism to propose a variation to the LPP.

3. Pedestrian and Cyclist Safety (Vehicle Overhang)

It is understood that the rationale for the modification required to the garage setback is to ensure there is sufficient area to accommodate a standard house design on the lot and sufficient length for parking on the driveway whilst not impacting on a footpath by vehicle overhang.

In response to these concerns raised in the Officer's Report, we believe that the 4.5m garage setback as proposed, and footpath location 0.3m from the lot boundary, reduces the impact on potential vehicle overhang to the extent possible. Figure 1 below demonstrates that based on the proposed LDP controls (and State policy requirements), being a 4.5m garage setback (minimum), 1.5m wide footpath offset from the front lot boundary by 0.3m, a standard-length vehicle (approx. 5.0m) provides an unencumbered 1.2m clearance. In addition, the driveway crossover provides a hardstand area to also manoeuvre around a parked vehicle if necessary. Vehicle parking will not impact pedestrian and cyclist movement or sightlines. The abutting roads are classified as 'low order' roads and carry very low traffic volumes.

This further substantiates the policy position established under the R-MD Codes that a 4.5m garage setback and footpath located against the lot boundary provides for sufficient pedestrian and cyclist movement.

Furthermore, not all visitors will choose to park within the driveway/lot. The design of the surrounding streets, and 'mews' provides for ample on-street parking opportunities (whether formal or informal). The Shire's Parking and Parking Facilities Local Law 2014 also forbids the parking of a vehicle or any part of a vehicle on or over a footpath and the Shire therefore has the ability to enforce this.

In applying a sense of practicality, any concern with respect to the potential impact on pedestrian and cyclist movement is capable of being addressed with a 4.5m primary street garage setback as proposed.

Conclusion and Alternative Recommendation

For the reasons outlined above, we maintain our original position that the proposed primary street garage setback of 4.5m for R40 and R60 lots addresses all key concerns raised in the Officer's Report with respect to potential vehicle overhang, whilst maintaining the design principles and intent established through comprehensive design process with the Shire's Technical Officers and DPLH.



In conclusion, we seek the Council's support for an alternative recommendation, as per Option A in the Council Agenda with the removal of Modifications 1 and 2 as referenced on Attachment 2 of Item 10.1.8 and removal of Modification 1 as referenced on Attachment 2 of Item 10.1.9.

Accordingly, the following alternative recommendation is submitted for your consideration and support:

Item 10.1.8 – The Glades, Byford Village Centre Stage 1 – Local Development Plan (PA23/850)

1. Pursuant to Clause 52 (1) Part 6 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, APPROVE The Glades, Byford Village Centre Stage 1 - Local Development Plan as contained within attachment 1, subject to modifications as contained within attachment 2, and subject to Western Australian Planning Commission approval being granted under Clause 52 (1A).

Modifications to Attachment 2 outlined below:

<i>The Glades Village Centre Stage 1 - Local Development Plan - Schedule of Modifications</i>	
<i>Section</i>	<i>Modification</i>
2. Streetscape Requirements Primary Street	Modify Provision 2 to state a 5.5m minimum garage setback for R40 lots (except Lots 3129 and 3138).
2. Streetscape Requirements Secondary Street	The Secondary Street section of Provision 2 being modified to state the below: Secondary Street <i>Dwelling (all levels)</i> - All lots - 1.0m <i>Garage</i> - All lots except Lot 3126 - 1.5m - Lot 3126 - 4.5m

Item 10.1.9 – The Glades, Byford Village Centre Stage 2 – Local Development Plan (PA23/966)

1. Pursuant to Clause 52 (1) Part 6 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, APPROVE The Glades, Byford Village Centre Stage 2 - Local Development Plan as contained within attachment 1, subject to modifications as contained within attachment 2, and subject to Western Australian Planning Commission approval being granted under Clause 52 (1A).



Modifications to Attachment 2 outlined below:

<i>The Glades Village Centre Stage 2 - Local Development Plan - Schedule of Modifications</i>	
<i>Section</i>	<i>Modification</i>
2. Streetscape Requirements Primary Street	Modify Provision 2 to state a 5.5m minimum garage setback for R60 Lots (except lots 3104, 3105, 3106, 3107, 3111, 3112, 3120 and 3121)

We confirm we have separately raised this concern with the Shire's officers, and understand they may be supportive of alternative recommendations being considered by Council.

We're confident that the 4.5m primary street garage setback as originally proposed represents a thorough and well-considered design, engineering and landscaping outcome which provides for pedestrian and cyclist safety, delivers quality built form, contributes to liveability and affordability outcomes, delivers enhanced streetscape outcomes and landscape amenity, and we hope Council is in a position to support the alternative motion proposed.



5. President's Report:

Good evening Elected Members, residents and ratepayers and welcome to the June 2024 Ordinary Council Meeting.

Welcome also to Makuru – the Noongar season of fertility. Makuru means that, hopefully, we can expect a lot more rainfall than we've had in the first half of this year.

There has been some great news for the Shire this month.

Firstly, we been recognised by the Office of the Auditor General in the Local Government 2022-23 Financial Audit Results report, tabled in the Parliament of Western Australia.

The report recognises the Shire as one of 2022-23's best practice entities for timeliness and quality of financial reporting and controls.

It acknowledges our performance across a number of criteria including a clear opinion, timely preparation for audit, high quality financial report and working papers, and maintenance of good financial management controls.

This is a tremendous achievement. Congratulations to Director Corporate Services Frazer Sullivan and his team.

Our second recognition this month was in the annual National Growth Areas Alliance Awards for Excellence and Innovation. The Shire was named as highly commended in the Research and Practice category, for the Cardup Career Fire Station project.

The NGAA Awards celebrate and showcase excellence and best practice from projects and initiatives supporting the development of growth areas across the country. It is fantastic and no mean feat to receive acknowledgement on a national level – well done to all concerned.

Through June the Shire has continued to build projects that will ensure our residents have access to infrastructure that meets the needs of our rapidly growing Shire.

Earlier this month Shire CEO Paul Martin and I met with Hon Simone McGurk, Minister for Training and Workforce Development; Water; Industrial Relations.

We were warmly welcomed by the Minister and were able to cover a range of opportunities, including advocating for a TAFE in Byford.

We look forward to continuing to advocate on this and other important projects for the benefit of the Shire, and the wider region.

On 26 May, we were joined by Hon Stephen Dawson, Minister for Emergency Services, Hugh Jones MLA and some of our valued volunteers for the handover of a new 2.4 rural tanker.

This is a crucial asset that represents not just an investment in our firefighting capabilities, but also a promise to protect the lives, homes, and natural beauty of our region.

This tanker will bolster our local volunteer bush fire brigade's ability to respond swiftly and effectively to fire emergencies – such as the one Keysbrook experienced last December.

Importantly it will ensure that our community is better prepared for the challenges of the coming fire season.

SJ's volunteers are one of its biggest assets. In May we took time to celebrate Volunteer Week, highlighting their priceless contributions to our community, including a celebration



Volunteer Sundowner. Thank you to Perth Wildcats legend Greg Hire, who came along. It was great to meet so many volunteers and hear their stories.

This year we opened our Volunteer Week celebrations to the community, to reflect our commitment to accessibility and community engagement.

I would encourage anyone here who hasn't volunteered in SJ to give it a go. It offers numerous benefits, including personal growth, skill development, and a profound sense of fulfillment.

We are continuing to get the job done when it comes to waste. The Shire's new bookable waste collection service is rightly proving very popular – to date over 500 bookings have been taken by staff at our administration centre, with 180 collections now completed. Feedback from our residents about this service has also been overwhelmingly positive.

Looking forward, we will again be shining the spotlight on the vital contributions of our emergency services, with the Emergency Services Awards on Friday. Individuals will be recognised for their diligent service, and I am looking forward to acknowledging their fantastic, continual efforts to care for our community and keep it safe from harm.

Also on Friday is the SJ Careers Expo, which we are bringing to Byford with a number of valued partners. The expo is testimony to our commitment to ensure our residents – particularly younger people - have access to the information they need to upskill and become job-ready or further their careers.

Finally, the Shire recently closed our first Community History Awards, which gave SJ residents the opportunity to celebrate our past by submitting photographs, stories or oral histories about the Shire. The awards will be presented on 18 June, and I am looking forward to seeing some of the 18 submissions – and maybe even learning a thing or two about SJ!

Thank you.



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

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

7.1 Ordinary Council Meeting - 20 May 2024

Officer Recommendation

That the minutes of the Ordinary Council Meeting held on 20 May 2024 be CONFIRMED (E24/7183).

OCM146/06/24

COUNCIL RESOLUTION

Moved Cr Bishop , seconded Cr Mazzini

That the minutes of the Ordinary Council Meeting held on 20 May 2024 be CONFIRMED (E24/7183) with the following amendment:

- The word 'of' is replaced with the word 'all' in the Reason for difference to Officer Recommendation for Council Resolution OCM140/05/24 on page 322.

CARRIED UNANIMOUSLY 5/0

Reason for difference to Officer Recommendation:

To amend a minor error and ensure the reason for difference is clear.



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

8.1 Audit, Risk and Governance Meeting

Attachments (available under separate cover)

- 8.1 - attachment 1 - Audit, Risk and Governance Meeting Minutes - 27 May 2024 (E24/7269)

Voting Requirements: Simple Majority

OCM147/06/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Bishop

That Council:

1. **RECEIVES** the Unconfirmed Minutes of the Audit, Risk and Governance Meeting held on 27 May 2024 (E24/7269).
2. **ADOPTS** Audit, Risk and Governance Committee Resolution ARG06/05/24 and:
 1. **NOTES** the Strategic Risk Register Review as contained within this paper.
 2. **ENDORSES** the updated Strategic Risk Register as contained within attachment 1 with the following amendments:
 - Include “Council Policy 5.3.5 - Complaints Resolution” as a control under Strategic Risk 11 Community Engagement.

CARRIED UNANIMOUSLY 5/0



Continued

Ordinary Council Meeting Minutes Monday, 17 June 2024

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.

On request from President Coales, Item 10.1.1 was removed from the en bloc motion.

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

Report number	Report Title
10.1.2	Proposed Adoption of Local Planning Policy 1.4 - Advertising Development Applications (SJ2648)
10.1.4	Proposed 'Child Care Premises' - Lot 631, 108 Lawrence Way, Byford (PA24/188)
10.1.5	Council Consideration for Community Consultation - Draft Updated Climate Change Strategy and Action Plan (SJ1130)
10.1.6	Response to Notice of Motion - Retention of Trees during Subdivision Processes (SJ1275-9)
10.1.11	Shire of Serpentine Jarrahdale Mosquito Management Plan 2024 - 2029 (SJ261)
10.1.13	Public Health Plan Review and Update (SJ119)
10.1.14	Jarrahdale Trails Centre Concept Design and Operational Model - Lot 814 and Lot 815 Millars Road, Jarrahdale (SJ2201-2)
10.2.1	Award Request for Tender - RFT 05/2024 - Water Quality Monitoring - Byford Townsite (SJ4451)



Report number	Report Title
10.2.2	Award Request for Tender RFT 04/2024 - Turf Renovations, Rejuvenations and Repairs - (SJ4422)
10.2.3	Scrivener Road Gravel Pit Investigation (SJ1863)
10.2.4	Watkins Road Waste and Recycling Transfer Station Contaminated Sites Works Update
10.2.5	Development of Streetscapes and Parks and Gardens Maintenance Schedules and Green Spaces Community Engagement Outcomes Report (SJ4420)
10.3.1	Confirmation of Payment of Creditors - May 2024 (SJ801)
10.3.2	Monthly Financial Report – April 2024 (SJ4229)
10.3.3	OneComm Project: Phase 3 Project Status Report (SJ2352)
10.3.4	ICT Structure and Resource Review (SJ2352)
10.3.5	Proposed Shire of Serpentine Jarrahdale Cat Amendment Local Law 2024 (SJ1066)
10.3.6	Consideration of new Council Policy 1.1.15 - Election Invalidation Complaints (SJ526)
10.4.1	Local Emergency Management Committee Information Report (SJ716)
10.5.1	The Identification of Opportunities and Recommendations for Innovative Staff Working Arrangements (SJ514-11)
10.5.2	Discussion Paper - The identification of opportunities and recommendations for innovative revenue raising initiatives (SJ514-11)

OCM148/06/24**COUNCIL RESOLUTION****Moved Cr Duggin, seconded Cr Mazzini**

That the Officer Recommendations contained in Officer Reports 10.1.2; 10.1.4; 10.1.5; 10.1.6; 10.1.11; 10.1.13; 10.1.14; 10.2.1; 10.2.2; 10.2.3; 10.2.4; 10.2.5; 10.3.1; 10.3.2; 10.3.3; 10.3.4; 10.3.5; 10.3.6; 10.4.1; 10.5.1 and 10.5.2 be ADOPTED en bloc at 7:57pm.

CARRIED UNANIMOUSLY 5/0



10.1 Development Services reports:

10.1.1 - Proposed Road Naming Application - Hopkinson Road, Scott Road and Sparkman Road (PA24/241)	
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:	Shire of Serpentine Jarrahdale and Main Roads Western Australia
Owner:	N/A
Date of Receipt:	23 April 2024
Local Planning Scheme No. 3 Zoning:	N/A
Metropolitan Region Scheme Zoning:	'Primary Regional Road Reserve', 'Local Road Reserve' and 'Rural'

Report Purpose

The purpose of this report is for Council to consider a road naming proposal for the purposes of community consultation. This proposal has come about as the result of the extension of the Tonkin Highway which includes a number of associated modifications to road environments that result from the project.

The Tonkin Highway extension will intersect Hopkinson Road, Scott Road and Sparkman Road at several locations. These roads are currently the sole means of vehicular access for several properties in Oakford, Cardup and Mundijong. Therefore, portions of these roads, as severed by the Tonkin Highway project, will still need to be retained (and thus renamed), in order to maintain local connectivity and access for properties.

In total, five new road extents will require new road names. This proposal specifically seeks the following:

- To retain the name Hopkinson Road, north of Thomas Road.



- To rename three sections of existing Hopkinson Road to Timbrel Road, Jeffrey Road and Ripple Road.
- To retain the name Scott Road, west of the future Tonkin Highway.
- To rename the eastern portion of Scott Road to Sundial Road.
- To rename the western portion of Sparkman Road to Locomotive Road.
- To retain the name Sparkman Road, east of the future Tonkin Highway.
- Three alternative names are also presented to Council for endorsement.

The proposed road names are consistent with the rural and heritage themes of the Shire.

Given the proposed road renaming results in impacts on a number of existing residents, it is recommended that community consultation occur for a period of 30 days, in accordance with Landgate's Policies and Standards for Geographical Naming in Western Australia (Landgate Policy). This will help explain the need for the road name changes, and also invite feedback on the proposed names.

This road naming proposal is presented to Council for endorsement for community consultation, consistent with the legislative framework of the *Land Administration Act 1997*. Officers recommend that Council endorse the proposed road names for community consultation based on compliance with the Landgate Policy and Local Planning Policy 1.7 - Road Naming (LPP1.7). At the conclusion of the community consultation period, a report will be presented to Council for its final consideration of the names and forwarding to Landgate for final approval.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 19 June 2023 – OCM132/06/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

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

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

That Council:

1. *ENDORSES the following road names in accordance with section 26A(3) of the Land Administration Act 1997; and forwards the proposed road names as contained within attachment 1 to Landgate for final approval:*
 - a. *Thompson Road*
 - b. *Samson Drive*



2. *ENDORSES the following second preference road names in accordance with section 26A(3) of the Land Administration Act 1997; to be used in the event that the first preference name is not deemed acceptable by Landgate:*
 - a. *Steamer Drive*
 - b. *Locomotive Way*
3. *ENDORSES a general naming theme for the West Mundijong Industrial Area based upon the industrial timber milling history of the Shire.*

Background

The following image depicts the extent of roads affected by the future Tonkin Highway. Of note, is the crossing of Hopkinson Road by the Tonkin Highway project at two points, which creates four discrete links, all of which still have to perform local property access and connectivity functions. Also noted is the impact across the east west roads of Scott Road and Sparkman Road, both of which are only currently partially made, but are full road reserves.

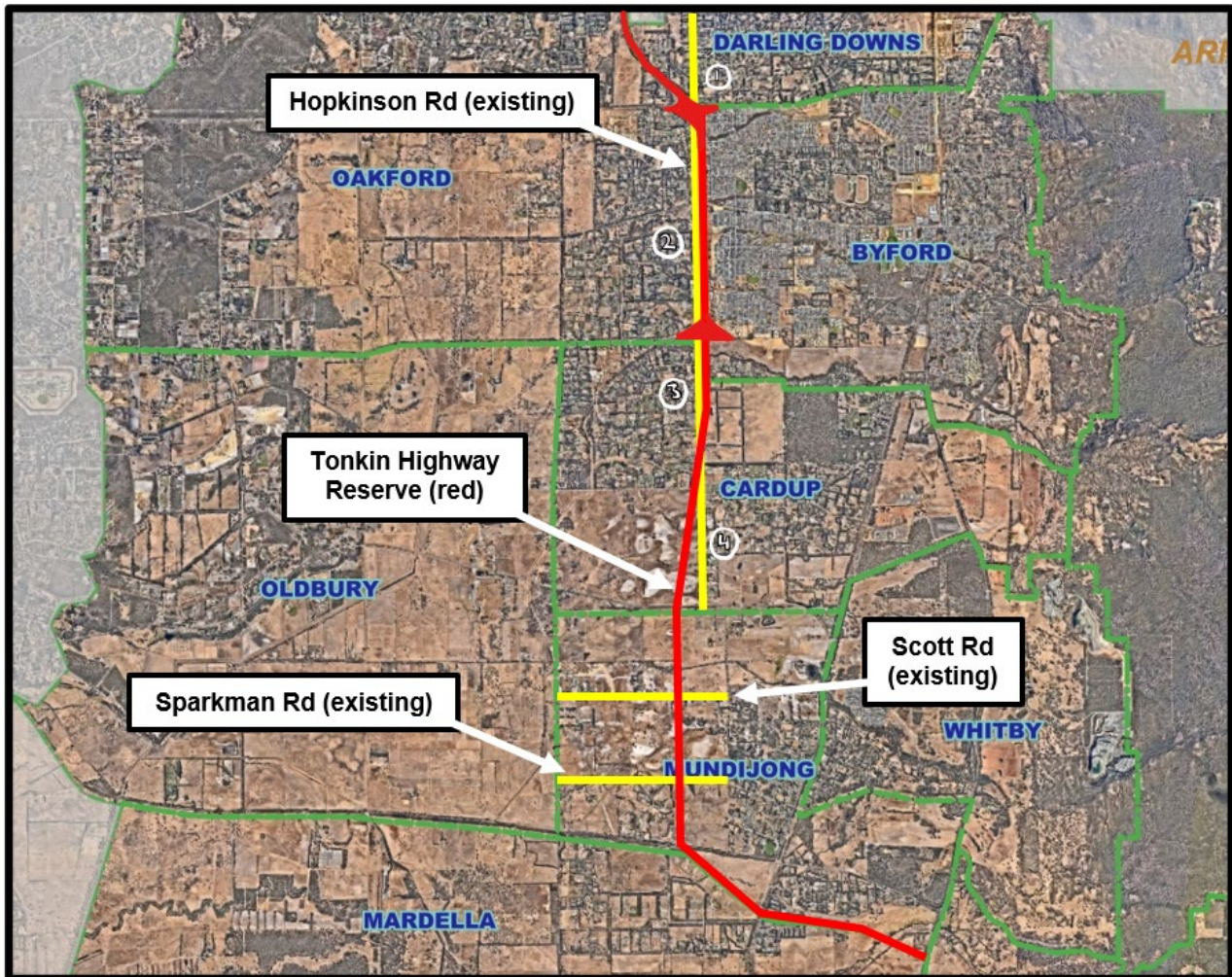


Figure 1: Aerial imagery of affected roads (yellow) and future Tonkin Highway (red)



By way of background, the Tonkin Highway project underwent a planning and development phase from 2019 to 2023. Currently, the procurement phase is underway, with MRWA aiming to award the contract for the construction later this year. MRWA anticipates that the construction phase would take three years. The scope of the Tonkin Highway project is shown following:



Figure 2: Tonkin Highway Extension Project, as seen on the MRWA website

Officers have been working with MRWA and have subsequently been approached to prepare road names for the affected roads. As mentioned earlier, the future Tonkin Highway would impact and intersect with Hopkinson Road, Scott Road, and Sparkman Road, creating five new road extents required.

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



Proposal

The subject application (**attachment 1**) proposes five new road names and modification to the extent of existing names as follows:

- To retain the name Hopkinson Road, north of Thomas Road.
- To rename three sections of existing Hopkinson Road to Timbrel Road, Jeffrey Road and Ripple Road.
- To retain the name Scott Road, west of the future Tonkin Highway.
- To rename the eastern portion of Scott Road to Sundial Road.
- To rename the west portion of Sparkman Road to Locomotive Road.
- To retain the name Sparkman Road, east of the future Tonkin Highway.
- Three alternative names are also presented to Council for endorsement.

The proposed changes are depicted following:

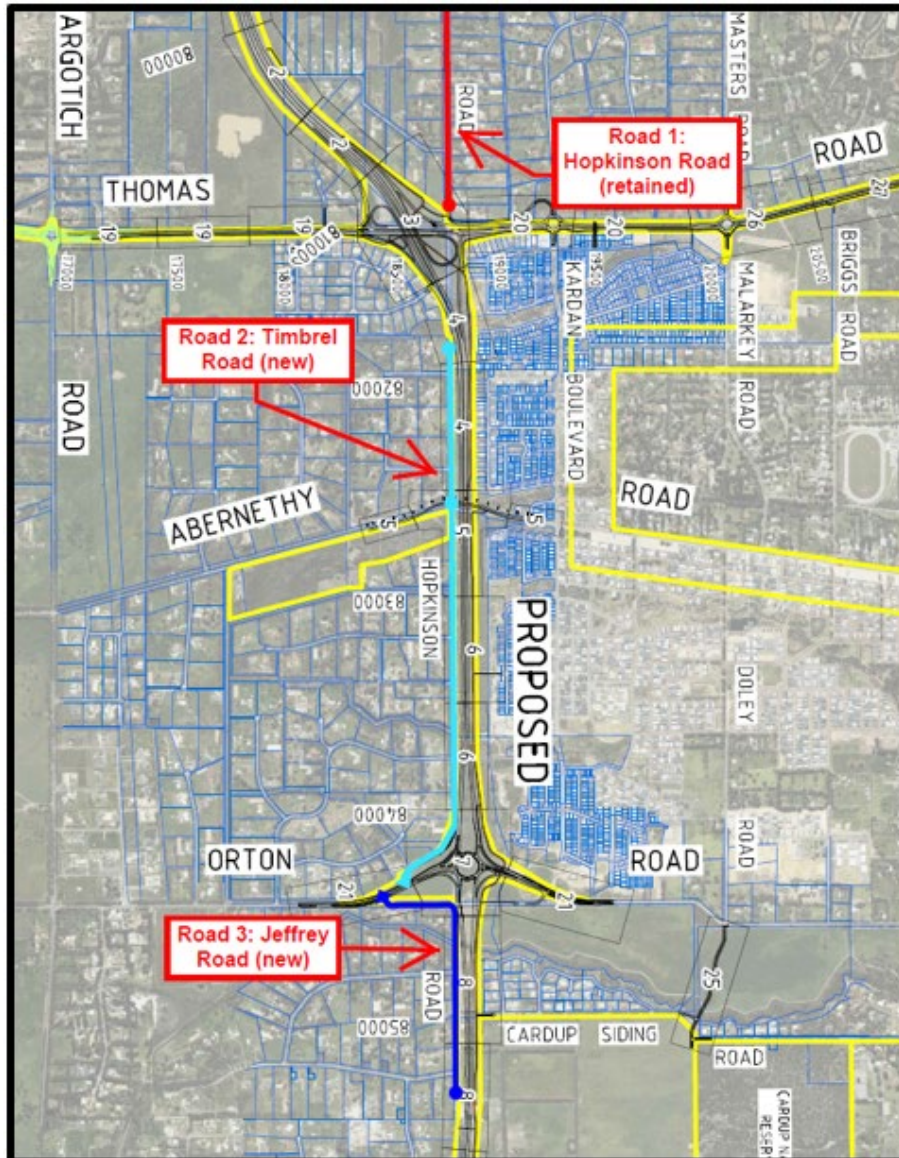


Figure 3: Proposed Road Name Layout, North Section

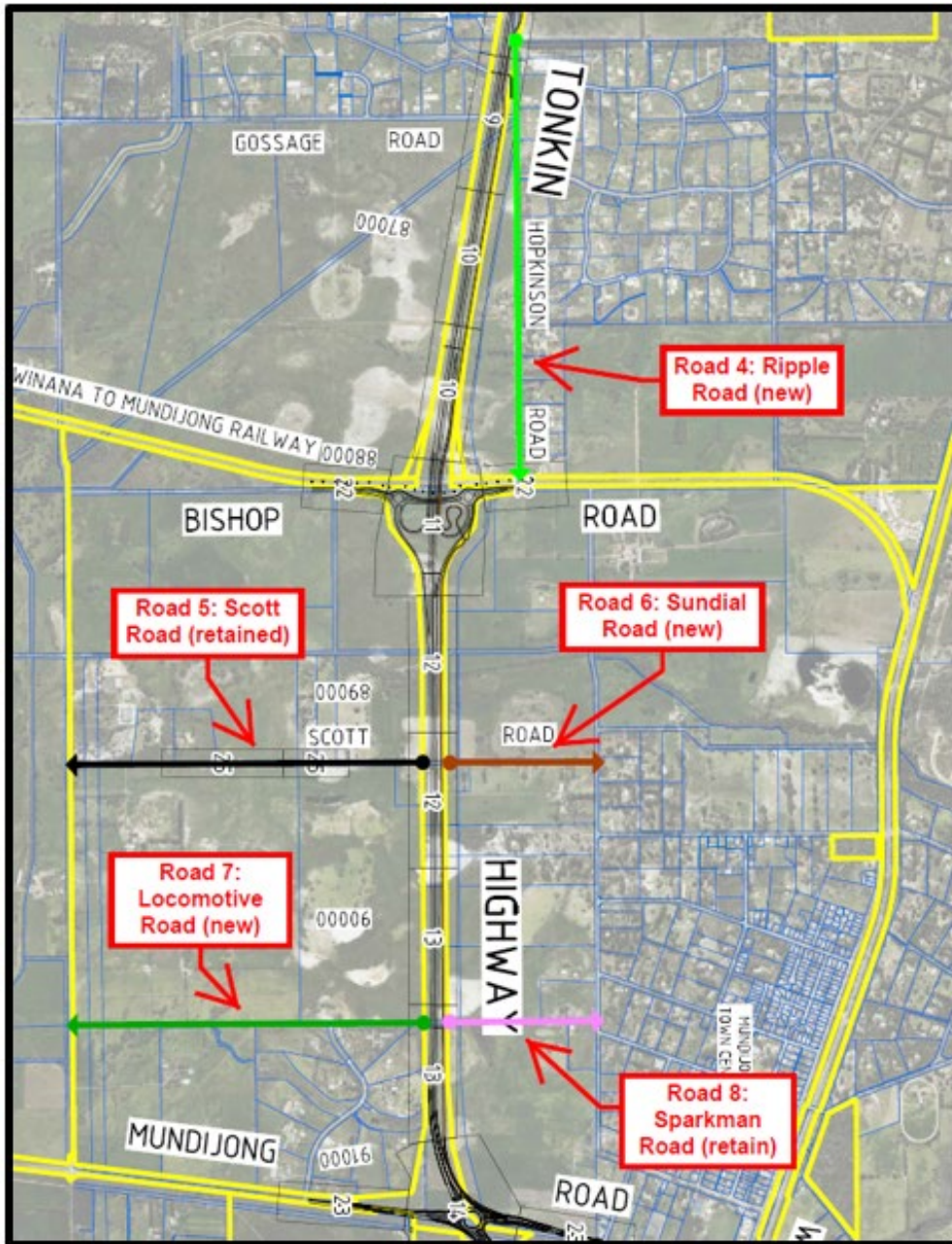


Figure 4: Proposed Road Name Layout, South Section

Landgate's Policy indicates that road names are applied with the intention of being enduring and renaming is generally discouraged, unless for good reason. Section 2.4 of Landgate's Policy states that "redesign of a road layout" is one such reason road renaming can be considered. Section 2 also states, "A road name shall not be applied in a way that is ambiguous or could cause confusion for road users". It is considered that the proposal would result in a logical road name layout, necessitated by the Tonkin Highway project.

Road Name Themes

Local Planning Policy 1.7 - Road Naming Policy (LPP1.7) indicates where more than four road names are proposed in an estate, a theme should be submitted to Council for approval. However, this road naming proposal stretches across several estates and suburbs. It is therefore considered more appropriate that the names and themes draw upon the history of the particular locality and existing themes for the roads.




Roads 2, 3 and 4 are located in the rural residential areas of Oakford and Cardup, near to the original Bateman Homestead. Bateman Homestead has historic and social significance as one of the earlier homesteads built in the Byford district by the well-known Bateman family. Samuel Bateman, an early pioneer in the Byford area, purchased this land in the early 1890's. Samuel Bateman was a racehorse enthusiast and constructed a racecourse on the property. Officers therefore consider that an equine naming theme linked to the Bateman Estate is appropriate for these roads.

Road 6 is situated in a future residential area of Mundijong. Currently however, the land is utilised as grazing and pasture land. It is considered that a name tied to historical rural activities is appropriate. A name relating to farm machinery, specifically tractors is contemplated. The reserve names of 'Oliver', 'Sunshine' and 'Winget' also relate to historical farming machinery (tractors).


Road 7 is situated in the West Mundijong Industrial area. Council previously endorsed the road name theme of 'industrial timber milling' for this area. The Shire and especially Jarrahdale, is well known for its timber milling history.

Road Names


The proposed and backup names along with their description are detailed in the following table.

Road Name Table	
Proposed Preferred Names	Background
Road 1: Hopkinson Road	Existing road name.
Road 2: Timbrel Road	Timbrel was a stallion purchased by Samuel Bateman from Tasmania. Timbrel won the Hobart Cup on the 30 January 1901. Timbrel sired the famous horse Rivose with mare Ripple. Rivose famously went on to win the 1919 Perth Cup in a dead heat race with Eurythmic.
Road 3: Jeffrey Road	<p>John and Jack Jeffrey, were brothers who were the private trainers of Samuel Bateman on his farm at Beenyup. The brothers trained Rivose. The below image depicts the monument of Rivose in Byford, given the horse was trained within the Shire.</p> 



Road Name Table	
Proposed Preferred Names	Background
Road 4: Ripple Road	Ripple was a well-known mare. She was brought to Western Australia from New South Wales in the 1900s by the late Bob Phillips. Ripple raced at meetings at Burswood, which in later years became the present-day Belmont Park Racing Club. A Galloway in stature, she was a strong, well molded mare. She won a number of races not only at Burswood, but later on at the resurrected meetings at South Perth and Bicton. She was sold on to another owner before Samuel Bateman bought her. Ripple's first foal was Rippler. Other foals included Rivose and Cromorna.
Road 5: Scott Road	Existing road name.
Road 6: Sundial Road	<p>The Sundial family of engines were manufactured in Australia by Sunshine Harvester Works in Sunshine, Victoria. They were made from 1926 to 1949 for use on farms to operate everything from dairy apparatus to generators and pumps. The following image depicts the model held at the Hugh Manning Tractor and Machinery Museum in Serpentine.</p> 
Road 7: Locomotive Road	Shortly after the establishment of the Jarrahdale timber milling enterprise, several 'Locomotives' were purchased to assist with the hauling of the timber product. These 'Locomotives' would travel the 38km distance between



Road Name Table	
Proposed Preferred Names	Background
	<p>Jarrahdale and the Rockingham Port. Two of these 'Locomotives' were called Samson No.1 and Samson No.2. 'Samson' is an existing approved name in the West Mundijong Industrial area, so the proposal satisfactorily continues the Council endorsed Jarrahdale Timber Milling theme for that area.</p>  <p><small>Beyer, Peacock 2-4-0T locomotive SAMSON at Jarrahdale Mill, WA circa 1884-89. Photo: John Ray Collection, courtesy of Bill Weedon</small></p>
Road 8: Sparkman Road	Existing road name.

Reserve Names	Background
Oliver	A make of tractor that includes 'HG Crawler', 'Cletrac AD Crawler' and 'Model 70c'. These are just some that are on display in the Hugh Manning Tractor and Machinery Museum. The 'Oliver HG Crawler (c.1947)' on display in the Museum, was acquired from Jack Low, then manager of Serpentine Pastoral Company.
Sunshine	The Sunshine family of engines were manufacture in Australia by Hugh V. McKay at the Sunshine Harvester Works at Sunshine in Victoria. Several are on display in the Hugh Manning Tractor and Machinery Museum.
Winget	The Winget Company was founded in 1908 by John Burn using molds to cast concrete and other garden tractor requirements. In particular, the 'Winget 42' was designed and developed by Winget in the United Kingdom, but was built here in Western Australia under license.



Community / Stakeholder Consultation

Clause 1.8.1 of the Landgate Policy states that consultation should be undertaken to the immediate and extended community. Officers consider that the immediate community includes those ratepayers or residents who will be directly affected by the proposal. The following figure identifies the immediate community:



Figure 5: Map of properties affected by new road names (yellow)

A letter will be sent to these residents/businesses advising of the proposal and seeking their comments within a 30-day period. Advertising will also be undertaken on the Shire's website for the same period, to consult the extended community. The results of the consultation will then be presented back to Council for its consideration.

Statutory Environment

Legislation

Land Administration Act 1997

State Government Policies

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

Local Planning Framework

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

Planning Assessment

An assessment of the proposed road names against the provisions of LPP 1.7 is detailed in the table below:



Policy Assessment	
Policy Requirement	Officer Comment
Consideration of current and future street names	The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire. No duplicates in surrounding Local Government areas within 10km have been identified.
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed and reserve road names have been documented in the road name table, earlier in this report. Officers consider the road names appropriate, given they align with heritage (farming and industrial timber milling) and equine themes, which already existing in the Shire.
Names shall not be offensive or likely to given offence, incongruous or commercial in nature	The proposed and reserve names are not considered to be offensive, incongruous, or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	In terms of easiness to read, spell and pronounce, the names are common names or words. The preferred names are simple to read or pronounce, and so would not cause complexities for emergency services, service providers or the travelling public.
Unduly long names and names that comprise of two or more words should generally be avoided	The preferred names comprise of no more than 10 letters in length and are no more than one word.
Proposals for road names shall include an appropriate road type suffix	<p>The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the Landgate policy.</p> <p>Road (Rd) – Open way or public passage primarily for vehicles.</p> <p>The proposed suffixes are considered suitable as they generally are reflective of the proposed carriageway.</p>



Policy Assessment	
Policy Requirement	Officer Comment
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	As shown on the road name plan earlier in this report, the road names are commensurate with the length of the road and are practical.

Officers consider that in line with the above, the road naming proposal is consistent with LPP1.7 and therefore recommend community consultation to commence.

Options

That Council:

1. ENDORSES the following proposed road names and the realignment of road names for the purposes of community consultation as contained within **attachment 1**, and REQUESTS the Chief Executive Officer provide a future report upon the conclusion of consultation for Council's final consideration:
 - a. Hopkinson Road
 - b. Timbrel Road
 - c. Jeffrey Road
 - d. Ripple Road
 - e. Scott Road
 - f. Sundial Road
 - g. Locomotive Road
 - h. Sparkman Road
 - i. Oliver (backup name)
 - j. Sunshine (backup name)
 - k. Winget (backup name)

Option 2

That Council REFUSES TO ENDORSE the proposed road names for the purposes of community consultation and REQUESTS additional road names to be presented to Council at a future Ordinary Council Meeting.

Option 1 is recommended.

Conclusion

Council's endorsement is sought to undertake community consultation for new road names and realignment of road names, created through the Tonkin Highway project. The proposed names are considered consistent with the requirements of LPP1.7 and Landgate's road naming policy. It is recommended that Council support the initiation of community consultation prior to the matter being reported back to Council at a future Ordinary Council Meeting.

**Attachments**

- 10.1.1 - attachment 1 - Road Layout Plan (E24/6080)
- 10.1.1 - attachment 2 - Road Name History and Context (E24/6016)

Alignment with our Council Plan 2023-2033

Liveable
2. Improve maintenance and investment in roads and paths

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.	Option 1 is considered the lowest risk option.						
2.	Council not supporting the names causing a delay in the application, which could delay road renaming requirements due to the Tonkin Highway Project.	Policies and Standards for Geographical naming in Western Australia and Local Planning Policy 1.7 - Road Naming.	Social / Community Outcomes	Possible	Moderate	MODERATE	Give reasons for decision.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. ENDORSES the following proposed road names and the realignment of road names for the purposes of community consultation as contained within attachment 1, and REQUESTS the Chief Executive Officer provide a future report upon the conclusion of consultation for Council's final consideration:



- a. Hopkinson Road
- b. Timbrel Road
- c. Jeffrey Road
- d. Ripple Road
- e. Scott Road
- f. Sundial Road
- g. Locomotive Road
- h. Sparkman Road
- i. Oliver (backup name)
- j. Sunshine (backup name)
- k. Winget (backup name)

OCM149/06/24

COUNCIL RESOLUTION

Moved Cr Bishop, seconded Cr Mack

That Council:

- 1. REQUESTS the Chief Executive Officer identify the section of Scott Road to which the Scott household belongs or belonged, and ensure that section of road is proposed to remain Scott Road for the purposes of Community consultation; and**
- 2. Subject to point 1 being fulfilled, ENDORSES the following proposed road names and the realignment of road names for the purposes of community consultation as contained within attachment 1, and REQUESTS the Chief Executive Officer provide a future report upon the conclusion of consultation for Council's final consideration:**
 - a. Hopkinson Road**
 - b. Timbrel Road**
 - c. Jeffrey Road**
 - d. Ripple Road**
 - e. Scott Road**
 - f. Sundial Road**
 - g. Locomotive Road**
 - h. Sparkman Road**
 - i. Oliver (backup name)**
 - j. Sunshine (backup name)**
 - k. Winget (backup name)**

CARRIED UNANIMOUSLY 5/0

Reason for difference to Officer Recommendation:

To acknowledge the community's history.



10.1.2 - Proposed Adoption of Local Planning Policy 1.4 - Advertising Development Applications (SJ2648)

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 revised Local Planning Policy 1.4 - Advertising Development Applications (LPP1.4), formally LPP1.4 - Consultation for Planning Matters (**attachment 1**).

Revised LPP1.4 (**attachment 2**) has been prepared in accordance with Part 2 Clause 4 of *Planning and Development Regulations 2015* (the Deemed Provisions) and has completed the process of community consultation.

One submission was received from the Western Australian Planning Commission (WAPC) which has resulted in a minor modification to the LPP in relation to the placement of a sign on site. A further minor modification is proposed by Officers in relation to recouping costs of advertising where the Shire sends 100 or more letters. This is discussed in more detail later in the report.

LPP1.4, as revised, provides clear direction regarding the recently gazetted Local Planning Scheme No. 3 (LPS3) land uses, and details how discretion provided for in the Deemed Provisions should be exercised in determining approaches to advertising.

Officers recommend Council adopt LPP1.4 with the proposed minor modifications, in accordance with the Deemed Provisions. If Council adopts the LPP, the Shire will publish notice of the policy in accordance with Clause 87 of the Deemed Provisions.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 19 February 2024 - OCM067/04/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council ADOPTS, for the purposes of advertising, the revised Draft Local Planning Policy 1.4: Advertising Development Applications in accordance with Clause 4(1) of the Deemed Provisions.

Background

Officers drafted the revised LPP1.4 to seek to improve and modernise the current policy in accordance with the Deemed Provisions. Clause 64 sets out advertising requirements.



Clause 64(1) states:

“The local government -

- (a) must advertise a complex application for development approval in accordance with subclause (3); and*
- (b) must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application and —*
 - (i) relates to development that is a class A use in relation to the zone in which the development is located; or*
 - (ii) relates to the extension of a non-conforming use; or*
 - (iii) relates to development that does not comply with the requirements of this Scheme; or*
 - (v) relates to development for which the local government requires a heritage assessment to be carried out under clause 11(1); or*
 - (v) is of a kind identified elsewhere in this Scheme as an application that is required to be advertised; and*
- (c) may advertise any other application for development approval in accordance with subclause (4).”*

Clause 64 provides the Local Government two pathways for advertising development applications; these are guided through subclauses (3) and (4). Subclause (3) sets out the process for advertising “Complex Applications” and subclause (4) sets out the process for all other applications. LPP1.4 has been proposed to provide Officers and applicants with guidance in relation to the definition of complex applications and non-complex applications, and how each should be advertised, to ensure consistent levels of engagement on those applications which qualify under these clauses.

At its Ordinary Council Meeting of 16 February 2024, Council resolved the LPP was satisfactory for advertising. Advertising was undertaken as detailed following.

Community / Stakeholder Consultation

The LPP was advertised in accordance with Clause 87 of the Deemed Provisions for a total of 21 days between the 29 February 2024 and 22 March 2024 in the following manner:

- Published within a local newspaper circulating the Shire (Examiner Newspaper); and
- Published on the Shire’s website.

During this period, no submissions were received from the community.

Government Agencies Consultation

The LPP was formally advertised to the Western Australian Planning Commission (WAPC) as it proposed to allow for the exercise of discretion when considering if a sign advertising a development application should be erected on site. Officers considered that this should not be a requirement in more remote locations where the sign would not be prominent or highly visible.

The Department of Planning Lands and Heritage (DPLH) acting on behalf of the WAPC, provided the Shire with the following comments:

“I refer to your query requesting the WAPC to consider the Shire’s draft Local Planning Policy (LPP) 1.4 - Advertising Development Applications:



- *“Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to comply with subclause (3)(b) or (c)”*; and
- *“signage may not be required where the Shire is of the view the signage will not have any benefit to advertising to the locality”*.

Unfortunately, the requested exemption cannot be granted in this case as there does not seem to be any compelling reasons or practical challenges in placing the signage on-site. The exemption under clause 88 was more intended to be utilised by smaller regional and remote local governments as opposed to Perth metropolitan region local governments. Regional local governments typically have genuine difficulties meeting the standard advertising requirements given their remote locations and reduced access to services and support, such as mail service and internet access. Furthermore, the exemption is intended to be used for individual applications on a case-by-case basis, rather than a blanket exemption across a particular use class or development zone”.

Officer Comment:

The policy has been amended to require all complex applications to require a sign on site regardless of the location, in accordance with the submission. Officers would still however be able to request an exemption from the is requirement on a case-by-case basis.

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 1.4 - Public Consultation for Planning Matters Policy

Planning Assessment

In its current form, LPP1.4 sets out levels of consultation. This is typically based on the potential impacts resulting from a development on adjoining/nearby landowners or the broader area as follows:

- Level A - No Consultation (no predictable detrimental impact);
- Level B - Consultation with Owners of Adjoining Land (likely to impact upon the streetscape or amenity of properties in immediate proximity to the site);
- Level C - Consultation with owners of the land in the locality (impact upon the use and enjoyment of land within an area); and
- Level D - Community Engagement Plan (state, regional or Shire wide impacts).

As previously stated, the Deemed Provisions sets out two new pathways for advertising based on the complexity of the development application. Accordingly, LPP1.4 has been revised to be consistent with this approach, as well as specify newly defined land uses and their permissibility under LPS3.



LPP1.4 is also now focussed on development applications only, and no longer includes the requirements listed within Level D as they relate to strategic matters such as structure plans, local development plans, precinct structure plans etc. These are separately dealt with in the Deemed Provisions and should not be replicated within the LPP.

As previously reported to Council, LPP1.4 sets out the following:

LPS3 employs a comprehensive system for categorising development applications based on land zoning. Through specific permissibility like:

‘P’ means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme.

‘I’ means that the use is permitted if it is consequent on, or naturally attaching, appertaining, or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme.

‘D’ means that the use is not permitted unless the Shire has exercised its discretion by granting development approval.

‘A’ means that the use is not permitted unless the Shire has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions.

‘X’ means that the use is not permitted by this Scheme.

It delineates the permissibility of land uses, ensuring adherence to development standards and zoning objectives. For land uses not explicitly covered, the Shire has defined processes to determine consistency with zone objectives, assessment of the planning framework, advertising and subsequent approval or refusal. This serves to provide clarity and a structured approach, fostering compliance and thoughtful consideration in the assessment of development applications.

In respect to the specific categories highlighted above, advertising of development applications may be required. Advertising may not be necessary for all development applications as clause 64(2) of the Deemed Provisions provides the Shire with discretion where a proposed variation is of a minor nature:

“(2) Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.”

LPP1.4 sets out the approach to be undertaken for each type of development application based on land use permissibility and any variations proposed as set out in the table below:

Land Use	Advertising
‘P’	Where the proposed works are compliant with the provisions of LPS3, Local Planning Policies (LPPs) and State Planning Policies (SPPs) the application will generally not be advertised. The Shire holds discretion whether to advertise the development application if there is a proposed variation in relation to the works, which is not minor in nature. This will be assessed on a case-by-case basis depending on the scale of the variation. Importantly, if a variation to a site or development requirement is likely to adversely affect adjoining landowners, the application would be required to be advertised.
‘D’	Where the use and works propose a variation to LPS3, LPPs and SPPs the Shire may advertise the development application depending on the variation and the level



	of impact on others. As with the above, if a variation to a site or development requirement is likely to adversely affect adjoining landowners, the application would be required to be advertised.
'A'	All Development Applications require advertising under the Clause 64(4) of the Deemed Provisions.
'X'	Are not permitted and are refused without advertising the application.

Clause 64(1)(b) sets out a mandatory requirement to advertise the following development applications in accordance with subclause (4) where it:

- a. relates to development that is a class **'A'** use in relation to the zone in which the development is located; or
- b. relates to the extension of a non-conforming use; or
- c. relates to development that does not comply with the requirements of this Scheme; or
- d. relates to development for which the Shire requires a heritage assessment to be carried out, this is an application where a Heritage area/building is affected; or
- e. is of a kind identified in LPS3's schedules as an application that is required to be advertised.

Non-Complex Applications:

LPP1.4 provides the Shire discretion in that it may advertise any application that is non-complex (including **P**, **I** and **D** land uses) where the Shire is of the opinion that the works or use proposes variations to the planning framework and that the development has the potential to adversely affect any adjoining owners or occupiers or residents in the general locality.

This is currently captured in the existing LPP, however this policy seeks to update the guidance for Officers so they can consistently interpret the kinds of issues that may adversely affect an adjoining landowner. This is through the following additional guidance:

In considering the kinds of issues involving Scheme or policy variations that may adversely affect adjoining owners or occupiers, and thus require advertising, Officers will undertake the following assessment:

- a. make an initial assessment of the existing amenity of the area, as it pertains to matter such as private amenity, public amenity, streetscape, built form, traffic, safety, noise, vegetation etc.
- b. consider the manner in which a proposed development may affect that existing amenity. For example:
 - compromise private amenity due to setback and/or height variations to common boundaries;
 - compromise public amenity due to street setback variations and/or height variations;
 - lead to a significant increase in traffic, for example more than 20% of existing levels;
 - pose noise impacts which exceed assigned levels for sensitive receptors;
 - create the potential for odour impacts on the locality, particularly sensitive receptors;
 - create a built form which is not in keeping with the traditional forms in the area, or is proposed in an area which is highly visible to the public realm (such as town centre and along major roads);



- have a potential impact the safety and security of the area;
 - have a severely impact vegetation in the area.
- c. if the answer under b) is yes to one or more of the subpoints, the application needs to be advertised to adjoining landowners, or any further area based on the potential impact.

For example, the Shire may receive an application for a patio which does not comply with the lot boundary setback requirements of the R-Codes. On assessment of the application, Officers may exercise discretion and determine that the impact of the patio on the adjoining land is minimal and thus would not advertise the application in that instance. This could be, for example, due to the setback variation being towards the portion of the adjoining single dwelling which comprises the garage or carport, or non-habitable rooms. Conversely, if a setback variation was impacting the outdoor living area or habitable rooms with windows facing the common boundary, referral would be required. As shown by this example, determining the impact of a development is always site specific, and should be undertaken on a case-by-case basis.

The current LPP includes already the requirement for Officers to make a judgement about whether a variation may have a potential impact. As part of the new LPP, Officers consider there to be advantage to making this judgement clearer, as explained above.

Complex Applications:

Draft LPP1.4 provides guidance on the definition of a "Complex Application".

A 'Complex Application' is defined under Clause 1 of the Deemed Provisions as:

- "(i) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or*
- (ii) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for Development Approval."*

The Deemed Provisions allow for the Shire to further define types of applications that are considered complex. Draft LPP1.4 expands on the definition based on land use. The land uses that have been selected are generally of a nature where they have the potential to have broader amenity impacts on the community whereas a non-complex application may only have an impact on adjoining landowners/occupiers. Draft LPP1.4 proposes the following applications to be included in the definition of Complex:

- a. Telecommunication Infrastructure (High Impact Facility only);
- b. Service Stations;
- c. Child Care Centres;
- d. Caravan Parks;
- e. Non-conforming land use or extensions;
- f. Any Use not listed;
- g. Industry - Extractive
- h. A development application, as determined by the Shire, which has the potential to have a detrimental external impact in relation to:
 - (i) Noise and Vibration;



- (ii) Odour;
 - (iii) Dust;
 - (iv) Traffic; or
 - (v) The Natural Environment; and
- i. Any other development application, as determined by the Shire, to be of a nature and scale which will impact the broader community.

Advertising Methodology for Complex Applications:

Clause 64(3) of the Deemed Provisions sets out the advertising requirements for Complex Applications as follows:

*“For the purposes of subclause (1)(a), a complex application is advertised by doing **all of the following** -*

- (a) *publishing in accordance with clause 87 -*
 - (i) *a notice of the proposed development in the form set out in clause 86(3); and*
 - (ii) *the application for development approval; and*
 - (iii) *any accompanying material in relation to the application that the local government considers should be published;*
- (b) *giving notice of the proposed development -*
 - (i) *to the owners and occupiers of every property that is within 200 m of the proposed development; and*
 - (ii) *to any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval;*
- (c) *erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).”*

Clause 64(4) state the following and sets out advertising requirements for all other “**Non-Complex Applications**”

*For the purposes of subclause (1)(b) or (c), an application that is not a complex application is advertised by doing **any or all** the following, as determined by the local government -*

- (a) *publishing in accordance with clause 87 -*
 - (i) *a notice of the proposed development in the form set out in clause 86(3); and*
 - (ii) *the application for development approval; and (iii) any accompanying material in relation to the application that the local government considers should be published;*
- (b) *giving notice of the proposed development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval;*
- (c) *erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).*



LPP1.4 provides an advertising methodology. This methodology reflects the requirements prescribed within Clause 64(3) and (4) of the Deemed Provisions and is presented in a simple form within the table below:

Method	Complex Applications	All other applications
Time Period***	28 Days*	14 Days*
Notice to Owners and Occupiers in vicinity of proposed development**	<p>All within 200m; or the minimum Separation Distance if the application is of a type dealt within by the EPA Guidance Statement 3 (Separation between Industrial and Sensitive Land Uses).</p> <p>Whichever is the greater distance.</p>	<p>In considering the kinds of issues involving Scheme or policy variations that may adversely affect adjoining owners or occupiers, and thus require advertising, Officers will undertake the following assessment:</p> <ol style="list-style-type: none"> a. make an initial assessment of the existing amenity of the area, as it pertains to matter such as private amenity, public amenity, streetscape, built form, traffic, safety, noise, vegetation etc. b. consider the manner in which a proposed development may affect that existing amenity in the following manners: <ul style="list-style-type: none"> - compromise private amenity due to setback and/or height variations to common boundaries; - compromise public amenity due to street setback variations and/or height variations; - lead to a significant increase in traffic, for example more than 20% of existing levels; - pose noise impacts which exceed assigned levels for sensitive receptors; - create the potential for odour impacts on the locality, particularly sensitive receptors; - create a built form which is not in keeping with the traditional forms in the area, or is proposed in an area which is highly visible to the public realm (such as town centre and along major roads); - have a potential impact the safety and security of the area; - have a severe impact vegetation in the area. c. if the answer under b) is yes to one or more of the subpoints, the application needs to be advertised to at least all adjoining



Method	Complex Applications	All other applications
Time Period***	28 Days*	14 Days*
		landowners, and any further area based on the potential impact.
Sign on site provided by the applicant or at the applicant's expense****	Yes	No
Website Advertising	Yes	No

* Subject to longer period agreed upon between applicant and the Shire.

** Where 100, or more than 100 letters are required to be distributed to owners and occupiers of affected properties, the Shire shall seek to reclaim costs in accordance with Clause 64A of the Regulations.

*** Time periods shall include the Holiday Exclusion Period as prescribed.

**** To be provided in a Manner and Form approved by the Commission (WAPC)

Modifications

As previously discussed, the requirement for all complex applications to have a sign placed on site has been added to the method table within the LPP.

Following advertising, a modification has been proposed by Officers. Where a proposal requires 100 or more letters to be sent as part of the advertising process the Shire shall seek to reclaim its costs in accordance with Clause 64A of the Deemed Provisions. Clause 64A (1) states:

“The local government may require an applicant for development approval to pay the costs of the local government advertising the application for development approval under clause 64.”

Given that this is already an option available to the Shire under the Deemed Provisions and is listed in the Shires Fees and Charges, it is considered a minor modification that does not require re-advertising of the LPP.

Re-advertising:

On occasion, an applicant may wish to amend a proposal during the application process, this generally occurs following advice from Officers or in response to a submission received. In these cases, amended plans may be re-advertised 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;
- c. Demonstrate compliance of a significant variation previously proposed.

Where amended plans reduce the impact/scope of the application or variation, amended plans are not to be re-advertised.



Options

Option 1

That Council ADOPTS Local Planning Policy: 1.4 - Advertising Development Applications in accordance with Clause 4(3)(b)(i) of the Deemed Provisions as contained in **attachment 2**.

Option 2

That Council REFUSES to ADOPT Local Planning Policy: 1.4 - Advertising Development Applications.

Option 1 is recommended.

Conclusion

The report is presented to Council recommending that LPP1.4 is adopted in accordance with Clause 4(3)(b)(i) of the Deemed Provisions, following consultation.

It is considered that LPP1.4 will assist applicants and Officers through the development application process when considering advertising of development applications, in particular the delineation between Complex and Non-Complex development applications.

Attachments (available under separate cover)

- **10.1.2 - attachment 1** Existing Local Planning Policy 1.4 - Consultation for Planning Matters (E21/2265)
- **10.1.2 - attachment 2** Proposed Local Planning Policy 1.4 - Advertising Development Applications (E24/6439)

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 Policy, the planning framework may be incapable of properly advertising applications in accordance with Schedule 2; Clause 64 of the Planning and Development Regulations 2015.	Planning Framework	Reputation	Possible	Moderate	MODERATE	Accept Option 1.

Voting Requirements: Simple Majority

OCM150/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council ADOPTS Local Planning Policy: 1.4 - Advertising Development Applications in accordance with Clause 4(3)(b)(i) of the Deemed Provisions as contained in attachment 2.

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.1.3 - Section 31 Reconsideration - Proposed Showroom and Fast Food/Takeaway Development (21 Showroom and Five Fast Food/Takeaway Tenancies) - Lot 806 South Western Highway, Byford (PA22/918)

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

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Planning Solutions
Owner:	C & E Developments Pty Ltd and Wallmar Pty Ltd
Date of Receipt:	4 April 2024
Lot Area:	8.246ha
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a Responsible Authority Report (RAR) (**attachment 1**) prepared for a development application for a 'Showroom' and 'Fast Food/Takeaway' development at Lot 806 South Western Highway, Byford. The application proposes 21 showrooms and five fast food/takeaway tenancies, with associated clearing of the lot, site works and realigning/upgrading of Wilaring Street.

The development application and associated RAR was originally presented to Council on 23 March 2023 and subsequently approved by the Metro Outer Development Assessment Panel (MODAP) on 14 November 2023 (**attachment 2**), subject to conditions.

Following, the applicant lodged an appeal with the State Administrative Tribunal (SAT). Through the SAT process, the applicant sought amendments or removal of certain conditions of approval relating to; traffic, building design, crime prevention approaches, landscaping, signage and the timing of the submission of several management documents or post development approval actions. The applicant has provided additional information seeking to support their reasons for the conditions being amended or removed (**attachment 3**).



Based on the additional information, the SAT has invited the MODAP to reconsider its decision under Section 31 of the *Planning and Development (Development Assessment Panels) Regulations 2011*. As part of this process, the Shire is required to provide a new RAR to the MODAP for consideration.

The previous merits-based assessment of the original application demonstrated general alignment to the planning framework, with conditions to address incidental matters pertaining to traffic and design. The application, as mentioned, has now been updated to include a response to these issues, and is subject to fresh assessment in this report.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 23 March 2023 - OCM046/03/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council RESOLVES the following Responsible Authority Report Recommendation:

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

<i>Plans and Specification</i>	<i>Development Plans submitted dated November 2022; Revised Traffic Impact Assessment dated January 2023; Landscaping Plan dated January 2023; Environment Assessment dated March 2018; Stormwater Management Plan dated September 2022; Waste Management Plan dated September 2022; Environmental Noise Impact Assessment dated September 2022; and Bushfire Management Plan dated September 2022.</i>
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- b. Prior to issue of a Building Permit, amended Development Plans must be submitted to and approved by the Council of the Shire of Serpentine Jarrahdale. This must include the following:*
 - i. Amended elevations of the western facades of the ‘Fast Food 01’ and ‘Fast Food 02’ buildings to the west of site. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;*
 - ii. Amended elevations of the western face of ‘Development 02’ building. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;*
 - iii. Amended development plans shall be provided including staggering and rendering treatments to the retaining wall on the west boundary of the site, to the satisfaction of the Shire of Serpentine Jarrahdale;*
 - iv. A screening fence on top of the retaining wall to the south of site. This screening fence shall provide a visual screen to the rear of the ‘Development 04’ and ‘Development 05’ buildings. The screening fence should include a mixture of wooden cladding, metal*



cladding and creeper vegetation, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;

v. Amended elevations of the southern facades of the 'Development 04' and 'Development 05' buildings. This shall include elements of wooden panelling, face brick and metal cladding to the top of the building, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;

vi. Amended elevation plans of the showroom buildings shall be provided to include more windows on all showroom tenancies, in order to achieve passive visual surveillance within the site;

vii. Amended site plan showing the incorporation of a roundabout at the internal four-way intersection north of the existing proposed roundabout, to the satisfaction of the Shire of Serpentine Jarrahdale;

viii. Amended site plan should be provided to realign the existing footpath on the western lot boundary. The realigned footpath shall be located outside of the site, in the South Western Highway road reserve, to the satisfaction of Main Roads Western Australia and the Shire of Serpentine Jarrahdale.

c. Prior to lodgement of a Building Permit, an amended Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. This must include the following:

i. Details of suitable treatment and filtration of captured stormwater onsite prior to its release into the South Western Highway drainage system.

d. The vehicle parking areas, accessways, internal roads and crossover must:

i. Be designed in accordance with the relevant Australian/New Zealand Standard;

ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;

iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

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

e. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.

f. Prior to occupancy, an updated Environmental Noise Assessment be submitted to include modelling of noise associated with specific details of mechanical plant, once these have been finalised. The acoustic assessment must include recommendations to further reduce noise from mechanical plant. Recommendations must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a building permit and implemented prior to occupancy.

g. Prior to lodgement of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in



- accordance with the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.*
- h. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.*
 - i. Prior to lodgement of a Building Permit, an amended Landscaping Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:*
 - i. A planting regime and an increased density of vegetation shall be provided the Wilaring Street and South Western Highway boundaries to the satisfaction of the Shire of Serpentine Jarrahdale;*
 - ii. A maintenance schedule of the proposed landscaping areas; and*
 - iii. Landscaping within verge areas of Wilaring Street.*
 - iv. All trees shall have a minimum height of two meters of the establishment in the area between Wilaring Street and the southern walls of the adjoining showrooms, and suitable to the location given proximity to the public road of Wilaring Street and associated verge area.*
 - v. Where site conditions and earthworks permit, the retention of existing vegetation to be maximised and preferred.*
 - j. Prior to the issue of a Building Permit, a Bushfire Emergency Evacuation Plan shall be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. This shall be prepared by a suitably qualified bushfire consultant.*
 - k. Prior to the issue of a Building Permit, a Parking Management Plan shall be provided detailing the proposed installation and location of directional signage, disabled bays and EV charging bays (minimum of four) to the satisfaction of the Shire of Serpentine Jarrahdale.*
 - l. Prior to the issue of a Building Permit, an amended Stormwater Management Plan shall be submitted to an approved by the Shire of Serpentine Jarrahdale. This must include the following:*
 - i. Details of how water will be treated for contaminants when within the proposed stormwater management system, including the addition of drainage swales internal to the site;*
 - ii. A maintenance schedule to detail any recommended upgrades or maintenance necessary to the South Western Highway drainage system, to ensure the stormwater can be discharged effectively from site as proposed within the Stormwater Management Plan; and*
 - iii. Details of how the capacity of the proposed stormwater management system will be suitable to account for repeated storm events and how it will be cleaned and drained.*
 - m. Prior to occupancy of individual tenancies, a Signage Strategy shall be prepared and submitted to the Shire of Serpentine Jarrahdale. The Signage Strategy shall comply with the requirements of Local Planning Policy 4.11 - Advertising to the satisfaction of the Shire of Serpentine Jarrahdale.*
 - n. Prior to lodgement of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan shall demonstrate how traffic management measures will be employed during the construction of the roundabout at Wilaring Street, ensuring there are no impacts to the accessibility of the residential area to the south.*



- o. Prior to issue of a Building Permit, the applicant shall prepare a Section 195 Easement in Gross covering:*
- i. the through-road being available and accessible to the public at large without restriction and at all times; and*
 - ii. the road at the front of the subject land connecting to the northern property, being available and accessible to the public at large for connectivity without restriction and at all times, to facilitate future development of that land consistent with the adopted structure plan.*
- This Easement in Gross is to be prepared by the Shire's Solicitors at the cost of the applicant, and provide for public access at all times along the driveway.*
- p. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and Main Road Western Australia, depicting the following:*
- i. The full realignment and construction of Wilaring Street and associated roundabout; and*
 - ii. A central island treatment and acceleration lane north bound at the of South Western Highway and Wilaring Street intersection.*
- Once approved, the works shall be undertaken prior to occupancy.*
- q. Prior to issue of a Building Permit, the applicant undertaking a subdivision application of the subject site in order to construct and excise the road reserve requirements for the realigned Wilaring Street and associated infrastructure, to be available as a public road in perpetuity, to the satisfaction of the Shire. The road reserve shall then be ceded to the Shire of Serpentine Jarrahdale.*
- r. Prior to the issue of a Building Permit, a Landscape Plan depicting the upgrade of the enlarged public open space on the southern side of realigned Wilaring Street and South Western Highway, is to be submitted to and approved by the Shire. Once approved, the applicant shall undertake all upgrade works to the satisfaction of the Shire prior to occupancy of the development.*
- s. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.*
- t. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*
- u. The applicant shall ensure that the design and ongoing management of the development enables conversion of the Future Development Site (as depicted in Figure 9 on page 77 of the Agenda), and thereafter once developed, similar sized car parking area to function for community uses on Sundays, as they may be proposed, at no cost to those community groups proposing them.*

Background

Existing Development

The subject site is approximately 8.25ha and located within Byford, adjoining the light industrial area on the south side of Nettleton Road. The subject site is zoned 'Urban Development' under LPS3, as well as being designated 'Light Industrial' under the Byford District Structure Plan (DSP) and the Lot 806 South Western Highway, Byford - Local Structure Plan (LSP).



The site is bound by South Western Highway to the west, the Nettleton Road light industrial area to the north and the Byford by the Scarp residential development to the south. The site is undeveloped, though features existing vegetation primarily comprising of native Marri trees which have regrown since being cleared in the 1950s. The site features a 12m fall from the high point at the east end of the site, down to the low point of the site adjacent to South Western Highway. The subject site can be viewed following:



Figure 1: Aerial Locality

Initial Development

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

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

The site plan and perspectives of the initial proposal are shown following.



Figure 2: Site plan



Figure 3: Perspective image with not existing mature vegetation added

The original application was subject to a range of conditions that were considered necessary to address alignment to the planning framework. These conditions were considered to be incidental in nature, and addressed matters pertaining to:

- road design changes, to ensure alignment with the principles of the adopted Structure Plan;
- landscaping, to help moderate the physical works component of development, and also provide layering of textures that can help the development within its setting;
- colour and materiality conditions, pertaining to the physical works and having this reflect local character and context;
- traffic and access arrangements, noting the creation of new local road assets which interface with private road assets, which also connect through to existing public roads;
- intersection improvements with South Western Highway, based on input from Main Roads Western Australia (MRWA);



- stormwater management, bushfire management and noise management approaches;
- percent for art requirements.

As documented in the previous decisions of Council, this resulted in a recommendation for support. The MODAP decision was that of approval, subject to conditions, and is contained within **attachment 2**.

Revised Development

New information has been provided by the applicant through the SAT process seeking changes to the conditions. The additional information includes an amended Traffic Impact Assessment (TIA).

The additional information proposed by the applicant in relation to traffic, seeks to document that the current intersection of South Western Highway and Wilaring Street is effective in managing the proposed development required. Refined traffic modelling has been submitted to this effect. The applicant also seeks minor modification to conditions relating to building design, designing out crime principles, landscaping, signage and the timing of submission of several management documents or post development approval actions. For reference, the amended site plan can be viewed following, and the full suite of additional information can be viewed in **attachment 3**.



Figure 4: Amended site plan



Initial Community / Stakeholder Consultation Period

The application was initially advertised for a period of 28 days from 8 November 2022 to 6 December 2022 to surrounding landowners within a 500m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period. In addition, a notice of the development proposal on a sign was placed on the site for the same period.

At the conclusion of the first consultation, 85 submissions were received, consisting of 73 submissions either objecting or raising concerns with aspects of the proposal. 12 submissions were received either in support of the proposal or did not object to it. As already discussed, the original application was approved, subject to conditions, to address a range of matters and also having regard for public submissions received.

Revised Community / Stakeholder Consultation Period

Following the Shire receiving notification of the reconsideration, advertising was undertaken for a period of 14 days from 8 April 2024 to 22 April 2024 to surrounding landowners within a 500m radius of the subject site. This specifically presented the additional information pertaining to the details now forming the reconsideration of the initial application. At the conclusion of the second consultation, 13 submissions were received, six of which either object to or raise concerns with the proposal, one neither objected nor supported the proposal, and six provided support. Though it is noted that several of the supporting submissions from community members still raised concerns regarding certain aspects of the proposal.

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

- Traffic safety and existing road infrastructure capacity;
- Visual amenity and character;
- Noise and light spill;
- Privacy;
- Tree removal and revegetation - impacting local fauna and rural character;
- Environmental impacts; and
- Lack of direct benefit to the local community.

The full submissions, the applicant's response and Officer comments for this advertising period are contained within **attachment 4**.

Main Roads Western Australia (MRWA)

In response to revised proposal, MRWA advised they had no objections subject to the following conditions being imposed:

1. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and Main Roads Western Australia, depicting the following:
 - i. The full realignment and construction of Wilaring Street and associated roundabout; and
 - ii. The internal roundabout at the development entrance and Wilaring Street is to be designed to accommodate a 19 metre semi-trailer for all movements.

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



2. No works are permitted within the South Western Highway Road Reservation without obtaining a Working on Roads permit from Main Roads.

The purpose of these conditions are to ensure that the road network can accommodate the service vehicles that will attend the site. Also, to ensure that the works maintain public safety and do not conflict with any other scheduled works on South Western Highway.

Officer Comment:

Officers support these conditions and have included them in the Officer recommendation section of this report. They form Conditions O and S of Option 1.

Water Corporation

The Water Corporation provided a submission not objecting to the development. The Water Corporation provided advice pertaining to water, wastewater, drainage and further approvals required for this development.

Officer Comment:

This advice has been provided to the applicant and no further action is required.

Statutory Environment

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Environmental Protection (Noise) Regulations 1997

Metropolitan Regional Scheme

State Government Policies

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

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

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

Local Planning Framework

Shire of Serpentine Jarrahdale Local Planning Strategy (Strategy)

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

Byford District Structure Plan 2020 (DSP)

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

Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)

Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)

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

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

Local Planning Policy 4.16 - Tree Retention and Planting (LPP4.16)

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



Planning Assessment

The following planning assessment deals specifically with this additional information.

West elevation of fast food tenancies (Condition B.i)

This condition required an improved design of the west façade of the fast food tenancies to include elements reflecting the rural tone of the locality. The applicant provided an amended design including wooden style panelling as the main feature, with earthy coloured metal material to contrast.



Figure 5: Amended fast food tenancy designs

Officer Comment:

It is considered that the amended design improves the interface of the development with South Western Highway and is sympathetic of a rural theme. Officers support the removal of this portion of the condition deeming it satisfied.

West elevation of 'Development 02' (Condition B.ii)

This condition required improved elevations to the western façade of the 'Development 02' building, including architectural elements and a rural-toned design. These design changes were initially considered necessary given the wall was to be 9-10m tall and its prominent position in the South Western Highway streetscape. In response, the applicant has reduced the overall height of the wall to 8.75m. Furthermore, the western façade now comprises of the outdoor nursery area, which is approximately 6.5m in height. The applicant proposes that these changes and the 63.4m distance of the building to the western lot boundary results in this condition no longer being required.

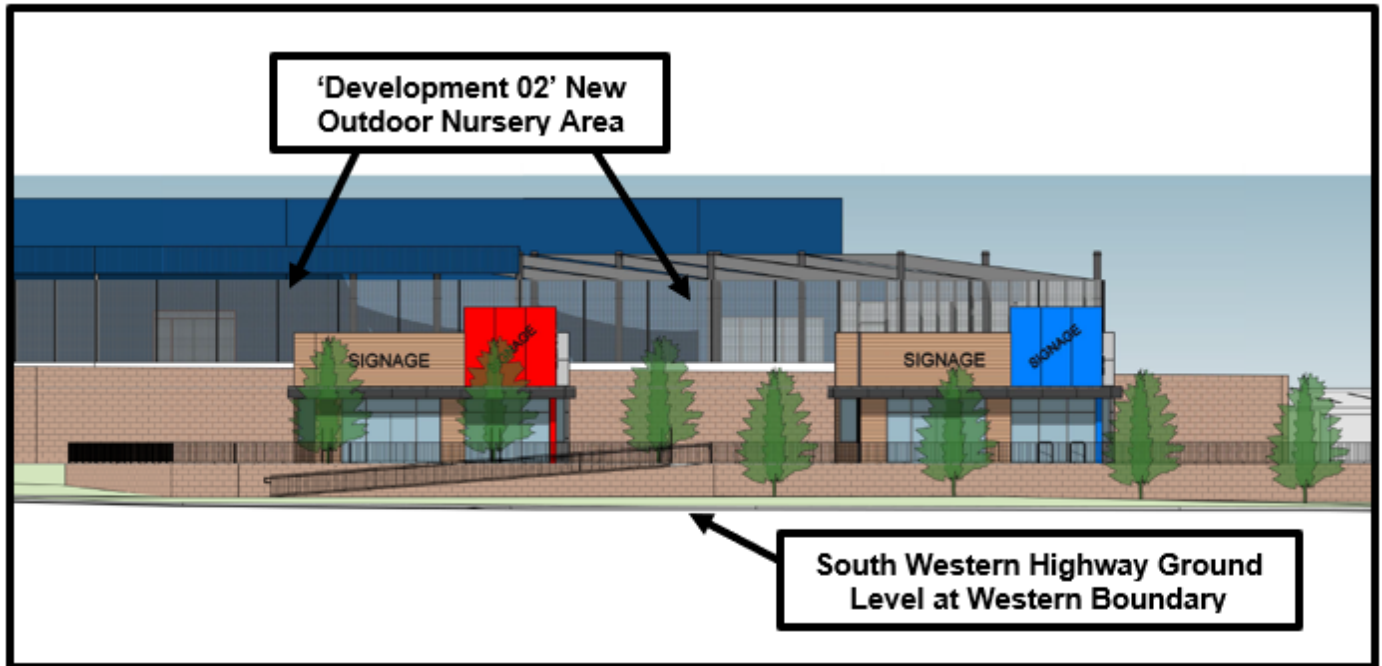


Figure 6: Amended western elevation of 'Development 02'

Officer Comment:

Officers consider that the design changes are suitable in meeting the intent of the condition. The inclusion of the outdoor nursery area provides articulation and open-framed feature to the west façade of the building. This is respectful of the sense of openness that characterises rural areas. Officers consider these changes satisfy the intent of the condition and so support its removal.

Retaining Wall to West Boundary, South Western Highway (Condition B.iii)

This condition required amendments to the retaining wall to South Western Highway on the west lot boundary of the development. This was to introduce staggering and rendered elements to the wall. The initial wall was considered impactful to the streetscape, given its proposed height of 2.5m and position directly on the lot boundary. In response, the applicant has amended the wall reducing its height by approximately 1m and proposing an open-framed fence atop the wall. The applicant has also identified the retaining walls facing South Western Highway, becoming an earth block tone to reflect rural character.

Officer Comment:

The inclusion of the earth rendering and the reduction in height satisfies Officers that the intent of the condition has been met. Officers support its removal.

South Facade Facing Wilaring Street (Condition B.iv and B.v)

These conditions required a screening fence to be located to the south side of the development and improvements to the south facades of the 'Development 04' and 'Development 05' buildings. This was to protect the visual amenity the locality, especially the immediate residences on Wilaring Street given the proximity to the 'back of house' of these buildings. These design changes were to include wood, metal or brick elements, to continue rural and natural themes across the site. Several submissions raised concerns that this modification would reduce the amenity of residences on Wilaring Street.



By way of addressing this, the applicant proposes a chain link mesh fencing atop the retaining wall. This style of fencing would ultimately encourage creeper vegetation to cover it, enabling screening to the southern façade of the development. The applicant also reiterated their commitment to providing a robust Landscaping Management Plan and to retain existing mature trees along the south lot boundary.



Figure 7: Chain link mesh fence atop retaining wall to south façade of the development

Officer Comment:

No design changes have been made to the building. The fence also includes no brick or wood elements. However, the inclusion of a fence that is to encourage creeper vegetation and the developer's commitment to landscaping in the south lot boundary satisfies Officers that the condition intent is met.

Further to this, Officers note that an applicable provision of the DAP for this area permits "*open, security fencing forward of the building line under special circumstances*". Officers also consider that the fence itself would be mostly not visible due to the proposed landscaping measures.

Passive Surveillance (Condition B.vi)

The intent of the condition was to ensure passive surveillance is achieved between the individual tenancies and in the car parking areas. The applicant has not amended the development to address this requirement. Instead, the applicant recommends merging this condition with Condition E, to provide a 'Lighting and Safety Plan' which would ensure safety is addressed.



It is argued that additional windows on tenancies does not automatically provide additional surveillance and that the additional windows may conflict with the practical needs of future tenancies (i.e., not all showroom tenants would want their product visible from the public realm).

Officer Comment:

Officers support the merging of this condition, so that the applicant can provide a single plan to address designing out crime principles. The provision of additional windows is acknowledged as only one such method of addressing such principles. Officers consider a robust Lighting and Safety Plan would ensure designing out crime principles can be maintained for the site.

Realigned Footpath (Condition B.viii)

This condition required an amended plan to show the footpath that currently runs partly through the site to be realigned fully into the South Western Highway road reserve.

Officer Comment:

This has been provided and Officers are satisfied to remove this condition.

Stormwater Management Plan (Conditions C and L)

Both conditions required a Stormwater Management Plan (SMP) to be provided. The applicant seeks for these conditions to be combined and simplified. This request includes the removal of the specific provisions seeking the SMP to comply with LPP2.4, the provision of water treatment details, a maintenance schedule and the provision of system capacity details.

Officer Comment:

Officers support the deletion of Condition L as it is a duplication. Furthermore, the removal of the specific requirements is supported because a detailed SMP prepared to the Shire's satisfaction will need to comply with these requirements regardless.

Landscaping Plan (Condition I)

The applicant supports the requirement of a detailed Landscaping Plan though seeks an amendment to the condition to remove the part requiring a minimum 2m height for trees planted along Wilaring Street to the south of the site. By way of justification, the applicant considers that the 2m minimum height is unreasonable and not necessary to achieve the required landscaping outcome.

Officer Comment:

The approved LSP for this site required a 15m vegetation area provided to the Wilaring Street boundary. The purpose of this was to be a landscaping buffer to protect the amenity of residents in the Byford by the Scarp residential estate to the south. Given the initial development extended into the vegetation area, it was considered reasonable to require advanced planting of 2m minimum height trees so that an immediate screening effect took place.



Figure 8: Perspective of intended landscaping extent along Wilaring Street

Subsequently, the applicant has provided further information demonstrating comprehensive landscaping measures proposed. This is to include the retention of some existing mature trees and additional multi-tiered landscaping providing holistic visual screening of the development from Wilaring Street. Officers consider that the removal of the part of the condition requiring a minimum two metre tree height can be supported, given the applicant's commitment to providing a suitable landscaping regime.

Parking Management Plan (Condition K)

This condition required the submission of a Parking Management Plan. The plan was to provide four EV charging bays. The applicant considers that this would more appropriately form an advice note.

Officer Comment:

Officers agree and are satisfied that this can be an advice note. The Parking Management Plan will be required to be to the satisfaction of the Shire and an assessment will be undertaken upon its submission.

Signage Strategy (Condition M)

The intent of this condition was to require new tenants to provide a signage strategy for their signage. The condition was worded so that each signage strategy would need to comply with the Shire's Local Planning Policy 4.11 - Advertising (LPP4.11). The applicant seeks to remove this reference to LPP4.11.

Officer Comment:

It is considered that regardless of the removal of this reference to LPP4.11, the condition is still worded to require the signage strategy to satisfy the Shire's requirements, albeit LPP4.11. Officers made the applicant that when a signage strategy is received an assessment will be undertaken against LPP4.11. Officers are therefore supportive of the amended wording.

Clarifying Timing of Easement Creation (Condition O)

The condition requires the creation of an easement for the through-road within the site prior to the issue of a 'building occupancy permit'. The applicant requests the wording of this to be changed from 'building occupancy permit' to 'occupancy permit'.

*Officer Comment:*

Officers support this minor amendment and consider it would not impact the intent of the condition.

Traffic and Intersection Upgrades (Condition P)

This condition required updated road layout plans, firstly to demonstrate the realignment of Wilaring Street and construction of the roundabout. Secondly, the plans were to detail an island and acceleration lane treatment to the intersection of Wilaring Street and South Western Highway. This condition was imposed to ensure safe and efficient right turn movements from Wilaring Street northbound onto South Western Highway.

Through the SAT process, additional technical traffic information was provided in the form of an amended TIA (**attachment 2**). Regarding Condition P.i, the amended TIA provided swept path plans identifying that the existing roundabout arrangement of Wilaring Street will be suitable to accommodate 19m semi-trailer vehicles. However, in their revised submission, MRWA required a condition similar to the existing Condition P.i to be imposed. Therefore, Officers recommend a revised Condition O be maintained and the applicant should submit their revised plans through the condition clearance process.

Regarding Condition P.ii, the revised modelling in the TIA demonstrated that the traffic generation during peak hours does not warrant the island and acceleration lane upgrade as originally required. It indicates that the intersection would operate within capacity during a modelled scenario accounting for 2025 existing traffic volumes and traffic generated by the development.

Additional justification addressing the intersection in the amended TIA includes:

- Although the provision of an acceleration lane could slightly enhance the traffic operations of the second stage movement (being traffic joining South Western Highway from the median), it would not affect the traffic operations of the first stage movement (being traffic turning right from Wilaring Street to the South Western Highway median).
- The TIA states in its conclusion: *“Based on the SIDRA analysis results and site observations, the SWH/Wilaring Street intersection currently operates satisfactorily, with good levels of service and relatively low queues and delays during weekday peak hours and Saturday midday peak hour.”*
- Under the MRWA policy, an acceleration lane is not required, given South Western Highway has a maximum speed limit of 60km/hr at the intersection.
- MRWA’s submission supports the applicant’s SIDRA analysis findings.

The applicant therefore requests the removal of this condition.

Officer Comment:

- The busiest peak hour period at this intersection would be Saturday midday. During this period, it is anticipated that there would be 314 vehicle movements making the critical right turn movement from Wilaring Street northbound on South Western Highway.
- During this period, an average delay of 16.3 seconds would be experienced by vehicles making the movement, resulting in a Level of Service C (LOS C). LOS C represents constrained constant flows below speed limits, with additional attention required by the drivers to maintain safe operations. Comfort and convenience levels of the driver decline. Officers therefore consider it important to ensure issues of queuing capacity and future increases to traffic that may decrease driver safety can be addressed.



- Vehicle queuing in the peak period would be approximately 37.4m (an approximate 5 car que). This is within the capacity of the intersection, as there is a 60m distance from the intersection prior to the roundabout to the east. Officers are satisfied queuing would not impact on the roundabout during peak periods, thereby not causing wider congestion issues to the local road network.
- The applicant's modelling demonstrates that there is a negligible difference in time delays, LOS and queuing in scenarios with and without the intersection upgrades. Therefore, the applicant substantiates that the upgrades are not required.
- Further, the Tonkin Highway construction will remove a significant amount of through traffic on South Western Highway.

The justification above is considered to address the key concerns that the condition sought to resolve. Specifically, it provides MRWA and the Shire assurance that the proposed development would not adversely impact the local traffic network during peak periods. Officers therefore support the removal of Condition P based on support received by MRWA. As mentioned, MRWA has recommended an alternative Condition which is captured in Condition O of Option 1.

Timing of Subdivision Application to Create Road Reserve (Condition Q)

This condition required the applicant to undertake a subdivision application to excise a portion of the site dedicated to the realignment of Wilaring Street. The applicant seeks to change the timing of when this condition is to be delivered from prior to the issue of a 'building permit' to prior to the issue of an 'occupancy permit'. The applicant also proposed wording amendments, most of which are to assist with interpreting the condition.

Officer Comment:

Officers consider that the flexibility in terms of timing of this condition is reasonable given the time that would be required to construct the road. The amended timing and wording would still require the applicant to deliver the Wilaring Street realignment in a timely manner, ensuring minimal disturbance to all the residences that rely on Wilaring Street as a key access road.

Approval Under MRS (Condition S)

This condition approved the development under Clause 24(1) of the Metropolitan Regional Scheme (MRS). The applicant claims this is no longer necessary given that the Department of Planning Lands and Heritage has separately provided a Responsible Authority Report.

Officer Comment:

Officers support the removal of this condition given the above justification.

Options

Option 1

That Council RESOLVES the following Responsible Authority Report Recommendation to amend the Metro Outer Development Assessment Panel's decision of 29 November 2023 for the subject property, as follows:

1. That the Metro Outer Development Assessment Panel APPROVES the development application for 21 Showroom Tenancies and five Fast Food/Takeaway Tenancies at Lot 806 South Western Highway, Byford as contained within **attachment 5**, subject to the following conditions:



Conditions

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

Plans and Specification	Development Plans submitted dated November 2022, January 2023, April 2024 and May 2024. Revised Traffic Impact Assessment dated February 2024. Landscaping Plan dated January 2023. Environment Assessment dated March 2018. Stormwater Management Plan dated September 2022. Waste Management Plan dated September 2022. Environmental Noise Impact Assessment dated September 2022. Bushfire Management Plan dated September 2022.
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- b. Prior to issue of a Building Permit, amended Development Plans must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. Alternative treatment plan to a roundabout which supports the four-way intersection, ensuring safety and free flow of traffic, to the satisfaction of the Shire of Serpentine Jarrahdale.
- c. Prior to lodgement of a Building Permit, an amended Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice from Main Roads Western Australia.
- d. The vehicle parking areas, accessways, internal roads and crossover must:
 - i. Be designed in accordance with the relevant Australian/New Zealand Standard;
 - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
 - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

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

- e. Prior to lodgement of a Building Permit, a Lighting and Safety Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting and Safety Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting and Safety Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area and demonstrate the overall safety and security of the site. Once approved, lighting is to be installed and maintained in accordance with the Plan.
- f. Prior to occupancy, an updated Environmental Noise Assessment be submitted to include modelling of noise associated with specific details of mechanical plant, once these have been finalised. The acoustic assessment must include recommendations to further reduce noise from mechanical plant. Recommendations must be included within a Noise Management Plan



and where associated with construction requirements, integrated into plans submitted for a building permit and implemented prior to occupancy.

- g. Prior to lodgement of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in accordance with the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.
- h. Prior to lodgement of a Building Permit, plans of percent for art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- i. Prior to lodgement of a Building Permit, an amended Landscaping Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. A planting regime and an increased density of vegetation shall be provided the Wilaring Street and South Western Highway boundaries to the satisfaction of the Shire of Serpentine Jarrahdale;
 - ii. A maintenance schedule of the proposed landscaping areas;
 - iii. Landscaping within verge areas of Wilaring Street;
 - iv. All trees being of a height satisfactory to the Shire of Serpentine Jarrahdale, between Wilaring Street and the southern walls of the adjoining showrooms, and suitable to the location given proximity to the public road of Wilaring Street and associated verge area;
 - v. Where site conditions and earthworks permit, the retention of existing vegetation to be maximised and preferred.
- j. Prior to the issue of a Building Permit, a Bushfire Emergency Evacuation Plan shall be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. This shall be prepared by a suitably qualified bushfire consultant.
- k. Prior to the issue of a Building Permit, a Parking Management Plan shall be provided detailing the proposed installation and location of directional signage and disabled bays to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to occupancy of individual tenancies, a Signage Strategy shall be prepared, submitted to and approved by the Shire of Serpentine Jarrahdale.
- m. Prior to lodgement of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan shall demonstrate how traffic management measures will be employed during the construction of the roundabout at Wilaring Street, ensuring there are no impacts to the accessibility of the residential area to the south.
- n. Prior to issue of an Occupancy Permit, the applicant shall prepare a Section 195 Easement in Gross covering:
 - i. the through-road being available and accessible to the public at large without restriction and at all times; and
 - ii. the road at the front of the subject land connecting to the northern property, being available and accessible to the public at large for connectivity without restriction and at all times, to facilitate future development of that land consistent with the adopted structure plan.



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

- o. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale on advice of Main Roads Western Australia, depicting the following:
 - i. The full realignment and construction of Wilaring Street and associated roundabout; and
 - ii. The internal roundabout at the development entrance and Wilaring Street being designed to accommodate a 19 metre vehicle for all movements (e.g. semi-trailer).

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

- p. Prior to issue of an Occupancy Permit, the applicant subdivides the subject site to excise the road reserve for the realigned Wilaring Street and associated infrastructure. The road reserve shall then be ceded to the Shire of Serpentine Jarrahdale, at no cost, with this completed through the standard subdivision of land process.
- q. Prior to the issue of a Building Permit, a Landscape Plan depicting the upgrade of the enlarged public open space on the southern side of realigned Wilaring Street and South Western Highway, is to be submitted to and approved by the Shire. Once approved, the applicant shall undertake all upgrade works to the satisfaction of the Shire prior to occupancy of the development.
- r. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- s. No works are permitted within the South Western Highway Road Reservation without obtaining a Working on Roads permit from Main Roads.

Advice Note:

- 1. The applicant is advised to liaise with Main Roads for the approval of any proposed works on South Western Highway road reserve.
- 2. The applicant is encouraged to provide details of the inclusion of EV charging bays within the Parking Management Plan.

Option 2

That Council RESOLVES the following Responsible Authority Report Recommendation:

- 1. That the Metro Outer Joint Development Assessment Panel REFUSES the development application for 21 Showroom Tenancies and five Fast Food/Takeaway Tenancies at Lot 806 South Western Highway, Byford, as contained within **attachment 5**, for the following reasons:
 - a. The development is considered to represent an adverse impact on the existing road environment, due to the size and intensity of development relying on a single main access point from the highway.
 - b. The development is considered to represent an adverse amenity impact, associated with increased noise impacts on sensitive receptors surrounding the land.
 - c. The development is considered to represent a form of development that is not in keeping with the existing residential interface to the south.

Option 1 is recommended.



Conclusion

The application provides additional information, seeking removal of or amendments to several conditions of the initial approval. It is considered that the additional information provided, supported by MRWA, adequately addresses the reasons the conditions were imposed. These were in relation to traffic, building design, designing out crime principles, landscaping, signage and the timing of submission of several management documents or post development approval actions. It is therefore recommended that DAP approves the proposed changes to the conditions.

Attachments (available under separate cover)

- **10.1.3 - attachment 1** - Responsible Authority Report (E24/6514)
- **10.1.3 - attachment 2** - DAP Determination (IN23/27055)
- **10.1.3 - attachment 3** - Additional Plans and Information (E24/6522)
- **10.1.3 - attachment 4** - Summary of Submissions (E24/6523)
- **10.1.3 - attachment 5** - Plans for Determination (E24/6675)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 1.2	A recognised culture and heritage
Strategy 1.2.1	Recognise local heritage
Strategy 1.2.2	Encourage and support public art in public areas
Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 2.2	A sustainable natural environment
Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks considered to be associated with Option 1.						
2	That Council recommends that MODAP refuse the application, which occurs, and which results in a full hearing of the State Administrative Tribunal which impacts staff resources.	Shire of Serpentine Jarrahdale Local Planning Scheme No. 3	Reputation	Possible	Moderate	MODERATE	Ensuring reasons for refusal are valid planning matters.

Voting Requirements: Simple Majority

OCM151/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin , seconded Cr Mazzini

That Council **RESOLVES** the following Responsible Authority Report Recommendation to amend the Metro Outer Development Assessment Panel's decision of 29 November 2023 for the subject property, as follows:

1. That the Metro Outer Development Assessment Panel **APPROVES** the development application for 21 Showroom Tenancies and five Fast Food/Takeaway Tenancies at Lot 806 South Western Highway, Byford as contained within attachment 5, subject to the following conditions:

Conditions

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

Plans and Specification	<p>Development Plans submitted dated November 2022, January 2023, April 2024 and May 2024.</p> <p>Revised Traffic Impact Assessment dated February 2024.</p>
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	<p>Landscaping Plan dated January 2023.</p> <p>Environment Assessment dated March 2018.</p> <p>Stormwater Management Plan dated September 2022.</p> <p>Waste Management Plan dated September 2022.</p> <p>Environmental Noise Impact Assessment dated September 2022.</p> <p>Bushfire Management Plan dated September 2022.</p>
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b. Prior to issue of a Building Permit, amended Development Plans must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:

- i. Alternative treatment plan to a roundabout which supports the four-way intersection, ensuring safety and free flow of traffic, to the satisfaction of the Shire of Serpentine Jarrahdale.

c. Prior to lodgement of a Building Permit, an amended Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice from Main Roads Western Australia.

d. The vehicle parking areas, accessways, internal roads and crossover must:

- i. Be designed in accordance with the relevant Australian/New Zealand Standard;
- ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
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Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.

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f. Prior to occupancy, an updated Environmental Noise Assessment be submitted to include modelling of noise associated with specific details of mechanical plant, once these have been finalised. The acoustic assessment must include recommendations to further reduce noise from mechanical plant. Recommendations must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a building permit and implemented prior to occupancy.

g. Prior to lodgement of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the



Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in accordance with the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.

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 - ii. A maintenance schedule of the proposed landscaping areas;
 - iii. Landscaping within verge areas of Wilaring Street;
 - iv. All trees being of a height satisfactory to the Shire of Serpentine Jarrahdale, between Wilaring Street and the southern walls of the adjoining showrooms, and suitable to the location given proximity to the public road of Wilaring Street and associated verge area;
 - v. Where site conditions and earthworks permit, the retention of existing vegetation to be maximised and preferred.
- j. Prior to the issue of a Building Permit, a Bushfire Emergency Evacuation Plan shall be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. This shall be prepared by a suitably qualified bushfire consultant.
- k. Prior to the issue of a Building Permit, a Parking Management Plan shall be provided detailing the proposed installation and location of directional signage and disabled bays to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to occupancy of individual tenancies, a Signage Strategy shall be prepared, submitted to and approved by the Shire of Serpentine Jarrahdale.
- m. Prior to lodgement of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan shall demonstrate how traffic management measures will be employed during the construction of the roundabout at Wilaring Street, ensuring there are no impacts to the accessibility of the residential area to the south.
- n. Prior to issue of an Occupancy Permit, the applicant shall prepare a Section 195 Easement in Gross covering:

 - i. the through-road being available and accessible to the public at large without restriction and at all times; and
 - ii. the road at the front of the subject land connecting to the northern property, being available and accessible to the public at large for connectivity without restriction and at all times, to facilitate future development of that land consistent with the adopted structure plan.



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

- o. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale on advice of Main Roads Western Australia, depicting the following:**
 - i. The full realignment and construction of Wilaring Street and associated roundabout; and**
 - ii. The internal roundabout at the development entrance and Wilaring Street being designed to accommodate a 19 metre vehicle for all movements (e.g. semi-trailer).**

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

- p. Prior to issue of an Occupancy Permit, the applicant subdivides the subject site to excise the road reserve for the realigned Wilaring Street and associated infrastructure. The road reserve shall then be ceded to the Shire of Serpentine Jarrahdale, at no cost, with this completed through the standard subdivision of land process.**
- q. Prior to the issue of a Building Permit, a Landscape Plan depicting the upgrade of the enlarged public open space on the southern side of realigned Wilaring Street and South Western Highway, is to be submitted to and approved by the Shire. Once approved, the applicant shall undertake all upgrade works to the satisfaction of the Shire prior to occupancy of the development.**
- r. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.**
- s. No works are permitted within the South Western Highway Road Reservation without obtaining a Working on Roads permit from Main Roads.**

Advice Note:

- 1. The applicant is advised to liaise with Main Roads for the approval of any proposed works on South Western Highway road reserve.**
- 2. The applicant is encouraged to provide details of the inclusion of EV charging bays within the Parking Management Plan.**

CARRIED UNANIMOUSLY 5/0



10.1.4 - Proposed 'Child Care Premises' - Lot 631, 108 Lawrence Way, Byford (PA24/188)	
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:	Housing Authority
Date of Receipt:	8 April 2024
Lot Area:	2304m ²
Local Planning Scheme No. 3 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Report Purpose

The purpose of this report is for Council to consider a Responsible Authority Report (RAR) (**attachment 1**) prepared for a development application for a 'Child Care Premises' at Lot 631, 108 Lawrence Way, Byford.

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 proposal is generally consistent with the local planning framework, and 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 within the Beenyup Grove estate, to the south of Byford, in close proximity to the Beenyup Primary School. The site is bound by Orton Road to the south, Lawrence Way to the east and future residential development to the west and north. To the south lies a Cap road, which is the term used to describe an access road running parallel to main road for residential access (in this case Orton Rd). The subject site in context of the locality is shown following:

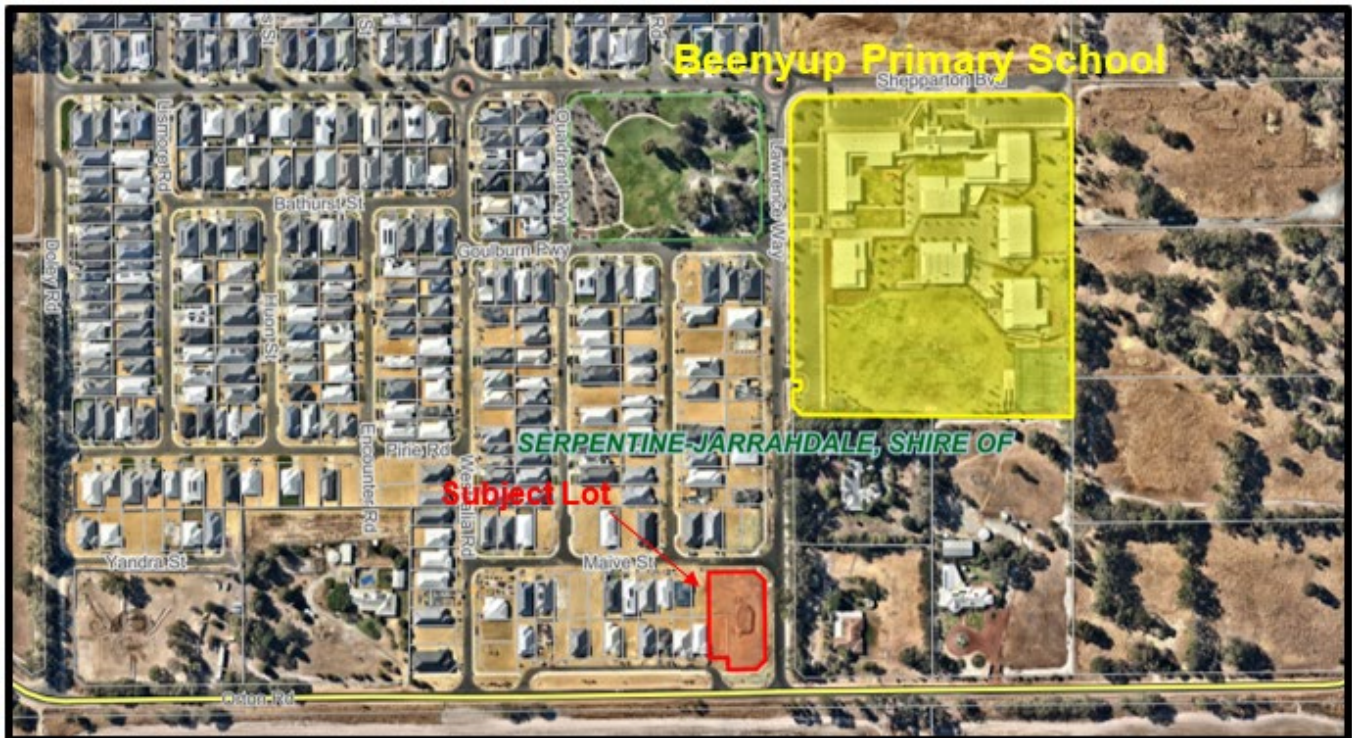


Figure 1 - Locality Plan

Proposed Development

The application seeks approval to construct a single storey Child Care Premises incorporating:

- Six group activity rooms, toilets, prep rooms, sleep rooms and amenities;
- An outdoor play area along the eastern and northern frontages with a total area of 688m²;
- 20 car parking bays along the western portion of the site, including one ACROD bay;
- A single full movement crossover to the north (Maive Street) and an exit only crossover to the South (Cap road);
- An enclosed bin store located to the south of the site;
- A pedestrian footpath to Lawrence Way;
- Associated signage integrated into the boundary fencing and walls; and
- Associated verge and site landscaping.

The Child Care Premises is proposed to operate in the following manner:

- 96 place allocation:
 - o 20 places for children aged 0-2 years;



- 36 places for children aged 2-3 years; and
 - 40 places for children aged 4-5 years.
- Operating hours from 6:30am to 6:30pm, Monday to Friday with a total of 16 staff at any one time.

The proposed site plan and floor plan are shown following:



Figure 2 - Site Plan



Figure 3 - Floor Plan



Full details of the proposal are contained within **attachment 2 and attachment 3**.

Community / Stakeholder Consultation

The application was advertised for a period of 28 days from 11 April 2024 to 9 May 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, one submission of support and four objections were received.

A summary of the submissions with the Applicant's comments and Officer response is contained within **attachment 4**. The objections received relate to the number of Child Care Premises in Byford.

Officer Comment:

Clause 67 of the Deemed Provisions lists all matters to be considered as part of an assessment of a development application. These matters do not include the quantity of a particular land use within a locality and as such this is not considered a valid planning consideration. Of additional note, the Mitchell Institute (policy research centre within Victoria University) undertook a study in 2022 to analyse the degrees of access to childcare in over 50,000 neighbourhoods across the nation. This had an aim to create an evidence base to identify issues of access to childcare, and classify neighbourhoods where accessibility was identified to be critical (termed a child care 'desert' based on demand for spots, vs supply of centres). Of interest, Byford was identified as heavily constrained, with child care provision at the rate of 0.264 spots available, per child. With Byford experiencing the largest natural increase of all suburbs in Western Australia, further centres are considered necessary.

Consultation with Government Agencies:

Department of Education (DoE)

Government Agency Response:

The proposed Child Day Care Centre is within close proximity of Beenyup Primary School and therefore careful consideration in line with the Western Australian Planning Commission's *Operational Policy 2.4 - Planning for School Sites (OP 2.4)* is to be taken into account. It is imperative to ensure that no adverse impacts would result from the proposal on the school's amenity including traffic congestion during peak periods, compromised parking and access to the school, and the safety of its occupants.

The Department has reviewed the information in support of the proposal and notes that it is generally consistent with the City's Local Planning Framework and relevant Local Planning Policies. Accordingly, the Department has no objections to the proposal subject to the following conditions being imposed as part of the approval:

- A Traffic Management Plan being prepared and adopted as part of planning approval to ensure that all pick-up and drop-off of children associated with the proposed childcare be contained on-site; and
- The establishment of a Construction Management Plan (CMP) to address noise, odour and dust emissions mitigation. The CMP is to include how car parking, delivery vehicles and traffic impacts associated with construction will be managed so as not to jeopardise the safety of the school community, particularly during peak school drop off/pick up times given the anticipated



increased trips on Lawrence Way and surrounding roads associated with the proposed development.

Officer Comment:

Supported. Officers have recommended the conditions of DoE as part of the Officer recommendation.

Department of Fire and Emergency Services (DFES)

Government Agency Response:

I refer to your letter dated 8 April 2024 regarding the submission of a Bushfire Management Plan (BMP) (Version 2), prepared by Eco Logical Australia and dated 14 March 2024, for the above development application. The BMP is accompanied by a Development Application Report from the proponent (Rev 0) dated 21 March 2024 for the above development application (DA).

This advice relates only to State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.

Assessment

1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map

Issue	Assessment	Action
Vegetation Exclusion	<p>Evidence to support the exclusion of parts of Plot 2 as managed to low threat in accordance with AS3959 is required. Specifically:</p> <ul style="list-style-type: none"> • There is vegetation within the neighbouring property to the east which has been excluded without any evidence. Photo 5 is taken at the driveway entry to this property and shows unmanaged vegetation on the west side of the driveway. • All road reserves have been excluded without evidence of management. The decision maker should be satisfied that all road reserves will be maintained as low threat by the Shire in perpetuity. • There is a large area of pasture to the south (also within Plot 2). There is no evidence of an enforceable mechanism to ensure this area is managed to low threat in perpetuity. It is noted 	<p>Impact to BAL if vegetation cannot be excluded. Modification to the BMP is required.</p>



	<p>that classification of this area is for accuracy purposes only and would not impact the BAL rating.</p> <p>Alternatively, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p>	
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2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Location, and Siting & Design	<p>A1.1 & A2.1 – not demonstrated</p> <p>The BAL ratings cannot be validated for the reason outlined in the above table.</p>	Modification to the BMP required.
Water	<p>A4.2 – not demonstrated</p> <p>It is unclear if the current reticulation system would meet the Water Corporation's 'No. 63 Water Reticulation Standard'. The hydrant on Quadrant Parkway is 140 metres away from the proposed development.</p> <p>Additional information should be provided clarifying how compliance will be achieved.</p>	Modification to the BMP is required.

3. AS3959 construction standards including clause 3.2.3 adjacent structures

Issue	Assessment	Action
Building Construction Standards	<p>Class 9 buildings should be afforded significant protection from the impacts of a bushfire due to being occupied by people who may need assistance, or be unable, to evacuate the building in the event of a bushfire. In response, revised provisions in the National Construction Code will apply in May 2025.</p> <p>The proposed changes include but are not limited to; minimum separation between buildings, and separation from allotment boundaries, carparking areas and hazards. It is suggested the decision maker consider applying the proposed higher construction and design standards to the proposed development.</p> <p>Further information regarding the proposed changes can be found here: https://consultation.abcb.gov.au/engagement/ncc-2022-public-comment-draft/supporting_documents/NCC2022VolumeOnePCD.pdf</p>	Comment only.



4. Policy Measure 6.6.1 Vulnerable and High-Risk land uses

Issue	Assessment	Action
Bushfire Emergency Evacuation Plan (BEEP)	The referral has included a ' <i>Bushfire Emergency Evacuation Plan</i> ' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.4 ' <i>Developing a Bushfire Emergency Evacuation Plan</i> '. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire.	Comment only.

DFES Built Environment Branch Comment

As the proposed building is Class 9b, plans will need to be provided to DFES Built Environment Branch for assessment, as required by Regulation 18b of the Building Regulations 2012 (as amended). It is noted that as the drawings indicate this building will exceed 500m² total floor area, fire hydrant/hose coverage will need to be provided to this building. From the information available it does not appear that compliant hydrant coverage can be achieved from the existing street verge hydrants, therefore an on-site feed hydrant assembly meeting DFES Operational Requirements and AS2419 may be required.

Recommendation - compliance with acceptable solutions not demonstrated - modifications required

It is critical the bushfire management measures within the BMP are refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The proposed development has not demonstrated compliance to the following:

1. Element 1: Location,
2. Element 2: Siting and Design; and
3. Element 4: Water.

Officer Comment:

Supported. The Shire will recommend a condition of approval for the development to provide an amended Bushfire Management Plan in accordance with the Guidelines prior to the lodgement of a Building Permit.

Statutory Environment

Legislation

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



Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (LPS3)
- Shire of Serpentine Jarrahdale Local Planning Strategy
- Doley Road Precinct Local Structure Plan
- Beenyup Grove No 1 - Doley Road Precinct Local Development Plan

State Planning Policies

- State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)
- Planning Bulletin 72/2009 - Child Care Centres

Local Planning Policies

- Draft Local Planning Policy 1.4 - Advertising Development Applications (DLPP1.4)
- Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
- Local Planning Policy 4.11 - Advertising Policy (LPP4.11)
- Local Planning Policy 4.24 - Child Minding Centres (LPP4.24)

Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. An assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 5**.

Land Use

The subject site is zoned 'Urban Development' under Local Planning Scheme No. 3 (LPS3). The lot is subject to the Doley Road Precinct Local Structure Plan (LSP) which designates the site as 'Residential'. The LSP map has been overlaid over the site shown following:

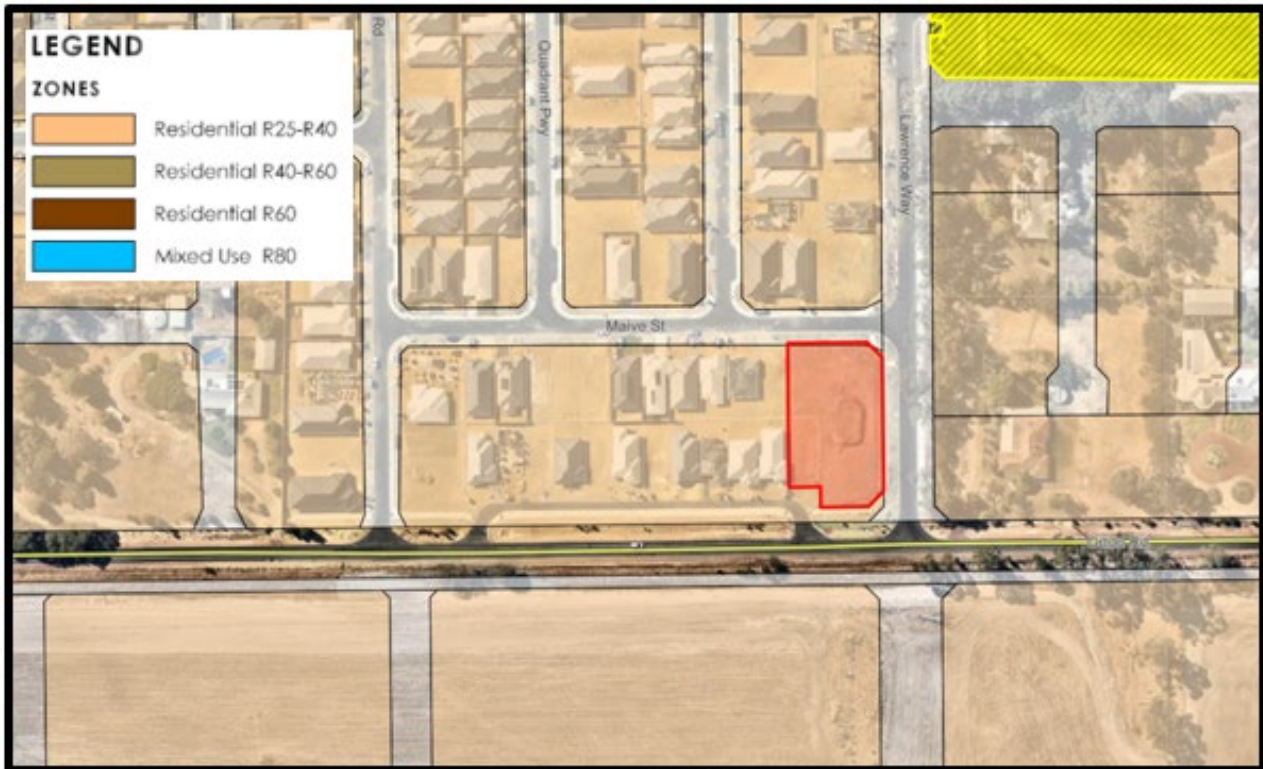


Figure 4 - LSP

A Child Care Premise is defined under LPS3 as follows:

“means premises where -

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

A Child Care Premises is an ‘A’ land use in both the ‘Urban Development’ zone and the ‘Residential’ zone, as designated under the LSP. This means that it is a land use that is not permitted unless the Local Government has exercised its discretion by granting development approval after advertising the application.

Local Planning Scheme No. 3 (LPS3)

LPS3 states the ‘Urban Development’ zone, amongst other things, is *“to provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.”* As previously stated, an LSP has been prepared for the area where the subject site is designated as ‘Residential’.

The objectives of the ‘Residential’ zone under LPS3 are as follows:

- “To provide for a range of housing and a choice of residential densities to meet the needs of the community now and into the future.*
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas which is appropriate to the climate.*
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.”*



The objectives support a range of non-residential uses where they are compatible with and complementary to residential development. The expectation is for development to be of a high-quality design, built form and provide developed and integrated streetscapes.

The proposed Child Care Premises is considered to meet the objectives as it provides a service to and is complimentary with the residential area. As it is located in close proximity to the Beenyup Primary School to the north, it provides the locality and immediate users the convenience of a Child Care Premise and a School. The proposed design is considered complementary to the future residential development of the area as the proposal features a pitched roof design and varied material facades. Parking is located to the rear of the site out of view from the road frontages. Landscaping is proposed as part of the development to soften and integrate the built form into the streetscape.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

The lot is designated as bushfire prone under the Department of Fire and Emergency Services (DFES) mapping and therefore requires consideration against SPP3.7. The applicant has submitted a Bushfire Management Plan (BMP) (**attachment 8**) demonstrating the development will be located in an area with a bushfire attack level (BAL) of BAL-12.5, consistent with SPP3.7.

The application is also required to be assessed against the Guidelines for Planning in Bushfire Prone Areas (Guidelines) as detailed following:

Bushfire Protection Criteria	Provided:	Compliant:
Element 1: Location	The proposed building within the subject site will be in an area subject to a BAL rating of \leq BAL-12.5	Yes
Element 2: Siting and design of development A2.1 Asset Protection Zone (APZ)	The proposed development area has been assessed to be within an area containing non-vegetated areas that will all continue to be maintained to the standard of a low threat state	Yes
Element 3: Vehicular access	The subject site is accessed via existing public roads, with access/egress point into subject site coming off Maive Street. An egress point to existing Cap road is also proposed. All of the surrounding roads are bitumen with estimated width of the sealed surface achieving a minimum width of \geq 6 m and therefore consider the existing road network would provide suitable access and egress for the community and emergency services personnel in the event of a bushfire.	Yes
Element 4: Water	Hydrants and the existing reticulated water supply present within the surrounding recently developed Beenyup Grove Estate	Yes



The proposal is considered a “Vulnerable” land use under SPP3.7 and the Guidelines, and therefore a Bushfire Emergency Evacuation Plan (BEEP) has also been prepared. This plan outlines procedures for both evacuation and shelter-in-place to enhance the protection of occupants from the threat of a bushfire. A condition is recommended for the BEEP to be implemented during at all times of operations.

Planning Bulletin 72/2009 - Child Care Centres

The bulletin provides guidance in relation to the location and development of Child Care Premises. It states that such premises are generally encouraged within residential areas and that the ever-increasing demand for child care centres and the strong focus on their appropriate distribution and location is closely linked to demographic change. The objectives of the policy are to:

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

The bulletin states that centres should be located to provide the maximum benefit to the community and should be within an easy walking distance and serviced by public transport. The subject proposal is considered to be located appropriately in a residential area and provides a suitable pedestrian movement network shown following:



Figure 5 - Pedestrian Network

The site is also in close proximity to a primary school which provides a complement of early learning land uses within proximity to one another.

In this regard, Officers are satisfied that that the proposal is compatible with the adjoining land uses. The site is located with the emerging area of Byford which is still undergoing urbanisation and there will be an expectance for the development to provide to the ongoing needs of the community.

Local Planning Policy 4.24 - Child Minding Centres (LPP4.24)

The development of Child Minding Centres is guided by LPP4.24 the objectives of which are as follows:

- *To provide guidance for the location of Child Minding Centres to best take advantage of the surrounding natural environment and provide a compatible setting with the locality.*
- *To ensure that amenity impacts, including noise and traffic, are managed appropriately.*
- *To promote a design of Child Minding Centres which reflect the rural and natural character of the Shire.*
- *To provide guidance for the consideration of convenient access and layout.*



LPP4.24 sets out acceptable and performance-based criteria for Child Minding Centres. Development that falls within 'acceptable' will generally be supported.

Where development is 'performance based' demonstration of its acceptability is required. An assessment against LPP4.24 is shown following:

Acceptable Development	Performance Based	Comments
Location		
<p>Child minding centres located within easy walking distance of activity centre or recreational nodes.</p> <p>Located within a walkable catchment for the local neighbourhood.</p> <p>Larger child minding centres being encouraged to locate near or within activity centres.</p>	<p>The chosen location is appropriate to the proposed scale of the child minding centre, and such location benefits from integration with the surrounding natural and built environment.</p>	<p>Acceptable - The proposal is located within a walkable catchment to the local neighbourhood and is easily accessible via Orton Road</p>
<p>The location is close to or adjoins public open space.</p>	<p>Located within a walkable distance to a public open space/recreational area with good quality pathways.</p>	<p>Acceptable - The proposal is located 240m away from public open space.</p>
<p>Child minding centres are adequately separated from any incompatible nearby uses, with this supported by a suitably qualified risk assessment forming part of an application. Such risk assessment is to consider elements such as dangerous goods, hazardous materials and public health considerations. Potentially incompatible uses (taking into account design and layout) may include, for example, outlets selling petroleum, fast-food, and alcohol or tobacco products.</p>	<p>Where child mining centres are located within 200m of any incompatible use, such proposal demonstrates that the potential for adverse health impacts is removed. Such demonstration to be in the form of a suitably qualified consultant study.</p>	<p>Acceptable - The proposal would be located within a residential area and not within 200m of incompatible land use.</p>
Parking		
<p>Parking meets the requirements of the Local Planning Scheme and demonstrates how this meets the operational aspects of the development.</p>	<p>Suitably demonstrates that there is sufficient parking onsite in the form of a traffic and parking assessment</p>	<p>Performance - The proposal results in a six bay shortfall - refer to Parking section of report</p>



Acceptable Development	Performance Based	Comments
Internal driveways having two-way movement.	Design and layout demonstrate safe movement of vehicles and pedestrians internally	Acceptable - Internal driveway is a two-way movement.
Landscaped parking areas in accordance with the Local Planning Scheme.	Parking areas incorporate layers of landscaping and Water Sensitive Urban Design	Acceptable - 1 in 4 bays are proposed to be landscaped and provide a suitable tree.
Parking areas located so as to provide a separation between surrounding dwellings and outdoor play spaces		Parking area is located to the west where there are existing residential structures. The Car park will act as a buffer to noise emitted from the childcare play centre.
Traffic		
Traffic generation poses an increase of no more than 10% of the current recorded daily volumes on the roads which the development adjoins. This is confirmed by a traffic impact statement (TIS).	Demonstrates that traffic impacts can be managed through the submission of a Traffic Management Plan. This demonstrates how traffic will be managed to not represent an adverse safety or amenity impact on the adjoining road environment.	Acceptable - A TIS has been provided that demonstrates that the childcare will not have an adverse impact on parking and traffic within the locality. It is not expected that during the establishment and peak hour movements that there will be any conflicts in the vehicle movements.
Development facilitates full movement access to and egress from the site.	Demonstrate that access and egress to the site will not result in unsafe manoeuvring due to the lack of full movement access.	Acceptable - There will be two access ways in and out of the site.
Infrastructure Requirements		
Designated pedestrian footpaths from the street to the centre and the car park to the centre.	Demonstrate that pedestrians can safely navigate to and around the site, with dedicated pathways.	Acceptable - A pedestrian network has been provided and shown within the report.
Car parking visible from the street to discourage verge parking.	Signage or other means to discourage verge or unsafe parking.	Acceptable - The car parking area is visible from the street.
Amenity		



Acceptable Development	Performance Based	Comments
<p>Outdoor play areas located in a safe place within the site, providing adequate shade, and separated from noise sensitive premises.</p> <p>Waste service areas appropriately screened from public areas. Setbacks to side and rear boundaries and the orientation of openings to indoor play areas located to minimise noise impacts. Acoustic impact assessment submitted demonstrates how noise will be managed, particularly from:</p> <ul style="list-style-type: none"> - Indoor and outdoor play areas. - Car parking areas and the impulsive noise that comes from car access (especially staff arriving before opening and departing after closure), opening and closing of car doors, arrangement of car parking bays (staff versus visitor). 	<p>Outdoor play areas are arranged to demonstrate such will not adversely impact sensitive receptors. This is confirmed by an acoustic impact assessment and subsequent noise management plan.</p> <p>Noise levels are demonstrated to be consistent with the level of amenity currently afforded to an area.</p>	<p>Acceptable - An area of 686m² has been proposed for outdoor play within an area enclosed safely. No shade structures are detailed within the application however these can be shown as part of the Landscaping Plan recommended as a condition.</p> <p>Acceptable - A screened bin storage area has been proposed within the car parking area.</p> <p>Acceptable - An Acoustic Assessment has been provided to the satisfaction of Officers as discussed in further detail later in the report</p>
<p>Hours of operation 7:00am to 7:00pm Monday to Friday.</p>	<p>Demonstrate that operation hours outside of these times would not impact amenity of the area through an acoustic impact assessment and subsequent noise management plan.</p>	<p>Performance - The proposed hours of operation are 6.30am to 6.30pm from Monday to Friday. However, the play area will not be used until after 7.00am to ensure compliance with the Noise Regulations. This is discussed further later in the report.</p>
<p>Child minding centres are not subject to unacceptable noise that could impact the health and wellbeing of children.</p>	<p>An acoustic impact assessment and subsequent noise management plan demonstrate that noise external to the site would not adversely impact on the wellbeing of children</p>	<p>Acceptable - The proposal is located in a residential area and there are no noise generating land uses in close proximity.</p>



Acceptable Development	Performance Based	Comments
<p>Sites in residential areas greater than 1000m² in areas.</p>	<p>Demonstrate that sites in residential areas will be able to accommodate all activities (including parking and play areas) required on the site.</p>	<p>Acceptable - The proposed site is over 1000m² in size and accommodates all services including parking and play areas.</p>
Landscaping		
<p>On site landscaping and landscape of all adjoining verge areas, in accordance with the Scheme, to provide an attractive setting and contribute to the streetscape</p>	<p>A reduction in the on-site landscaping requirement is associated with additional verge landscaping.</p>	<p>Acceptable - A Landscaping Plan (attachment 9) has been submitted as part of the application. The area of Landscaping is considered sufficient however a condition requiring an updated landscaping plan is recommended to include appropriate implementation and management measures to ensure its success.</p>
Design		
<p>Development has the appearance of natural materials i.e. recycled clay face brick, vertical and horizontal patterns of timber cladding, rammed earth construction, earth block features, natural stone elements for columns, sheltering gable roof.</p> <p>Measures should be taken to ensure that play areas are large enough and of such dimensions to be useful as play areas and positive outdoor space. Side setback and leftover building areas are not included for such purpose.</p>	<p>Demonstrate that the development includes natural features to elevate the rural and natural character of the Shire.</p> <p>Demonstrate that the proposal is in keeping with the surrounding built and natural environment.</p> <p>Development in residential areas mimics residential urban patterns (front yard, central placed building, driveway to one size and rear backyard).</p>	<p>Acceptable - The proposal utilises vertical cladding, masonry fencing, and gable pitched roofing to provide a look which matches the existing/future built environment of the residential area.</p> <p>Acceptable - Play space is provided to a total area of 682m² in size which comprises of the entire western portion of the site, with adequate dimensions to be functional.</p>

As demonstrated in the assessment above, the application achieves 'acceptable development' in all areas of LPP4.24 except for hours of operation and car parking provision. It is considered however, that these elements have been appropriately addressed and are discussed further under the Noise and Car Parking sections of the report.



Local Planning Policy 1.6 - Public Art

LPP1.6 provides the requirements for any major development over a \$1 million threshold to contribute to public art. The proposed development is estimated to be \$2.05 million 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 the applicant to provide art is to be made in accordance with LPP1.6. A condition is recommended in this regard.

Form of Development and Amenity

Noise:

The applicant submitted an Environmental Noise Assessment (ENA) (**attachment 7**) as part of the development application to demonstrate that the activities associated with the proposal comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). In terms of the noise generating activities, the submitted ENA identifies the outdoor play area, mechanical plant (air conditioning units) and car doors opening/closing. The ENA assesses these activities against the assigned levels of the Regulations at the nearby sensitive receptors shown following:

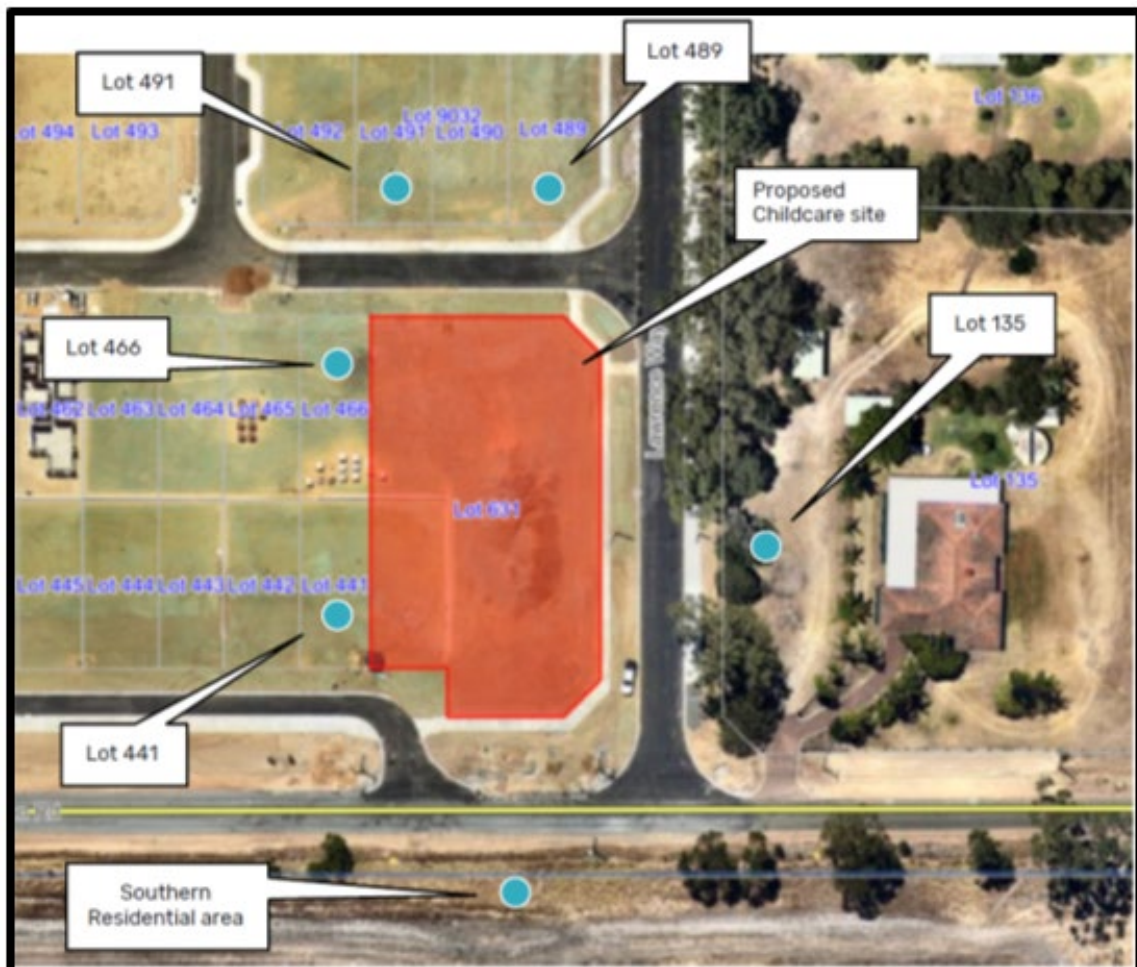


Figure 6 - Sensitive Receptors to the development

It is expected that the sound of the vehicle doors closing would be perceived as impulsive at the nearest neighbours and so would attract a 10 dB adjustment.



Likewise, the sound of the mechanical services plant could be perceived as tonal and would attract a 5 dB adjustment during potentially quiet, prior to 7:00am.

These criteria applicable to the dominant noises as follows:

- child noise (daytime LA10 assigned level 45 dB),
- mechanical services noise (night-time LA10 assigned level of 35 dB) and
- carpark activity such as vehicle door closing (night-time L_{Amax} assigned level of 55 dB).

The tables below show the results of the ENA for each noise source at each of the sensitive premises:

Receiver						
	Lot 441	Lot 466	Lot 489	Lot 491	Eastern Lots	Southern Lot
Noise Source	Grnd Fl	Grnd Fl	Grnd Fl	Grnd Fl	Grnd Fl	Grnd Fl
Child noise	36	40	45	45	45	41
Mechanical noise*	24	16	12	13	23	34
Overall	36	40	45	45	45	41
Assigned Level	45	45	45	45	45	45
Compliance	Achieved	Achieved	Achieved	Achieved	Achieved	Achieved

Note * Tonality adjustment applied

Figure 7 - Day time Noise Emissions - Outdoor Play and Mechanical Plant

Receiver						
	Lot 441	Lot 466	Lot 489	Lot 491	Eastern Lots	Southern Lot
Noise Source	Grnd Fl	Grnd Fl	Grnd Fl	Grnd Fl	Grnd Fl	Grnd Fl
AC1*	19	11	7	9	18	29
AC2*	20	11	7	8	18	30
AC3*	19	11	7	8	18	30
Overall*	24	16	12	13	23	34
Assigned Level	35	35	35	35	35	35
Compliance	Achieved	Achieved	Achieved	Achieved	Achieved	Achieved

Note * Tonality adjustment applied

Figure 8 - Night-time air conditioner (AC 1-3)



Noise Source	Receiver					
	Lot 441 Grnd Fl	Lot 466 Grnd Fl	Lot 489 Grnd Fl	Lot 491 Grnd Fl	Eastern Lots Grnd Fl	Southern Lot Grnd Fl
Car 4**	48	51	50	57	35	44
Car 5**	49	52	48	56	32	44
Car 6**	49	53	48	55	32	44
Car 7**	50	53	46	55	32	44
Car 10**	51	52	45	53	30	45
Car 14**	52	50	39	52	30	47
Car 15**	52	49	37	51	30	48
Car 17**	52	47	36	51	30	48
Car 18**	52	48	36	50	30	49
Car 19**	52	47	34	50	30	49
Car 20**	52	47	33	50	30	50
Assigned Level	55	55	55	55	55	55
Compliance	Achieved	Achieved	Achieved	No	Achieved	Achieved

Note * Tonality adjustment applied
** Impulsive adjustment applied

Figure 9 - Car door noise emissions prior to 7:00am

The report identifies that noise emissions received at the sensitive receptors to the north, west and east of the site comply with the assigned levels under the Regulations except for noise from car doors which would result in exceedances at Lot 491 during the night-time period (prior to 7:00am), when cars utilise the northern side of the car park.

Appendix A of the ENA includes a Noise Management Plan (NMP) which sets out management measures to further reduce noise resulting in compliance. This includes no parking in the bays causing exceedances prior to 7:00am. These bays are shown following:

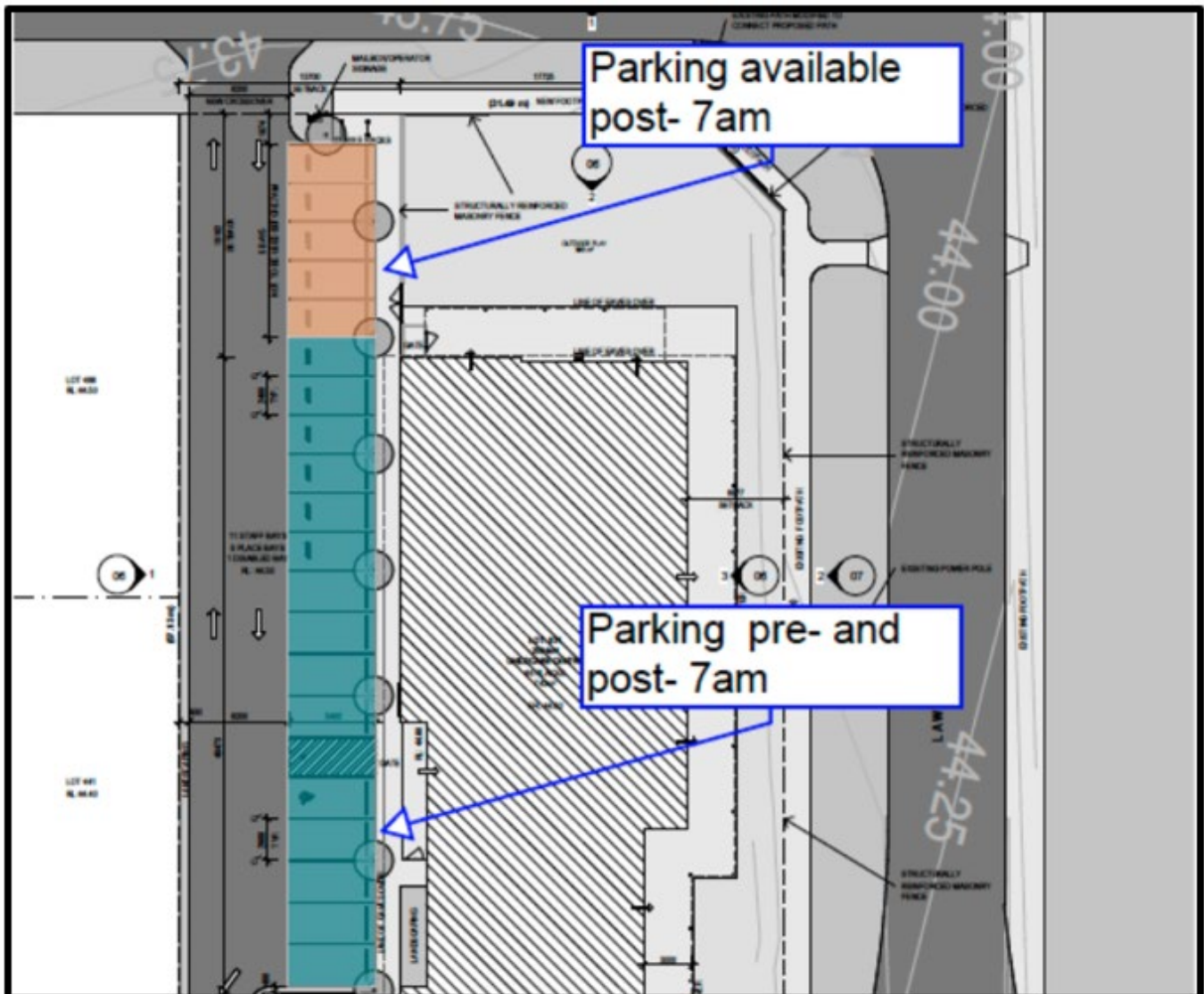


Figure 10 - Parking Plan

The NMP also recommends the following:

- construction of noise barriers along the boundaries of the site varying between 1.8m and 2.4m high;
- The collection of refuse between the hours of 7:00am - 7:00pm Monday to Saturday;
- Children not permitted in the outdoor play areas prior to 7:00am;
- Particularly noisy activities i.e. musical instruments to be conducted indoors with windows closed;
- Complaints procedure; and
- A review of plant noise after selection and locations have been finalised.

The NMP concludes that subject to these measures, the operations would comply with the Noise Regulations. Based on this, it is considered that the proposal would not adversely impact on the amenity of surrounding residents subject to adherence to the measures in the NMP. A condition is recommended in this regard.

*Form of Development and Visual Amenity:*

The subject site falls within the Beenyup Grove Local Development Plan (LDP). The LDP sets out the relevant provisions for development of land within the area. The proposal is designated as “Residential - R60” under the LDP. Whilst the development does not propose residential development, the provisions are considered relevant to ensure the built form is consistent with the aspirations of the LDP area. An assessment against the LDP provisions is contained within the table following:

Requirement:	Proposed:	Compliant:
Street Setback		
2m to Primary Street 1m to Secondary Streets	6m to Lawrence Way 15m to Maive Street 1.5m to Orton Road	Yes
Boundary Setback Requirements		
Boundary walls permitted to both side setbacks	No walls are proposed on the adjoining boundaries	Yes
Open Space Requirements		
Minimum - 30% open space	Approximately 58% provided	Yes
Landscaping		
Front Setback - 40% landscaped	100% of 2m setback area is landscaped	Yes

The proposal is compliant with the requirements of the LDP, conditions are recommended to require landscaping to be provided in accordance with an approved plan prior to the submission of a Building Permit.

The proposed building is of simple form with a pitched roof. It would be of brick and rendered construction with the use of cladding in tones of grey. The elevations are shown following:



Figure 11 - Elevations

It is considered that the scale, form and external appearance of the building is reflective of the residential character, whilst also respecting the rural themes across the Shire.

The boundary treatment consists of a range of materials including masonry walls, colorbond fencing and railings. It is noted however that the ENA, as discussed earlier, recommends a solid 2.2m high barrier along Lawrence Way and 2.4m high barrier along Maive Street. Generally, in a residential area there would be an expectation for solid boundary treatment with a height of approximately 1.8m.

It is considered that such barriers can be designed to attenuate noise without adversely impacting on visual amenity. As part of the provision of public art, the applicant would be encouraged to place this on the Lawrence Way acoustic barrier to break up the appearance of a solid blank wall. Furthermore, landscaping on the verge would also help to soften the appearance of such a barrier.

**Signage:**

Local Planning Policy 4.11 - Advertising (LPP4.11) provides development standards for signage. The policy aims to ensure that the siting, design and general appearance of 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:

- One x (4m x 0.9m) wall sign located on Maive Street; and
- Five x (3.5m x 0.9m) boundary fence signs
 - o One towards Maive Street.
 - o Two towards Lawrence Way.
 - o Two towards Orton Road.

The image below showcases the signage as shown from the corner of Maive Street and Lawrence Way.



Figure 12 - Perspective of Signage

An assessment of the signage against LPP4.11 is shown in the table following:

Requirements	Provided	Compliant
Wall Sign		
A wall sign is to only to display the name, logo, or slogan of the business premises to which the sign is applied.	The operator's name is displayed as "Buttercups"	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.	The sign is 3.7m ² in size. 4.6m above the ground.	Yes
Must not project more than 300mm from the wall and/or fascia to which it is affixed.	The sign is proposed to be flush to the wall.	Yes



Requirements	Provided	Compliant
Must not project beyond the edges of a wall and/or fascia.	The sign does not extend above the wall.	Yes
Boundary Fence Sign		
A boundary fence sign is not to be affixed to a fence unless the fence is constructed to withstand the consequent wind or other loads.	The fence is constructed of masonry material and is capable of withstanding the load.	Yes
Is a single faced sign.	All signs are single faced	Yes
The maximum sign face area is 36m ² .	All signs are a total of 15.75m ² in size	Yes

The signage is consistent with LPP4.11 and a condition is recommended for all signage to be installed and maintained in accordance with the approved plans.

Car parking, Access and Traffic

Section 4.3 of LPS3 sets out parking requirements for different land uses. Parking provision is assessed in the table following:

Land Use	Parking Requirement	Required Bays	Parking Provided
Child Care Premise	1 bay per 10 children and 1 bay per employee with a minimum of 3 spaces	96 Children = 9.6 Bays 16 Staff = 16 Bays	20 bays
Total Requirements		26 Bays	
Total Shortfall			6 bays short fall

The application results in a parking shortfall of six bays. The submitted Traffic Impact Statement (TIS) (**attachment 6**) provides a justification for this shortfall and aims to demonstrate how onsite parking bays can appropriately accommodate the vehicles generated by the proposal.

The TIS uses modelling to estimate the demand for parking for pick up/drop offs. The number of vehicles during each peak period would be approximately 39 vehicles per hour (vph) (20 in and 19 out) and the duration of their stay would be for a maximum of seven minutes. The modelling uses a probability analysis which identifies that in any 7-minute period, the 95th percentile number of pickups/drop offs would result in eight vehicles or less being in the car park. Outside of peak hours the demand for parking would be less. The analysis is shown following:

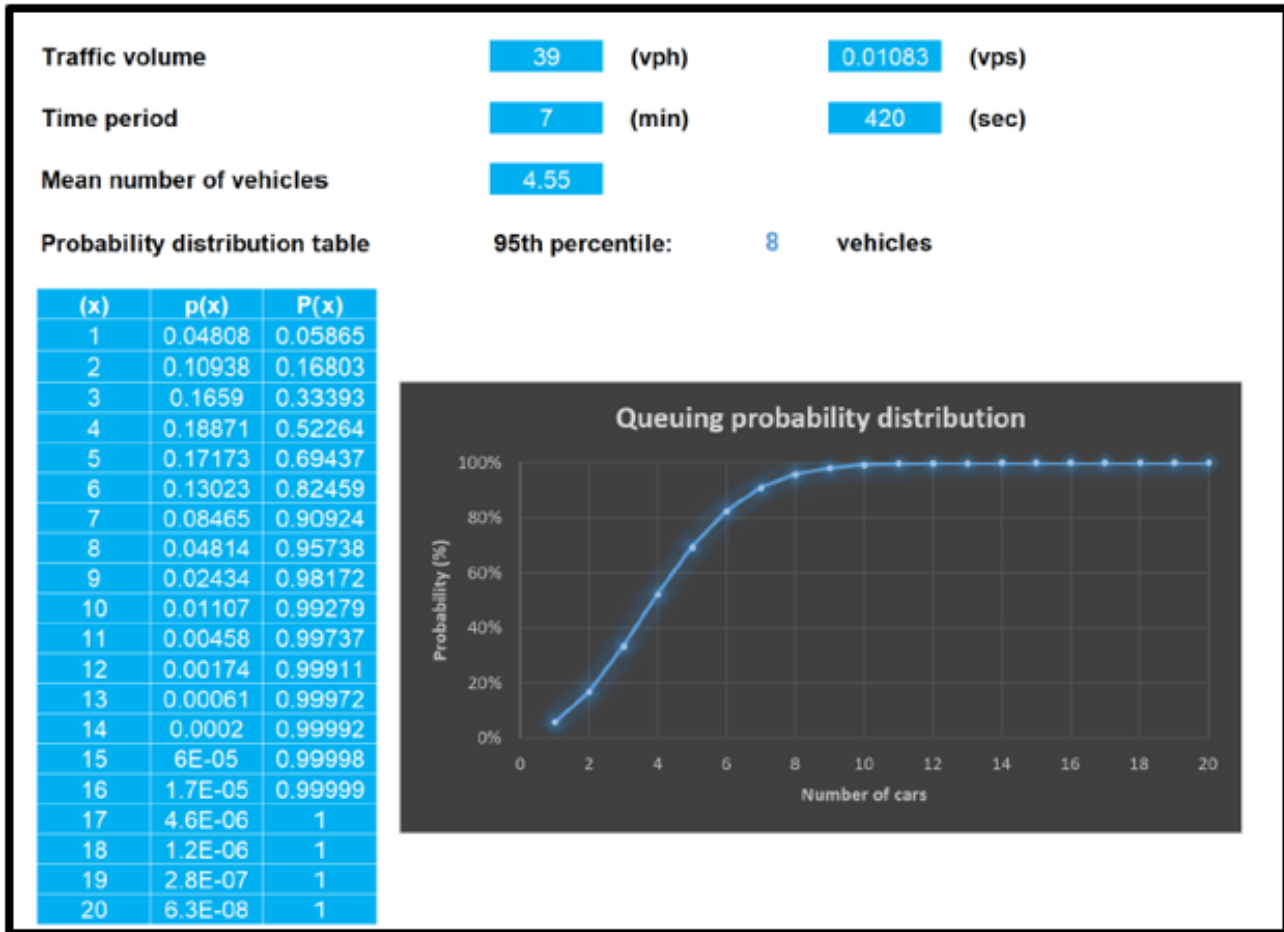


Figure 13 - Probability Analysis for child drop off and pickup

The TIS makes the following recommendations based on the parking analysis:

- “Maximum 12 car bays reserved for staff onsite.
- Minimum 8 visitor car parking bays reserved for pick-up and drop-off onsite.

It is recommended that the onsite visitor car parking bays have time restriction signage installed “P5min” parking (5 minutes) applicable Monday to Friday between 6:30am to 9:30am and 3:00pm to 6:00pm.”

With regard to the five bays that would not be utilised prior to 7:00am, as required by the ENA, these bays will be designated for staff bays only. The number of staff during the day will vary as not all staff will be on site at all times. Staff arriving prior to 7:00am will not be permitted to use the bays identified as resulting in noise exceedances.

It is considered that based on the TIS, parking is capable of being managed appropriately. It is however recommended that a condition is imposed to require a Parking Management Plan prior to operation of the development. The Parking Management Plan will set out the details recommended in the TIS, car park signage, as well as the management measures for staff parking, particularly prior to 7:00am.

Access:

Vehicle access is proposed to be via one full-movement crossover on Maive Street and one exit only crossover on the Cap road running parallel with Orton Road.



It is worth noting that Orton Road is expected to be upgraded in the future in this location to include a single lane each way separated by a central median with a cycle path, street parking, and a pedestrian footpath within the verge. This is consistent with the existing planned upgrades on Orton Road which will eventually be replicated from Hopkinson Road to South Western Highway. A cross section of the proposed Orton Road is shown following:

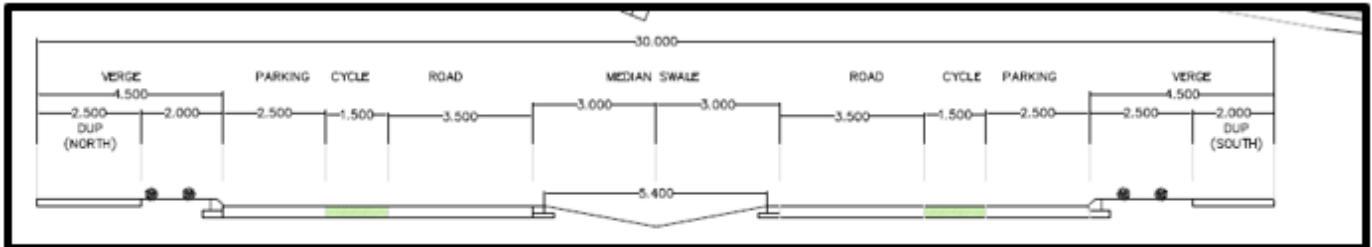


Figure 14 - Orton Road Cross Section

In addition, the intersection of Orton Road and Lawrence Way will be ultimately upgraded with a roundabout, however the design has not yet been finalised. The TIS shows how the access arrangement will work now and subsequent to the upgrades as shown following:

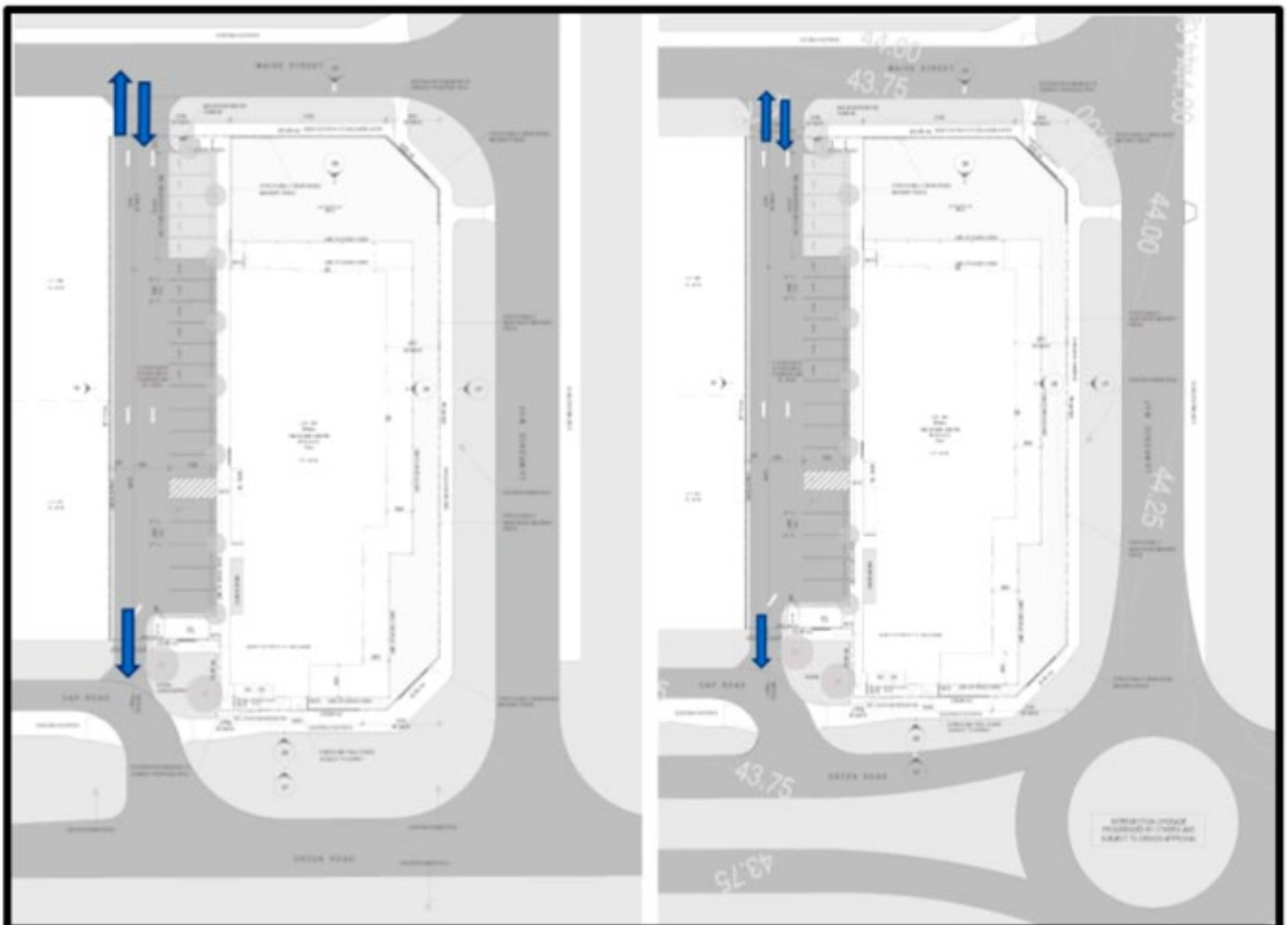


Figure 15 - Initial Access vs Final Access Arrangements



The proposed access is considered safe and efficient, the proposed exit onto the Cap road will not cause any undue stress on the local roadway and the addition of the future roundabout at the intersection of Orton Road and Maive Street will ensure optimal traffic flow for vehicles travelling in an easterly and westerly direction upon exiting the site. A condition is recommended for all crossovers to be constructed to the satisfaction of the Shire.

Traffic:

The TIS identifies that the category of vehicles associated with the proposed development will predominantly comprise of small passenger vehicles dropping off and picking up children, as well as similar staff and waste vehicles.

The TIS identifies that the AM and PM peak periods for the early learning centre is between 7:00am to 10:00am and 3:00pm to 6:00pm, respectively. The proposal is estimated to generate 384 vehicles per day (vpd) with 78 vph generated during the AM and PM peaks (in and out).

Land use	Quantity	Daily Trips	AM Trips	PM Trips	AM Peak Trips		PM Peak Trips	
					IN	OUT	IN	OUT
Child Care	96	384	78	78	39	39	39	39
Total		384	78	78	39	39	39	39

The WAPC’s Transport Impact Assessment Guidelines for Developments provides that “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 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.”

Maive Street and the Cap road are classified as Access Roads under the Main Roads Western Australia (MRWA) road hierarchy, being assigned a speed limit of 50 km/h. Access Roads have a maximum desirable volume of 3,000 vpd. Orton Road is classified as a Local Distributor with a maximum desirable volume of 6,000 vpd, accommodating a speed 50km/h within the built-up area. Based on the development generating 78vph in peak period, the proposal would not result in an increase of more than 10% of the roads capacity and as such the local road network is considered capable of accommodating the traffic generated by the development.

Waste

The application provides a bin store for the storage of waste from the site, located towards the southern side of the rear car park and is proposed to be screened from view.

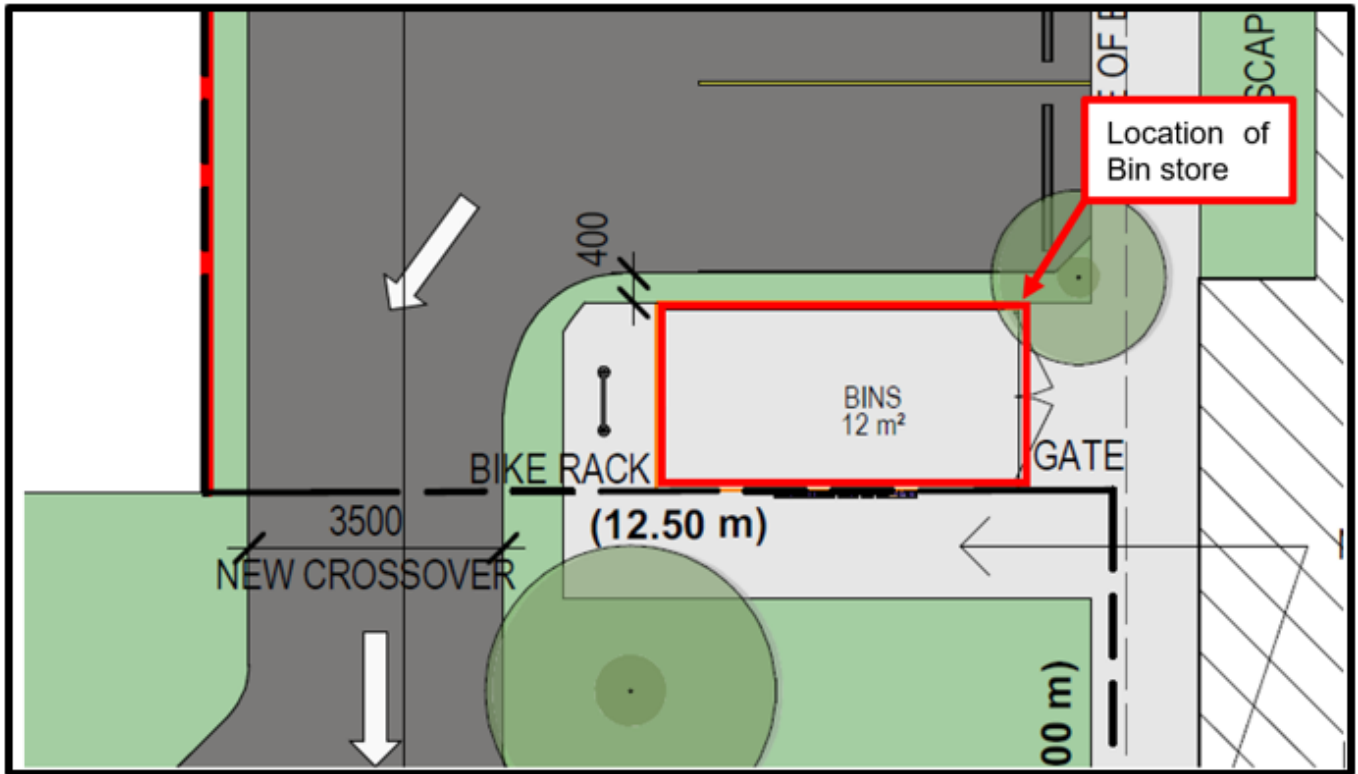


Figure 16 - Location of Bin Store

Currently there are no details provided regarding the waste capacity of the site or details of collection. In particular, to demonstrate that waste is collected outside of peak hours and during the times recommended in the NMP it is recommended that a Waste Management Plan (WMP) is submitted prior to occupation of the development. A condition is proposed in this regard.

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 Child Care Premises at Lot 631, 108 Lawrence Way, Byford as contained within **attachment 10** subject to the following conditions:
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except were amended by other conditions of this consent.

Plans and Specification	Development Plans dated 22 February 2024 Transport Impact Statement dated March 2024 Environmental Acoustic Assessment dated 13 March 2024 Bushfire Management Plan dated 14 March 2024 Bushfire Emergency Evacuation Plan dated 14 March 2024 Landscaping Plan dated 29 February 2024
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- b. Prior to the lodgement of a Building Permit, a Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. Once approved, stormwater must be managed in accordance with the approved plan.
- c. Prior to the lodgement of a Building Permit, detailed civil drawings showing pedestrian infrastructure are to be submitted to and approved by the Shire of Serpentine Jarrahdale. The plans shall detail pedestrian infrastructure linking to the existing footpaths. The works associated with the pedestrian infrastructure are to be completed prior to occupation of the development.
- d. The vehicle parking areas, accessways, internal roads and crossovers 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;
 - iv. Sign and line marking plan to be submitted to ensure traffic does not enter via Orton Road/Cap road;
 - v. Plans to be updated to show both crossovers not encroaching into neighbouring verge areas;
 - vi. Signage to be provided showing onsite visitor bays to be Parking (five minutes), applicable Monday to Friday between 6:30am to 9:30am and 3:00pm to 6:00pm to enable reasonable visitor car bay turnover.

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

- e. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the plan.
- f. Prior to lodgement of a Building Permit, plans showing per cent for art shall be submitted to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Once approved, art is to be established prior to occupation of the development.
- 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 the lodgement of a Building Permit, an updated 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 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.

- j. Prior to the issue of a Building Permit, a revised Bushfire Management Plan is to be prepared and submitted in accordance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas, AS3959:2018 and the Guidelines to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved the Bushfire Management Plan and Bushfire Emergency Evacuation Plan are to be adhered to at all times.
- k. Prior to occupation of the development, the measures contained within the Noise Management Plan must be implemented to mitigate noise emissions to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to occupation of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development must be in accordance with the approved Waste Management Plan.
- m. Prior to occupation of the development, a Traffic and Parking Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Traffic and Parking Management Plan shall include all recommendations of the Traffic Impact Statement and management measures for staff parking, with particular reference to prior to 7:00am. Once approved, the Traffic and Parking Management shall be adhered to at all times.
- n. All loading and unloading associated with the development must be undertaken within the subject property boundaries.
- o. Operating hours are to be restricted to a drop off time of no earlier than 6:30am and a pickup time of no later than 6:30pm Monday to Friday.
- p. The maximum number of children placed on the premises at any one time shall not exceed 96.

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 Child Care Premise at Lot 631, 108 Lawrence Way, Byford due to insufficient car parking being provided, that may cause external road impacts which adversely affects the amenity of the area.

Option 1 is recommended.



Conclusion

The application seeks approval for a Child Care Premises accommodating up to 96 children. Officers consider that the development is generally consistent with the planning framework, and subject to conditions, recommends that the MODAP approve the application.

Attachments

- **10.1.4 - attachment 1** - Responsibility Authority Report (E24/6732)
- **10.1.4 - attachment 2** - Development Plans (E24/6733)
- **10.1.4 - attachment 3** - Applicant's planning report (E24/6734)
- **10.1.4 - attachment 4** - Summary of Submissions (E24/6736)
- **10.1.4 - attachment 5** - Clause 67 Assessment (E24/6737)
- **10.1.4 - attachment 6** – Transport Impact Statement (E24/6739)
- **10.1.4 - attachment 7** – Environmental Noise Assessment (E24/6740)
- **10.1.4 - attachment 8** - Bushfire Management Plan and Evacuation Plan (E24/6742)
- **10.1.4 - attachment 9** - Landscaping Plan (E24/6743)
- **10.1.4 - attachment 10** - Combined Documents for Determination (E24/6744)

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

OCM152/06/24

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 Child Care Premises at Lot 631, 108 Lawrence Way, Byford as contained within attachment 10 subject to the following conditions:**
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**Landscaping Plan dated 29 February 2024**

- b. Prior to the lodgement of a Building Permit, a Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. Once approved, stormwater must be managed in accordance with the approved plan.
- c. Prior to the lodgement of a Building Permit, detailed civil drawings showing pedestrian infrastructure are to be submitted to and approved by the Shire of Serpentine Jarrahdale. The plans shall detail pedestrian infrastructure linking to the existing footpaths. The works associated with the pedestrian infrastructure are to be completed prior to occupation of the development.
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- i. Be designed in accordance with the relevant Australian/New Zealand Standard;
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- f. Prior to lodgement of a Building Permit, plans showing per cent for art shall be submitted to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Once approved, art is to be established prior to occupation of the development.
- 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 the lodgement of a Building Permit, an updated 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 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.

- j. Prior to the issue of a Building Permit, a revised Bushfire Management Plan is to be prepared and submitted in accordance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas, AS3959:2018 and the Guidelines to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved the Bushfire Management Plan and Bushfire Emergency Evacuation Plan are to be adhered to at all times.**
- k. Prior to occupation of the development, the measures contained within the Noise Management Plan must be implemented to mitigate noise emissions to the satisfaction of the Shire of Serpentine Jarrahdale.**
- l. Prior to occupation of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development must be in accordance with the approved Waste Management Plan.**
- m. Prior to occupation of the development, a Traffic and Parking Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Traffic and Parking Management Plan shall include all recommendations of the Traffic Impact Statement and management measures for staff parking, with particular reference to prior to 7:00am. Once approved, the Traffic and Parking Management shall be adhered to at all times.**
- n. All loading and unloading associated with the development must be undertaken within the subject property boundaries.**
- o. Operating hours are to be restricted to a drop off time of no earlier than 6:30am and a pickup time of no later than 6:30pm Monday to Friday.**
- p. The maximum number of children placed on the premises at any one time shall not exceed 96.**

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.1.5 - Council Consideration for Community Consultation - Draft Updated Climate Change Strategy and Action Plan (SJ1130)	
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 consideration to endorse, for community consultation, the draft updated Climate Change Strategy and Action Plan (**attachment 1**), and its technical appendices (**attachment 2**). If endorsed for community consultation, it is proposed this be for six weeks and include a range of engagement measures, including an on-line survey, a 'Your Say SJ' page and written feedback. Comments and feedback received will then be presented to Council, along with any recommended changes to the draft updated Strategy and Action Plan, for consideration for final endorsement.

Climate change is a key issue that impacts almost all aspects of the Shire's operations and responsibilities. The Australian Federal Government has committed to a target of net zero greenhouse gas emissions by 2050, which will see all levels of government needing to plan for this well in advance, and also assist its community with its own mitigation and adaptation activities.

The draft updated Strategy and Action Plan represents a proposed response to how the Shire, its stakeholders, and the community, can partner together in pursuing the range of measures focused on climate change mitigation and adaptation. It is recommended it be endorsed for the purposes of community consultation.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting - 20 June 2022 - OCM136/06/22 - COUNCIL RESOLUTION – extract</i></p> <p><i>That Council:</i></p> <p><i>1. RESOLVES to become a signatory to the WA Local Government Association (WALGA) Climate Change Declaration and ENDORSES the following as the Shire's Climate Change Declaration:</i></p> <p><i>The Shire of Serpentine Jarrahdale commits from date of signing to:</i></p> <ul style="list-style-type: none"> <i>• Continue to implement and report against the Shire's 2015 Climate Change Strategy and Local Action Plan.</i> <i>• In conjunction with the community, develop an updated Climate Change Strategy and Local Action Plan within two years of this declaration.</i>



Ordinary Council Meeting - 11 May 2015 - OCM067/05/15 - COUNCIL RESOLUTION / Officer Recommendation:

That Council ENDORSE the Draft Climate Change Strategy and Local Action Plan.

Ordinary Council Meeting - 24 January 2011 - SD071/01/11

Council supported a Shire of Serpentine Jarrahdale Climate Change Position Statement which had been drafted with assistance from the Western Australian Local Government Association with an expectation that a further strategy and local action plan would follow.

Background

The changing climate has a range of social, economic, and legal implications for local government and the community. The Shire of Serpentine Jarrahdale is already experiencing the effects of the changing climate, including higher temperatures, more heat waves, reduced rainfall, more frequent and intense heavy rainfall events, increased fire danger, and changes to biodiversity.

The Shire has a central local role in responding to the changing climate, given its responsibilities including land use planning, emergency management, ownership of public infrastructure, asset management and delivery of community services.

In January 2011, Council supported a Shire of Serpentine Jarrahdale Climate Change Position Statement which had been drafted with assistance from the Western Australian Local Government Association, with an expectation that a further strategy and local action plan would follow. This is provided as **attachment 3**.

In May 2015, Council adopted a Draft Climate Change Strategy and Local Action Plan. This is provided as **attachment 4**.

In June 2022, Council requested the Chief Executive Officer to develop an updated Climate Change Strategy and Local Action Plan. This resolution formed part of the commitments detailed in the Climate Change Declaration (**attachment 5**) endorsed by Council, and signed in March 2023.

A draft updated Climate Change Strategy and Action Plan (**attachment 1**) has been developed, along with technical appendices (**attachment 2**). Council is requested to endorse the draft for the purposes of community consultation.

Community / Stakeholder Consultation

A community consultation program has been developed, which will include an online survey (**attachment 6**) and the option to submit written feedback.

Statutory Environment

Under the *Local Government Act 1995*, local governments have the general power to provide for the good governance of people in their district. Although no specific mention of the term 'climate change', Clause 1.3(3) of the Act states:

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.



This is a similar definition to sustainable development, and could be considered to influence the shaping of functions that (inter alia) lessen the impact of climate change on both current and future generations.

Comment

Climate change is an important issue for the Shire that impacts most aspects of the Shire's operations and responsibilities. In 2011, Council supported an initial position statement in respect of the Shire's commitment to addressing climate change. This position statement had the following policy objective:

To ensure that Serpentine Jarrahdale Shire Council understands and addresses climate change impacts in a local, regional and international context, evaluates the climate change implications of operational decisions and policy positions, and is committed to greenhouse emissions reductions and risk management through appropriate mitigation and adaptation strategies.

The position statement then set out a pathway forward, leading to the development of the draft strategy and action plan in 2015.

This 2015 strategy and action plan has shaped the functions of the Shire in respect of climate change mitigation and adaptation. 20 actions were identified, which provided the broad framework to the organisation's ongoing response to climate change.

The Shire's State of the Environment Report 2019 discusses climate change as one of the fundamental pressures that affect the natural and human environment:

“Anthropogenic climate change (the enhanced greenhouse effect) is predicted to result in warmer, drier conditions across the south-west of Western Australia. The expected changes will be a significant stress on the atmosphere; affect the ability of the land to support native vegetation and productive agriculture; have significant impacts on surface and groundwater availability and quality; place extreme pressure on ecosystems that are already under threat from many other factors; and impact on the population and urban expansion. Predicted human health impacts include increased heat stress related deaths, failure of public transport and electricity grids, and increased respiratory illness and disease during heatwaves and bushfires. Climate change will significantly affect hydrology and bushfire risk, which in turn will affect many of the themes of this report.”

Climate change is a global threat, and Australia has committed to being part of the solution. The Australian Federal Government has committed to a target of net zero greenhouse gas emissions by 2050, which can only be achieved through engagement at all levels of government.

Based on forecasting from the Intergovernmental Panel on Climate Change, projected changes to the local climate of the southwest region of Western Australia, include:

- Further increase in temperatures, with more extremely hot days and fewer extremely cool days;
- More heat waves that will be longer and hotter;
- A decrease in cool-season rainfall;
- More frequent, longer and more intense droughts;
- More intense heavy rainfall, particularly for short-duration extreme rainfall events (storms);
- An increase in the number of high fire weather danger days and a longer fire season;
- Changes to biodiversity including increased species extinction.



These changes are likely to pose risks to the safety and wellbeing of the community, the natural and built environment and impact the liveability and amenity of the Shire. The Shire's planning and adapting to these changes, is a key opportunity captured within the draft updated Strategy and Action Plan.

The first step in planning and adapting to the changing climate and the risks it poses is to update the Climate Change Strategy and Local Action Plan. Climate science and the technology to address its risks have moved since 2015, and the Australian Federal Government has committed to a target of net zero greenhouse gas emissions by 2050, which will only be achievable through engagement at all levels of government. It is likely that, in order to achieve this target, requirements will be set for all levels of government to achieve, placing the Shire in a unique position to be continuing its transition towards carbon reduction, both for the organisation itself and in partnering with the community to help its own transition process.

Release of the draft updated Climate Change Strategy and Action Plan for community consultation will give the community an opportunity to express their opinions on the priorities in respect of climate change adaptation and mitigation, and ensure that the updated strategy reflects the community's concerns and priorities. It will be an opportunity to ensure the community help shape the final action plan, so that resources can be directed to the areas that will create the greatest benefit, at the lowest cost / complexity possible.

Officers also note that the Switch Your Thinking partnership has aided in the creation of the Draft Strategy and Action Plan. Their input has been valuable in identifying the range of options available to create measurable positive impact, and how best to pursue these. Their input has also directly focussed on the importance of grants that are aligned with actions, to give the Shire the best opportunity to access these into the future.

Ongoing monitoring

As with any Strategy, the range of actions deal with a variety of sections and functions of the organisation, and also outreach into the community. In order to effectively monitor progress towards the updated draft Strategy and Action Plan, Officers consider that there is an important role that Switch Your Thinking can play in this regard. By having Switch Your Thinking assisting Officers in the ongoing monitoring, reporting and review, there is opportunity for transfer of knowledge also to line managers in their options to best address actions.

Options

Option 1

That Council:

1. RESOLVES to release the draft updated Climate Change Strategy and Action Plan for public comment for a period of six weeks.
2. NOTES that the draft updated Climate Change Strategy and Action Plan will form the basis of pursuing grant opportunities that are available to help fund both mitigation and adaptation actions.
3. REQUESTS that, following the public comment period, the revised Climate Change Strategy and Action Plan be presented back to Council (inclusive of recommended changes emanating from community consultation) for endorsement.



Option 2

That Council does not release the draft updated Climate Change Strategy and Action Plan for public comment.

Option 1 is recommended.

Conclusion

Climate change is a key issue that impacts almost all aspects of the Shire’s operations and responsibilities. The Australian Federal Government has committed to a target of net zero greenhouse gas emissions by 2050, which can only be achieved through engagement at all levels of government. Release of the draft updated Climate Change Strategy and Action Plan for public comment will give the community an opportunity to express their opinions on the priorities in respect of climate change adaptation and mitigation, and ensure that the updated strategy reflects the community’s concerns and priorities.

Officers recommend that Council accepts the draft Strategy and Action Plan as being suitable for the purposes of community engagement.

Attachments (available under separate cover)

- **10.1.5 - attachment 1** - Draft Updated Climate Change Strategy and Action Plan (E24/6922)
- **10.1.5 - attachment 2** - Technical Appendices (IN24/12269)
- **10.1.5 - attachment 3** - 2011 Position Statement (E22/7276)
- **10.1.5 - attachment 4** - 2015 Strategy and Action Plan (E22/7277)
- **10.1.5 - attachment 5** - Climate Change Declaration (E24/6936)
- **10.1.5 - attachment 6** - Climate change survey questions (E24/6926)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
4. Ensure sustainable and optimal use of Shire resources and finances
Liveable
3. Preserve and enhance our natural places, parks, trails and reserves
5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment
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.

Officers note that a proposed action in the draft updated Climate Change Strategy and Action Plan is to implement a Climate Resilience Action Fund with an initial allocation of \$150,000.

The intent of this seed capital is to then deploy it to immediate short term measures, that will reduce ongoing operational costs of the organisation through (initially) making buildings as efficient as possible.

With these operational costs then measured, it is proposed that subsequent budgets redirect savings (on for example utility costs) into the Climate Resilience Action Fund, in order to then invest in other measures that focus upon reduced costs through pursuing efficient operations, and capital projects.

It is proposed to test this proposal with the community, as part of the draft updated Strategy and Action Plan.

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 updated Climate Change Strategy and Action Plan from a section of the community.	Council has an existing strategy and action plan which will continue to represent Council's position.	Reputation	Unlikely	Minor	LOW	Public engagement designed to garner community support.
2	Council does not agree to release the draft updated Climate Change Strategy and Action Plan for public comment, delaying the opportunity to update the strategy and provide meaningful actions that will enable the community and	Council has an existing strategy and action plan which will continue to represent Council's position.	Organisational Performance	Unlikely	Minor	LOW	Implement the existing strategy and action plan.



	organisation to address the matter.						
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Voting Requirements: Simple Majority

OCM153/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. RESOLVES to release the draft updated Climate Change Strategy and Action Plan for public comment for a period of six weeks.**
- 2. NOTES that the draft updated Climate Change Strategy and Action Plan will form the basis of pursuing grant opportunities that are available to help fund both mitigation and adaptation actions.**
- 3. REQUESTS that, following the public comment period, the revised Climate Change Strategy and Action Plan be presented back to Council (inclusive of recommended changes emanating from community consultation) for endorsement.**

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.1.6 - Response to Notice of Motion - Retention of Trees during Subdivision Processes (SJ1275-9)	
Responsible Officer:	Manager Strategic Planning
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
Legislative	Includes adopting local laws, local planning schemes and policies.
Information	For the Council / Committee to note.

Report Purpose

The purpose of this report is to inform Council in regard to the current framework that applies to subdivisions and the opportunities for tree retention.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 March 2024 - OCM059/03/24 - COUNCIL RESOLUTION / GME010/01/24

That Council REQUEST the Chief Executive Officer present a report to Council on increasing the retention of trees during all subdivision processes.

Background

At the Annual General Meeting of Electors held on 31 January 2024, a motion (GME010/01/24) was carried *"That Council REQUEST the Chief Executive Officer present a report to Council on increasing the retention of trees during all subdivision processes"*

The Officer Recommendation in regard to this motion was:

"A report can be prepared to a future Council meeting to explain the current framework that pertains to subdivisions, and the opportunities for tree retention. A report is capable of being presented within three months. This will enable thorough research and investigation of the different issues that influence tree retention, such as fill requirements associated with subdivision."

This report has been prepared in response to this motion. It sets out the framework that applies to subdivisions, elaborates the current processes around tree retention and the constraints that influence retention, and considers potential opportunities to increase tree retention. As current processes include policy frameworks and procedures which endeavour to maximise tree retention where feasible, it is recommended that Council note the report.



Community / Stakeholder Consultation

Nil.

Statutory Environment

- Local Planning Scheme No. 3
- Urban and Rural Forest Strategy
- LPP1.4 - Public Consultation for Planning Matters
- LPP4.3 - Landscape Protection Area Policy
- LPP4.7 - Placement of Fill
- LPP4.16 - Tree Retention and Planting
- State Planning Policy 7.0 Design of the Built Environment
- Model Subdivision Conditions Schedule
- Liveable Neighbourhoods 2007
- Liveable Neighbourhoods Draft 2015
- Statement of Planning Policy No. 2 Environment and Natural Resources Policy
- WA Planning Manual Guidance for Structure Plans
- Planning and Development Act
- Residential Design Codes (R-Codes)

Comment

The motion that was submitted at the General Meeting of Electors indicates a desire to see increased tree retention through subdivision. This section will consider:

- approaches to maximise tree retention;
- the challenges that sometimes impact tree retention;
- information regarding the approval framework and;
- continued opportunities being taken to maximise tree retention.

Discussion

There are two principal approaches taken for tree retention in subdivisions. The first relates to the planning framework that applies to subdivisions, and the second to the changes to physical conditions that occur during subdivision activities.

Planning framework

The current framework that applies to subdivisions provides some guidance for local government to retain trees. Subdivision approvals, however, and other related decisions (such as the preceding structure plan and local water management issues), sees some conflicting priorities that need balancing through this subdivision process. The Shire has advanced its own Local Planning Policy 4.16 to assist in this balance, so that viable retention of trees can be pursued.



The first stage of the planning process that results in subdivision, is a structure plan. During part one of the structure plan stage, Officers seek to maximise retaining trees in public open space and road reserves. The design of the structure plan can thus account for vegetated areas and retain trees in these areas.

Most developable areas around Byford are already covered by structure plans, which have included a focus on tree retention. There may be more opportunities for tree retention under structure plans in development for areas in Mundijong and other parts of the Shire, that will become increasingly structure planned.

Following approval of a structure plan by the Western Australian Planning Commission (WAPC), a subdivision application can be made to the same body. The Shire is asked for conditions that should be placed on a subdivision, but these can generally only be selected from a list of standard conditions approved by the WAPC. Non-standard conditions are generally unlikely to be placed on a subdivision by the WAPC. The standard conditions include:

- A management plan for protection and management of environmental assets
- Identification of vegetation worthy of retention, including habitat or foraging trees for threatened fauna, and protection measures to ensure no impact by subdivisional works
- A revegetation plan prepared, approved and implemented with native species
- Protection of vegetation in Regional Open Space or Bush Forever
- Fencing to protect vegetation
- Advice notes that no street verge trees are to be removed, and for the retention and protection of significant trees in open space or setbacks

The standard conditions are not particularly strong, and thus places great emphasis on getting the structure planning stage right. Subdivisional works (such as sand fill, road construction and service provision) also heavily impacts trees, which is a product of the unique drainage issues that need management.

Once a subdivision design has been approved, it is hard to change the design to retain trees. The subdivision stage is too late in the process for tree retention, and negotiation should happen at the structure plan stage. This is currently where a great deal of effort takes place, with Officer input considering how to maximise opportunities.

One of the main other barriers to tree protection is that the road widths and layouts are set through a policy document called Liveable Neighbourhoods (2009 version). There is a general expectation by developers that road design and widths will be in accordance with Liveable Neighbourhoods, with WAPC also not generally supportive of alternate road designs or widths. Therefore, while standard conditions (such as the condition to identify and protect vegetation worthy of protection) and the Local Development Plan (LDP) condition have been applied in past examples to retain existing trees, the standard road widths and design only accommodate the essential services and drainage infrastructure, which provides limited tree retention opportunities.

Currently within the development process, tree retention is viewed as a priority, but is often needing to be balanced against placement of sand fill, drainage infrastructure and services. With more flexible design, more trees could be retained, though this would involve a different development approach to the standard.



Physical changes to the landscape

Another important aspect that influences retention of trees is that the changes to physical conditions that are required to facilitate development of flat, easy-to-build-on lots that occur during development impact tree retention. Many of the developable areas in the Shire are marginal due to high water tables. A significant quantity of sand fill is therefore required to prevent flooding of dwellings and mosquito habitat.

Trees cannot be retained in areas where fill is placed, as they do not survive. Small urban lots are filled in their entirety, and frequently road reserves are also filled. A tree surrounded by fill will not survive, due to soil against tree trunks leading to rot and disease. Also, narrow road reserves do not have space to retain trees once services are provided, and are filled.

Notwithstanding these challenges, there can be viable tree retention pursued and achieved. This is shown in the following local examples:



Figure 1 - Examples of successful tree retention. L-R: Kokoda Boulevard, Byford (wide verge); Goodenia Vista, Byford (wide median); Resurgent Road and Foreman Street, Byford (meandering road alignment)

Approval framework

There is no legislation or policy that specifically requires the retention of trees in subdivisions. There are references to the benefits of trees in subdivisions in many places, which can be used separately or in combination to increase tree retention, with the proviso that subdivisions and structure plans are approved by the WAPC, and local government can only provide recommendations. The statutory protections for trees include:

- **Local Planning Scheme No. 3**
 - Requires retention and protection of vegetation as a condition of development approval or recommended as a condition of subdivision approval
 - Development modification to accommodate existing trees or vegetation



- Revegetation with a management plan
- Development approval for vegetation removal, except in accordance with an existing subdivision approval
- *Urban and Rural Forest Strategy*
 - Objective to retain and increase canopy cover
- *LPP1.4 – Public Consultation for Planning Matters*
 - Proposals that may impact on character or amenity, or use and enjoyment of land
- *LPP4.3 – Landscape Protection Area Policy*
 - Requires screening with trees
- *LPP4.7 – Placement of Fill*
 - Minimise impact on amenity or environment, and on water resources and vegetation
 - Exemptions include filling of land associated with a subdivision approval
 - Consideration of clearing and tree retention and protection
- *LPP4.16 – Tree Retention and Planting*
 - Development approval required for tree removal
 - Replacement planting required at a minimum 1:1 ratio
- *State Planning Policy 7.0 Design of the Built Environment*
 - Good landscape design protects existing environmental features and considers tree canopy and preservation of green infrastructure
- *Liveable Neighbourhoods 2009*
 - Requirements for large street trees and clearance to trees
 - Street trees are an essential part of the urban environment, must ensure space is not reduced for servicing, street widening or future servicing
- *Liveable Neighbourhoods Draft 2015*
 - Ensure all streets provide space for street trees
 - Street trees are integral to urban streetscapes, with planting and retention in road reserves, central medians, and on-street parking bays
 - Provide street trees in all local streets, with remnant trees retained as street trees
 - Lot size and layout responds to significant vegetation with large trees retained
 - Street and lot design to maximise opportunities for retention of mature trees
- *Statement of Planning Policy No. 2 Environment and Natural Resources Policy*
 - Retention of existing vegetation and revegetation in subdivision and development
- *WA Planning Manual Guidance for Structure Plans*
 - Maps to show vegetation proposed to be retained



- *Residential Design Codes (R-Codes)*

- Requirement for one tree per dwelling on the verge

This is considered a very robust framework, that empowers Officers to work collaboratively with applicants and the WAPC, to maximise tree retention.

While zoning for lower lot density can assist in retaining trees and provide more flexibility in rural residential areas than in urban, there is a general limit on further Special Residential and Rural Residential development within the Perth and Peel Regions.

Opportunities

Opportunities to increase tree retention essentially depend on identifying and designing around the significant trees. This is an opportunity Officers seek to take.

Tree surveys (and other environmental surveys) need to occur early in the structure planning process, to increase the potential for retention of trees. More detailed identification of vegetation at the structure plan stage, and design of the structure plan to retain the identified vegetation, does assist in retaining trees.

At the subdivision stage, the tree survey should precede and guide approval and implementation of engineering site works. Alternatives for service location and installation that do not impact retained trees in road reserves are also investigated. For example, meandering roads that avoid trees improve retention.

If trees cannot be retained, the focus should shift to replacement planting. Tree retention potential should be assessed and offset by replacement planting if retention is not practical.

Many of the statutory protections listed above also guide the planting of trees in subdivisions, at a rate of not less than one tree per dwelling.

In essence, tree surveys at structure plan stage assist in designing around existing trees, but the import of sand fill leads to the loss of many trees previously identified for retention. If retention is not possible or practical, then the viable option is that it should be offset by replacement planting.

There is also an important role for ongoing advocacy, both directly to the State Government and via the Western Australian Local Government Association (WALGA), to express the importance of urban tree canopy issues in rapidly growing local government areas like the Shire. Whereas built out local government areas are staring from a base and looking to increase, the Shire is in the most challenging situation of trying to increase whilst development activities are reducing urban tree canopy.

In order to seek recognition of this, there is a separate recommendation pertaining to the Shire, as part of the Growth Areas of Perth and Peel (GAPP) local governments facilitated by WALGA. This is to request the Chief Executive Officer to raise this matter and ask the GAPP to invite the State Government to discuss these challenges being experienced.

Options

Option 1

That Council:

1. NOTES the report on tree retention in subdivisions, and specifically the importance of detailed tree surveys at the earliest stages of structure planning, to viably maximise retention of trees within development areas; and



- 2. REQUESTS the Chief Executive Officer raise this matter at the next Growth Areas of Perth and Peel meeting held by Western Australian Local Government Association, to invite the State Government to discuss these challenges being experienced.

Option 2

That Council NOTES the report on tree retention in subdivisions.

Option 1 is recommended.

Conclusion

While opportunities to increase tree retention are limited, Officers take maximum opportunities to viably protect trees where possible. Tree surveys at structure plan stage can assist in designing around existing trees, and this helps in balancing approaches that can be taken in this regard.

Officers recommend that Council notes this report, and requests current approaches continue to maximise tree retention through structure planning.

Attachments (available under separate cover)

Nil.

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
3. Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

It is considered necessary for State Government funds to be allocated specific to the growth areas of Perth. The current funding available is competitive across all areas, irrespective of whether tree loss is occurring as a result of new subdivision. Given how outer growth areas are the focus of such tree loss, Officers consider there is a greater role for State Government to directly financially assist those local government to address such loss.



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.						
2	By simply noting current practice could cause a continued decline in tree canopy without an ability to combat such.	The current planning process	Organisational Performance	Possible	Moderate	MODERATE	Accept Option 1.

Voting Requirements: Simple Majority

OCM154/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. NOTES the report on tree retention in subdivisions, and specifically the importance of detailed tree surveys at the earliest stages of structure planning, to viably maximise retention of trees within development areas; and**
- 2. REQUESTS the Chief Executive Officer raise this matter at the next Growth Areas of Perth and Peel meeting held by Western Australian Local Government Association, to invite the State Government to discuss these challenges being experienced.**

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.1.7 - Proposed Scheme Amendment No. 4 - Lot 483 (2622) South Western Highway, Serpentine - Rezoning (PA24/179)

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

Authority / Discretion

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

Owner: Pauline Armstrong-Sebbes
Dorne Brown
Helen Figliomeni

Date of Receipt: 14 March 2024

Lot Area: 39 hectares

Local Planning Scheme No. 3 Zoning: Rural

Metropolitan Region Scheme Zoning: Rural

Report Purpose

The purpose of this report is to consider a proposed Scheme Amendment for Lot 483 (2622) South Western Highway, Serpentine pursuant to Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*. Council is also requested to decide as to whether the amendment is a 'basic', 'standard' or 'complex' Amendment pursuant to Regulation 34 of the Regulations.

Officers recommend that Council adopt the Proposed Scheme Amendment with modifications as a 'standard' Amendment, and proceed to:

- Refer the amendment to the Environmental Protection Authority (EPA) to determine if environmental review is required.
- Refer the amendment to the Western Australian Planning Commission (WAPC) to determine if it is suitable to advertise.



- Advertise the amendment once these processes have been completed.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this matter.

Background

A Scheme Amendment has been submitted by Harley Dykstra on behalf of the landowners of Lot 483 (2622) South Western Highway, Serpentine requesting to rezone Lot 483 from the 'Rural' zone to a 'Rural Residential' zone, specifically 'RR-1'. Lot 483 is identified as Rural Residential 'RR-1' under the Shire's Local Planning Strategy and zoned 'Rural' under Local Planning Scheme No. 3 (LPS3) and the Metropolitan Region Scheme. The requested Rural Residential 'RR-1' zone is consistent with the Shire's Local Planning Strategy (LPS).

The subject site is approximately 39 hectares in size and located two kilometres south of the Serpentine main street and approximately 10 kilometres south of Mundijong town centre. The property is predominantly pasture cleared with scattered trees located within the north western corner and parallel to the South Western Highway along the eastern boundary. The subject site is located in a rural area predominantly used for passive grazing of horse and cattle and surrounded by properties with similar characteristics.

The rezoning is proposed to facilitate the objectives of the LPS and provide the opportunity to develop the site for rural residential development, consistent with the recently approved Arnold Road Local Structure Plan to the north and existing rural residential estates to the west. The proposed rezoning will enable future subdivision for the site which aims to assist the ongoing housing shortage experienced within the Shire and broader State.

For the amendment to be progressed for advertisement, the amendment is required to be adopted by the local government and resolved as either a complex, standard, or basic amendment in accordance with the Regulations. The Proposed Scheme Amendment requesting to rezone Lot 483 to Rural Residential 'RR-1' has been accompanied by the following studies, including consultant reports and concept plans, to demonstrate the suitability and feasibility of the proposed amendment request. Studies undertaken include:

- Site and Soil Evaluation Assessment
- Geotechnical Investigations
- Local Water Management Strategy
- Traffic Impact Assessment
- Bushfire Management Plan
- Servicing Report
- Noise Management Plan

The context of the land is shown following:



Figure 1: Subject site



Figure 2: Proposed Concept Design



Community / Stakeholder Consultation

Should Council resolve to adopt the proposed Scheme Amendment No. 4, the amendment will be referred to the EPA pursuant to Sections 81 and 82 of the *Planning and Development Act 2005*. The proposed Scheme Amendment No. 4 will also be referred to the WAPC to seek approval for advertising under Regulation 46A of the Regulations. Should the EPA and WAPC consent to advertising the proposed amendment, a 'standard' scheme amendment is required to be advertised for a minimum of 42 days under Part 5, Division 4 of the Regulations. Therefore, community consultation and referral to relevant government agencies will be undertaken if Council resolves to adopt Scheme Amendment No. 4 and the EPA and WAPC consents to advertising.

Statutory Environment

Legislation

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

State Government Policies

- Perth and Peel @ 3.5 million - South Metropolitan Peel Sub-Regional Planning Framework
- State Planning Policy suite
- Metropolitan Region Scheme

Local Planning Framework

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

Planning Assessment

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) outlines the framework for scheme amendments. The Regulations require the Shire, upon receipt of a scheme amendment application, to consider whether to adopt the scheme amendment and to decide on the nature of the scheme amendment, providing justification whether the amendment is one of three types; either a complex, standard or a basic amendment. The Regulations sets out three processes to deal with scheme amendments based on the different types. The proposed Scheme Amendment is considered to be a 'standard' amendment as it is:

- (b) *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.*

The subject site is identified as Rural Residential 'RR-1' under the Shire's Local Planning Strategy. The proposed scheme amendment seeks to rezone the subject site from the Rural zone to the Rural Residential 'RR-1' zone. As such, the proposed scheme amendment is consistent with the Local Planning Strategy and is therefore considered a 'standard' amendment under the Regulations.

South Metropolitan Peel Sub-Regional Planning Framework (Perth and Peel @ 3.5 million)



The South Metropolitan Peel Sub-Regional Planning Framework (the framework) is a strategic plan for the future growth of the metropolitan Perth and Peel Region. The Perth and Peel @3.5 million document provides strategic direction regarding the future development of Perth by 2050.

The subject site is located within the South Metropolitan Sub Regional Planning Framework, which had a housing target of 302,180 dwellings by 2050. The subject land is identified as 'Rural Residential' under the Framework, which is described as providing alternative lifestyle and housing opportunities and to provide for a transition between urban and rural areas.

The proposed rezoning of the subject site is considered consistent with the objectives and planning framework identified by Perth and Peel @ 3.5 million.

Local Planning Strategy

The Shire's Local Planning Strategy (LPS) has been prepared to guide the Shire's development towards its vision to provide a rural lifestyle with a unique and attractive environment to work, live and visit. The Strategy provides the rationale for land use zones and other provisions of the LPS and provides an opportunity for an integrated approach to planning across all areas including consideration of social, environmental and economic aspects.

The subject site is identified as 'Rural Residential RR-1' within the Strategy. The intent of rural residential zoned land within the Strategy is to identify and develop land within appropriate locations surrounding existing urban areas to buffer between urban and rural land uses. The proposed amendment request is consistent with the identification of the subject land within the Strategy and the intent of the rural residential objectives and strategies. The proposed zone changes to Lot 483 will complete the southern portion of land identified for future Rural Residential purpose as has been identified within the Strategy.

Local Planning Scheme No. 3 (LPS3)

Lot 483 (2622) South Western Highway, Serpentine is zoned as Rural under LPS3. The 'Rural' zone objectives of the scheme seek to maintain or enhance the local rural character within the Shire. It also aims to provide for limited range of non-rural uses that are compatible with surrounding areas whilst maintaining and enhancing the local environmental qualities such as, the natural landscape, vegetation, soils, water bodies and ground water.

The Scheme Amendment proposes to rezone the subject Lot from 'Rural' to 'Rural Residential' RR-1. Rural Residential (RR-1) objectives under LPS3 seek to provide opportunities for a range of limited rural and related ancillary pursuits within lots that are a minimum 1ha in size. The land use and activities are to be consistent with the amenity of the locality and the conservation and landscape attributes of the surrounding land. It is to enable the creation of appropriate land parcels that aim to provide residential amenity with rural character.

The Scheme Amendment proposal is considered appropriate to consider as the proposed zone change is in keeping with the expected objectives and outcomes of the scheme and may have a positive impact on the existing and future rural character. Officers consider the proposal aligns with the Shire's strategic planning framework and long-term objectives.

Proposed Scheme Amendment

The Proposed Scheme Amendment seeks to amend Scheme Map No. 5 - Serpentine Locality of the Shire's Local Planning Scheme No. 3 by identifying the proposed Lot 483 as Rural Residential 'RR-1' within the Scheme map. The zone change will be identified on the Scheme Map No. 5 with the appropriate zone colour in accordance with the local planning scheme zone legend and illustrating the 'RR-1' text in line with the zone density.



If the Proposed Scheme Amendment were to be approved, the specific development requirements as set out in Schedule 4 – 4.1 of LPS3 for the 'Rural Residential' zone will then apply to Lot 483 (2622) South Western Highway, Serpentine. These development requirements will need to be satisfied as part of any future development considerations with the amendment area.

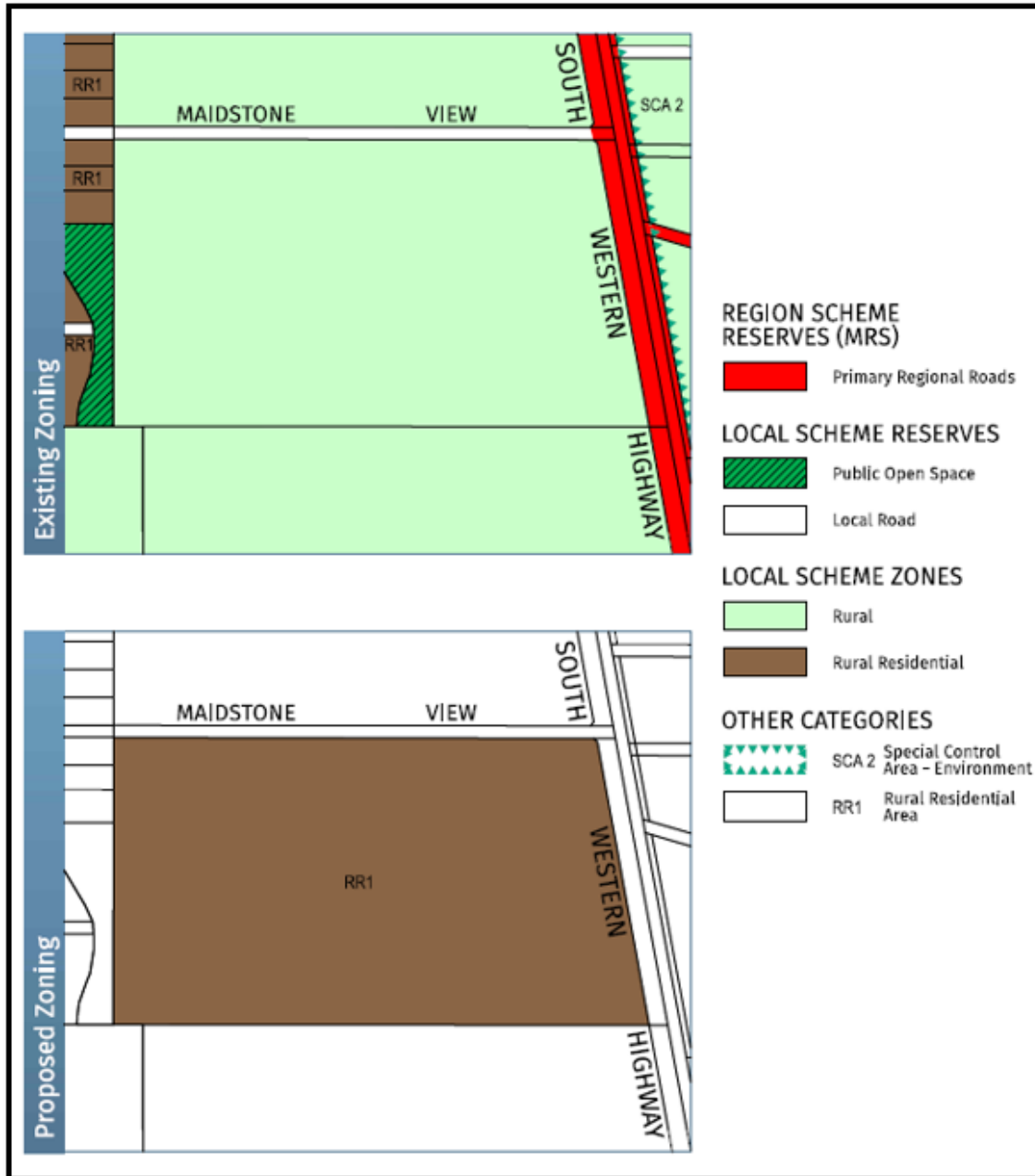


Figure 3: Proposed Rezoning

Transport Network

Given the subject site is bound by a significant road network to the east in South Western Highway, and it is unclear how the local road networks surrounding the site will integrate, the applicant has provided a Traffic Impact Assessment (TIA) Report prepared by Stantec on 22 December 2023.

Currently, the site takes access from South Western Highway (SWH) although there is no primary residency on the lot.



South Western Highway borders the eastern boundary of the site and is classified as a Primary Distributor. South Western Highway is generally a single lane road in each direction with a speed limit of 110km/h.

The TIA report provided relies heavily on a future indicative proposed concept plan as identified in Figure 2. The TIA proposes to construct full access of the unmade road reserve of Maidstone View to the north of the site, which would result in a proposed intersection at South Western Highway. Given SWH is a Primary Regional Road, Main Roads Western Australia (MRWA) will need to provide approval of the proposed full access intersection. If full access is not granted by MRWA, the primary alternative access and egress options will need to be provided in the form of an updated TIA report at the future planning stages.

Additionally, the TIA and proponent seek to provide access from the western boundary via the extension of Harness View. The portion of land that is required to be constructed will need to go through a land dedication process, which would require the support of Council and the Minister, for the purpose of road reserve. The proposed access to the west via Harness View will be necessary for future emergency access requirements and compliance to ensure there are two points of ingress and egress to the site in the case of a bushfire and/or emergency.

Additionally, given the site's proximity to South Western Highway, a noise assessment would be necessary at future planning stages. This would need to examine, for example, appropriate noise mitigation measures for lots affected by the road noise and how this informs a design and layout approach. This may result in requirements for quiet house design and/or notifications on titles, together with a whole range of other issues that would normally be addressed through a structure planning process.

As the applicant has not provided a Local Structure Plan as part of the submission, Assessing Officers have recommended a modification to require a local structure plan to be prepared prior to any future subdivision and development at the proposed site, to address issues with traffic, access, and noise, among other matters. This report goes into further detail regarding the recommendation for a local structure plan to be prepared prior to subdivision and development in the following sections.

Bushfire Management

A Bushfire Management Plan (BMP) was prepared by Lush Fire & Planning in February 2024. The BMP was prepared in accordance with the State Planning Policy 3.7 Planning in Bushfire Prone Areas.

The subject site and surrounding land are located within a Bushfire Prone Area. The bushfire assessment has been carried out with the intent to classify the BAL and bushfire risk considerations in accordance with the proposed rezoning and subdivision concept design as seen in Figure 2. The bushfire assessment identifies the vegetation classifications with the majority of the site characterised as 'grassland' and small pockets of scattered 'forest'. The 'forest' vegetation is also evident along the creek line running north to south through the centre of the site.

The assessment has determined that the site contains moderate to extreme bushfire hazard levels, however the bushfire hazard level decreases to an acceptable BAL - 29 or lower if future development occurs in line with the proposed concept layout and the prescribed indicative building envelopes with a 20m Asset Protection Zone (APZ).



The proposed road layout and access routes identified in the indicative concept plan propose the extension of Harness View from the west, which would require support from the Shire and be endorsed by the Minister, given it would need to pass through Crown land that has been reserved for 'drainage, recreation and emergency vehicle access'. Officers are mindful that no community consultation has occurred on this proposal, as no structure plan has been advanced.

This kind of issue would be one of those to be analysed and addressed through a structure plan, and by pointing out these gaps, gives an illustration that a structure planning process would be effective to occur. This would also enable community consultation, for example to seek community views on the design and layout, such as the proposal to extend Harness View across Crown land.

To ensure that future development at the subject site will be compliant with the Guidelines for Planning in Bushfire Prone Areas, Officers recommend that a local structure plan be prepared to designate acceptable vehicular access and siting of development.

Officers consider the BMP is accepted for the purposes of the Proposed Scheme Amendment, subject to a modification requiring a Local Structure Plan to be prepared and approved prior to future subdivision and development. The BMP should not assume, for example, the current design to be final nor supported, given the need for a further structure planning process.

The BMP objectives cannot be achieved without confirmation of dedicated road reserve and access ways. The BMP will be referred to the Department of Fire and Emergency Service for comment during the advertising of the Proposed Scheme Amendment, should it be adopted by Council.

Environmental considerations

The site is predominately covered by low to medium height grass and sparsely growing trees located along the Hardey Creek drainage channel and within the northwest portion of the site. A small, planted olive orchard is also present along the eastern boundary adjacent to the South Western Highway.

The technical appendices submitted as part of the application have not provided detail into the specific types of vegetation on site. Assessing Officers note that there are many mature corymbia calophylla trees scattered across the site, which are considered significant habitats for endangered fauna. Therefore, it is recommended that a more detailed tree pick up survey and flora survey be undertaken at a future structure plan stage. This will enable appropriate design measures to be applied to future works that ensure significant vegetation is protected on site. This would be needed to occur as part of a structure planning process.

Water Management

As part of the scheme amendment proposal, the applicant has provided a Local Water Management Strategy (LWMS) prepared by Multi Leaf (WA) Pty Ltd in January 2024. The LWMS aims to provide key water management objectives that consider the future development intent as per the provided Concept Plan as seen in Figure 2.

The key objectives surrounding the water management and drainage are as follows:

- Surface water levels to maintain consistency with post development 1% annual exceedance probability (AEP) outcomes.
- Storm water runoff to be retained on site and treated before discharging.
- Incorporating the Hardey Creek Drain to cater for drainage purposes and to be redeveloped to accommodate minor and major storm events.
- Minimising the impacts of onsite sewage disposal systems



There is an open drainage channel, the Hardey Creek Main Drain (HCMD), that runs in a northern direction through the centre of the site. Given the land slopes from the south east corner to the north west corner, the site will rely heavily on the HCMD for the run off and treatment of water in future works for the site. The site will need to allow for the HCMD drainage corridor to provide efficient water treatment and peak flow discharge consistent with levels experienced predevelopment. Additionally, the Hardey Creek Main Drain will need to be designed to match the 'Arnold Road Local Structure Plan' to the north of the site to ensure consistent design and water management requirements. As is evident in the northern Local Structure Plan design, the HCMD will also need to incorporate a bridle trail as part of its design.

The LWMS considers the future works and development on site will need to incorporate roadside swales running along South Western Highway downstream. Officers request that all stormwater will need to be managed within the lot and no discharge is permitted to be proposed along the regional road system. Swales that are proposed for future roads within the site, and including any water catchment via HCMD, will require erosion control measures to be put in place for any future banks required. The LWMS will need to be updated to address these design measures. These matters should also be addressed and confirmed at the structure plan stage.

The subject site is located within a sewage sensitive area and does not have access to reticulated sewerage. Future development within the site will need to meet the requirements set out by the Government Sewerage Policy with specific consideration to ground water separation between the lowest discharge point of effluent disposal systems (secondary treatment system) and the maximum ground water levels. The proposed LWMS recommends that future lots set back at least 100m from the main drain will require 0.9m separation to ground water. However, given the ground water is less than 1.5m deep across most of the site, Officers recommend that all future lots require 1.2m separation to the Maximum Ground Water Level, and roads will require a minimum 600mm separation.

The above measures will need to be applied through an updated LWMS to ensure suitable water treatment and drainage across the site. Should the Proposed Scheme Amendment be adopted by Council, the LWMS will be referred to the Department of Water and Environmental Regulation for comment during the advertising period.

Local Structure Plan

As part of the proposed Scheme Amendment, Officers recommend that a text provision be inserted into the scheme to require the preparation and approval of a Local Structure Plan (LSP) for the subject area prior to subdivision and development for the purpose of orderly and proper planning. The amendment provides an indicative 'Concept Plan' (refer to Figure 2) that has been informed by the accompanying technical studies, however, does not include a Local Structure Plan as part of the application.

Officers note that the concept design provided will have no weight in the planning framework for future subdivision and development applications, as this does not form part of the proposed scheme amendment. Therefore, if the amendment to rezone the subject site is approved without a requirement for a local structure plan, there are no preliminary planning considerations or mechanisms to guide the future development within the subject property in relation to coordinating appropriate street and lot layout, roads and access ways, bushfire management, noise management, servicing, water management and drainage, public open space and reserves, vegetation and other potential subdivision and development requirements.

There are also no transparent opportunities for community input into the design process, that would otherwise take place through a structure planning process.



Officers are of the view that given the range of issues that need coordination, and the need for community engagement, a structure planning process will be required.

Furthermore, there are a number of site constraints that impact the subject site, which require further investigation at the structure plan stage to ensure orderly and proper planning. Under Section 4.1 of the WAPC's WA Planning Manual - Guidance for Structure Plans, structure plans in a rural living context may be considered necessary because of the need to coordinate several factors that are essential considerations. Officers consider that a structure plan is necessary in this instance particularly given the access and noise constraints associated with abutting South Western Highway and the water management issues associated with the Hardey Creek Main Drain traversing the site and the need to coordinate with the surrounding developments.

Furthermore, the Arnold Road Local Structure Plan, which was prepared for the land directly north of the subject site, is subject to many of the same issues as the Proposed Scheme Amendment area, demonstrating the necessity of ensuring these issues are addressed in a coordinated manner at the structure plan stage. Officers recommend a consistent approach be undertaken in relation to the Proposed Scheme Amendment to ensure orderly and proper planning. The preparation of a LSP will ensure key site considerations such as environmental factors, bushfire risk, road access, noise, water management, servicing and lot boundary locations can be appropriately addressed and guide future development/subdivision proposals within the subject area. A LSP also sets a clear expectation for future stakeholders and developers to the design standards and requirements as agreed to by WAPC, which enables a consistent approach to future development applications and assessments.

Officers recommend, as part of the Proposed Scheme Amendment to rezone the land from Rural to Rural Residential RR-1, a text modification to Schedule 4, Section 4.10 – Site Specific Requirements of Local Planning Scheme No. 3 is required that states 'A Local Structure Plan is required to be prepared and approved prior to subdivision and development for the purposes of orderly and proper planning'. Officers consider the above modification to be a requirement for the Proposed Scheme Amendment to be adopted.

Options

Option 1

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to ADOPT subject to modification the proposed Scheme Amendment No. 4 to Local Planning Scheme No. 3 for Lot 483 (2622) South Western Highway, Serpentine as contained in **attachment 1** and DETERMINE the proposed Scheme Amendment to be a 'Standard' amendment in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - "b. an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission."
2. Pursuant to Part 5 Division 3 Regulation 46A(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to PROCEED TO MODIFY the proposed Scheme Amendment No. 4 to Local Planning Scheme No. 3 for Lot 483 (2622) South Western Highway, Serpentine as contained in **attachment 1** and to SEEK APPROVAL TO ADVERTISE the modified proposed Scheme Amendment (subject to Environmental Protection Authority and Western Australian Planning Commission consent being received) as follows:



- a. Amend Scheme Map No. 5 – Serpentine Locality to delineate Lot 483 (2622) South Western Highway, Serpentine as ‘Rural Residential’ RR-1.
- b. Amend Schedule 4 (4.10) of the Scheme Text to insert the following:

Number	Location	Additional Site and Development Requirement
ASR3	Lot 483 (2622) South Western Highway, Serpentine	1. A Local Structure Plan is required to be prepared and approved prior to subdivision and development for the purposes of orderly and proper planning.

Option 2

That Council, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to NOT ADOPT the proposed Scheme Amendment No. 4 to Local Planning Scheme No. 3 for Lot 483 (2622) South Western Highway, Serpentine.

Option 1 is recommended.

Conclusion

The proposed Scheme Amendment No. 4 seeks to rezone Lot 483 (2622) South Western Highway, Serpentine from ‘Rural’ to ‘Rural Residential’ RR-1. The proposed amendment is consistent with the Shire’s Local Planning Strategy however, Officers consider that the proposed scheme amendment needs to be followed by a subsequent Local Structure Plan process, prior to subdivision and development to ensure orderly and proper planning. Officers recommend that the Scheme Amendment No. 4 be adopted as a ‘Standard’ amendment subject to a modification that requires a LSP to be prepared prior to any future subdivision and development within the lot.

Attachments (available under separate cover)

- **10.1.7 - attachment 1** - Scheme Amendment Report - Lot 483 (2622) South Western Highway - Rural to Rural Residential (IN24/6278)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Liveable
1. Improve maintenance and investment in roads and paths
Connected
1. 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 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 option.						
2	That Council does not adopt the amendment, and this results in the subject lot to remain as 'Rural' under the Shire's Local Planning Scheme No. 3.	Planning Framework	Social / Community Outcomes	Possible	Moderate	MODERATE	Accept Officer recommendation.

Voting Requirements: Simple Majority

OCM155/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council:

- Pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to **ADOPT** subject to modification the proposed Scheme Amendment No. 4 to Local Planning Scheme No. 3 for Lot 483 (2622) South Western Highway, Serpentine as contained in attachment 1 and **DETERMINE** the proposed Scheme Amendment to be a 'Standard' amendment in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:

“b. an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.”
- Pursuant to Part 5 Division 3 Regulation 46A(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to **PROCEED TO MODIFY** the proposed Scheme Amendment No. 4 to Local Planning Scheme No. 3 for Lot 483 (2622) South Western Highway, Serpentine as contained in attachment 1 and to **SEEK APPROVAL TO ADVERTISE** the modified proposed Scheme Amendment (subject to Environmental Protection Authority and Western Australian Planning Commission consent being received) as follows:



a. Amend Scheme Map No. 5 - Serpentine Locality to delineate Lot 483 (2622) South Western Highway, Serpentine as 'Rural Residential' RR-1.

b. Amend Schedule 4 (4.10) of the Scheme Text to insert the following:

Number	Location	Additional Site and Development Requirement
ASR3	Lot 483 (2622) South Western Highway, Serpentine	1. A Local Structure Plan is required to be prepared and approved prior to subdivision and development for the purposes of orderly and proper planning.

CARRIED UNANIMOUSLY 5/0



10.1.8 - The Glades, Byford Village Centre Stage 1 - Local Development Plan (PA23/850)

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:	Taylor Burrell Barnett
Owner:	LWP Byford Syndicate Pty Ltd
Date of Receipt:	02 November 2023
Lot Area:	Various
Local Planning Scheme No 3 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is for Council to consider the proposed Glades Village Centre Stage 1 Local Development Plan (LDP). The LDP proposes variations to the Residential Design Codes Volume 1 (2024) and Local Planning Policy 2.2 Residential Development Standards (R25-R60) (LPP2.2). This LDP proposes to vary setback provisions prescribed by LPP2.2 and is therefore required to be considered by Council. It is recommended that Council approve the proposed Local Development Plan, subject to modifications and the approval of the Western Australian Planning Commission (WAPC).

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

Under Clause 47, Part 6, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), a LDP may be prepared in the following instances:



- (a) *the Commission has identified the preparation of a local development plan as a condition of approval of a plan of subdivision of the area; or*
- (b) *a local planning policy or structure plan requires a local development plan to be prepared for the area; or*
- (c) *another provision of this Scheme requires a local development plan to be prepared for the area; or*
- (d) *the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning.'*

On 2 October 2023, the WAPC issued a conditional subdivision approval (WAPC Reference 163600) for the subdivision of Lot 9118 Doley Road, Byford with a Condition requiring the preparation of a LDP. Condition 13 of the subdivision approval states the following:

- 13. *Local Development Plan(s) being prepared and approved for all proposed lots shown on the plan dated 4 September 2023 (attached) that address the following:*
 - (a) *Vehicle access*
 - (b) *Garage locations*
 - (c) *Building heights*
 - (d) *Pedestrian access way interface.*

The proposed LDP seeks to vary provisions within the Residential Design Codes Volume 1 (R-Codes) relating to street and garage setbacks, visual privacy and surveillance, solar access, landscaping, outdoor living areas, open space, vehicular access and verandah and portico projections, and includes provisions relating to fencing, dwelling orientation, and the addressing of lot boundaries. The proposed LDP provisions are discussed in greater detail within the Planning Assessment section of this report.

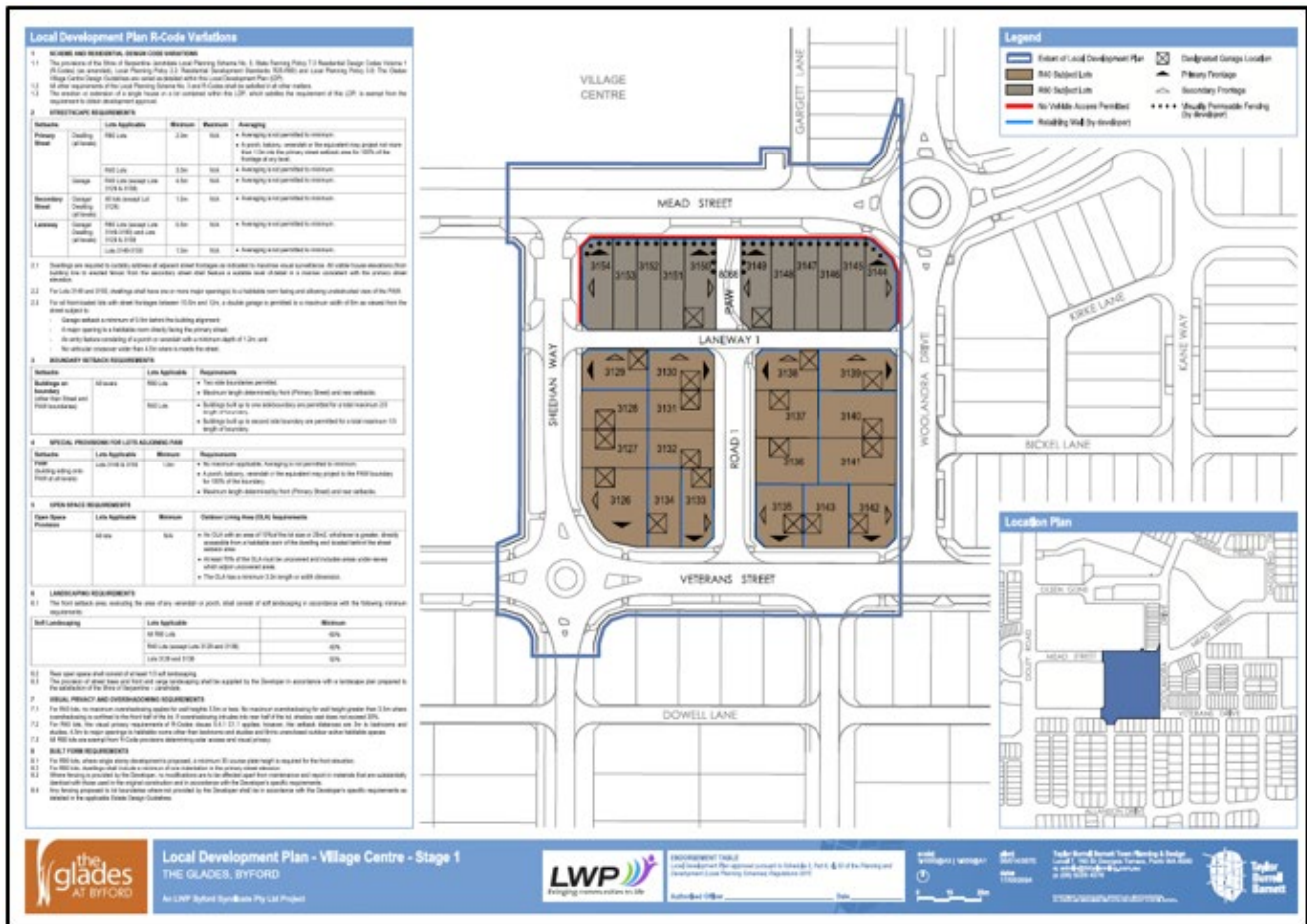


Figure 1: Proposed Local Development Plan

Community / Stakeholder Consultation

Pursuant to Clause 50 (1), Part 6, Schedule 2 of the Regulations, the local government is required to advertise a LDP within 28 days of accepting an application. Pursuant to Clause 50 (3), the local government may decide not to advertise a LDP if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area. The provisions contained within the LDP are not considered to impact any owners or occupiers within the area covered by the plan or an adjoining area. Therefore, the LDP was not advertised.

WAPC Referral

Clause 50 (1) (b), Part 6, Schedule 2 of the Regulations states that the local government must seek comments in relation to the LDP application from any public authority the local government considers appropriate. Clause 52 (1A) of the Regulations states that the local government must not approve a LDP if the LDP amends or replaces a deemed-to-comply provision of the R-Codes that requires the WAPC’s approval under the R-Codes and the WAPC has not approved the LDP.

Clause 3.2.4 of the R-Codes Volume 1 (2024) requires WAPC approval for variations to R-Code provisions relating to open space. The proposed LDP seeks to vary the open space provisions of the R-Codes and therefore, the proposed LDP was referred to the WAPC for consideration of this provision. WAPC approval has not yet been received in relation to this open space provision.



Statutory Environment

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

State Government Policies

Residential Design Codes Volume 1 (2024)

Local Planning Framework

Shire of Serpentine Jarrahdale Local Planning Scheme No.3

Local Planning Policy No. 2.2 - Residential Development Standards (R25-R60)

Local Planning Policy No. 3.6 - The Glades Village Centre Design Guidelines

Planning Assessment

Vehicular Access

Section 5.3.5 C5.1 of the R-Codes states that for lots zoned R40, vehicular access is to be gained off a secondary street or right of way where possible, rather than a primary street. The proposed dwelling orientations, garage locations and vehicle access provisions shown within the LDP align with this section of the R-Codes, with the exception of corner Lots 3130, 3139, 3135 and 3142. The LDP proposes for these four lots to take vehicular access off the primary street.

Retaining walls are required to be constructed along the secondary boundaries to these corner lots, as an engineering solution to site constraints. This has been reflected within the civil drawings submitted for this subdivision stage. These retaining walls therefore prevent garage locations and vehicle access being achieved off the secondary street, and access is therefore required to be achieved from the primary street. Given this site constraint, the proposed provision is supported by Officers.

Setbacks

Primary street dwelling setbacks

The LDP proposes minimum primary street setbacks of 2m for the R80 lots, and 3m for the R40 lots. The proposed 3m setback for the R40 lots is consistent with the Shire's Local Planning Policy 2.2 Residential Development Standards (R25-R60) (LPP2.2) and is supported by Officers. The 2m primary setback for the R80 lots is also supported, as it achieves the R-Codes requirement for a 2m minimum primary street setback for R80 lots, and the 1.5m minimum setback required by the Shire's Local Planning Policy 3.6 The Glades Village Centre Design Guidelines (LPP23.6).

Secondary street setbacks

The LDP proposes minimum secondary street setbacks of 1m for garages and dwellings for all lots (except Lot 3126). In regard to secondary street setbacks from dwellings, this provision is consistent with the requirements of LPP2.2 for the R40 lots and the R-Codes for the R80 lots, and is therefore supported by Officers.

However, in regard to the proposed secondary street setbacks from garages for the R40 lots, this provision is not consistent with LPP2.2 and is not supported by Officers. LPP2.2 requires a 1.5m secondary garage setback for R40 lots. This affects corner Lot 3133, which is proposed to have a garage on a secondary street.



As different setback minimums apply for dwellings to the secondary street and garages to the secondary street, Officers recommend that this provision be separated to demonstrate this, aligning with LPP2.2.

It should be noted that although Lot 3126 also proposes a garage location off the secondary street, this lot is excluded from this provision. Lot 3126 is proposed to have an increased 4.5m garage setback to align with the neighbouring garage setbacks (Lots 3127 and 3128), along Sheehan Way. This is supported by Officers.

Rear laneway setbacks

The LDP proposes 0.5m garage and dwelling setbacks for rear loading laneway lots. This applies to the R80 lots, as well as two R40 lots which will take access off the laneway (Lots 3129 and 3138). The LDP proposes a 1m garage and dwelling laneway setback for the two R80 Lots 3149 and 3150, which are adjacent to the Pedestrian Access Way (PAW). Local Planning Policy 3.6 The Glades Village Centre Design Guidelines (LPP3.6) prescribes a 0.5m minimum setback for the laneway lots in this location. Therefore, both the proposed 0.5m and 1m setbacks are consistent for the R80 laneway lots under LPP3.6 and are supported by Officers. The 1m setback for the two lots adjacent to the PAW is required for servicing purposes, and the minor setback difference proposed along the laneway (0.5m and 1m) is not considered to impact the streetscape.

Garage setbacks

The LDP proposes garage setbacks of 4.5m for all R40 lots, except Lots 3129 and 3138 which take rear access off the laneway (as discussed above). LPP2.2 prescribes garage setbacks of 5.5m from the front boundary where footpaths are located at less than 1m from the lot boundary. The civil drawings for this subdivision demonstrate that the footpaths are to be located less than 1m from the lot boundary for all roads providing access to the R40 lots. The Shire and proponent engaged in discussions regarding the design of Road 1, which is a 'mews'. Through this collaboration, Road 1 was designed as a 13.2m wide mews, with footpaths on either side, located against the property boundary. Therefore, garage setbacks of 5.5m would be required under LPP2.2 to prevent vehicles overhanging the footpath. As this provision is not consistent with LPP2.2 or civil design for this mews, this provision is not supported by Officers. A modification for this provision to state a 5.5m setback has been recommended.

The LDP proposes a provision for double garages with a maximum width of 6m to be permitted for front loading lots, with garages to be setback 0.5m behind the building line. This is consistent with the requirements of LPP2.2 for R40 lots, of which this provision applies. (This provision only applies to the R40 lots, as the R80 lots are not front loaded and do not have 10.5m-12m frontages).

Boundary setbacks

The LDP proposes that for R40 lots, buildings may be built up to one side boundary to a length of two-third the boundary, and that buildings built along the second side boundary may be built up to one-third of this boundary. LPP2.2 requires a two-third length to one side boundary, of which the proposed provision is consistent with, and requires a one-half maximum length to the second side boundary. The provision proposes a length of up to one-third of the boundary, which is less than the one-half prescribed by LPP2.2. Given that LPP2.2 prescribes '1/2 maximum length', and the provision proposes a length which does not exceed this maximum, this provision is supported by Officers.

The LDP proposes that the R80 lots have two side boundaries with maximum length of the side boundary for R80 lots is to be determined by the front and rear setbacks.



This is supported, as the two side boundaries are appropriate given the high R80 density, and that the length requirements will default as per the R-Codes.

Passive Surveillance

The LDP proposes a provision for dwellings to suitably address all adjacent street frontages to maximise visual surveillance, with all visible house elevations (from building line to erected fence) from the secondary street featuring a suitable level of detail in a manner consistent with the primary street elevation. Section 5.2.3 of the R-Codes states that buildings are to be designed to provide for surveillance between dwellings and street, and between common areas and the street. This is particularly important for corner lots, which have several street frontages and must ensure to address the secondary street. The proposed provision provides for the addressing of all street frontages, with all visible house elevations from the secondary street having suitable detail of which is consistent with the primary street elevation. This provision is supported, as it provides for adequate secondary streetscape amenity and appearance, and provides for visual surveillance to all streets to improve safety. The similar detail for visible house elevations from the secondary street to the primary street will ensure a consistent streetscape appearance for both streets, and is supported.

A provision has been included to propose that one major opening to a habitable room be provided from Lots 3149 and 3150 facing the PAW. This provision is supported, as the major opening from the habitable room facing PAW would allow for unobstructed views of the PAW providing for visual surveillance.

Open Space and Outdoor Living Areas

For all lots, the LDP proposes a N/A minimum open space percentage for all lots, with an Outdoor Living Area (OLA) of 10% or 25m² (whichever is greater), with OLAs having a minimum length or width dimension of 3m with at least 70% uncovered. Officers support this provision in regard to the R40 lots, as this is consistent with LPP2.2. However, this provision does not align with the R-Code requirements for the R80 lots. Table 5.1a of the R-Codes requires 30% open space for R80 lots. Under Section 3.2.4 of the R-Codes, WAPC approval is required for variations to the R-Codes provisions relating to open space. This proposed provision has therefore been referred to the WAPC for consideration.

Landscaping

The LDP proposes minimum soft landscaping provisions of 60% for R80 lots, 40% for R40 lots (except Lots 3129 and 3138) and 50% for rear loading R40 Lots 3129 and 3138. This provision is consistent with LPP2.2 and the R-Codes, and is supported by Officers.

Visual Privacy and Solar Access

The LDP proposes that the R80 lots be exempt from the R-Codes Section 3.10 relating to visual privacy and Section 3.9 relating to solar access for adjoining sites. These R-Code sections include provisions such as prescriptions for maximum overshadowing on adjoining properties. Officers view it appropriate for the R80 lots to be exempt from provisions related to visual privacy and overshadowing, given the size of these lots and the associated house product which will be achieved. Under the Shire's LPP2.2, R60 lots are exempt from all visual privacy and overshadowing provisions. The R80 lots within the LDP have an average lot size of 238.2m². This is considerably larger than the 120m² average lot size prescribed by the R-Codes for R80 lots. Additionally, the proposed development within the R80 lots will be single storey in contrast to the intended two storey development within the Village Centre.



Given the scale of the proposed lots and the expected future wall heights and housing product, the potential overshadowing impacts will be minimal, and Officers support an exemption from overshadowing and visual privacy provisions, as is the case with R60 lots under LPP2.2.

Built Form

This LDP proposes single storey development with a 30-course plate height. This provision intends to increase building height. LPP3.6 states that multi-storey development is preferred within the Village Centre location, which is particularly relevant regarding the R80 lots along the main street. This provision creates an appearance of increased building heights and scale to accommodate for the intended multi-storey streetscape appearance within single storey development. As such, this provision is supported.

This LDP proposes a provision for dwellings within R80 lots to have at least one indentation in the street elevation. This will provide for a streetscape with increased interest, visual amenity, and will result in a stronger urban design outcome. As these lots have an R80 density and main-street, multi-storey development was intended within this location under LPP3.6, this provision will help to achieve the outcomes of LPP3.6 by creating a streetscape with a suitable appearance for this location. As such, this provision is supported.

PAW special provisions

The LDP proposes special provisions for Lots 3149 and 3150, which adjoin the Pedestrian Access Way (PAW). The LDP proposes a provision for a porch, balcony, veranda or the equivalent may project to the PAW boundary for 100% of the boundary. Officers are concerned that if these structures are projected to the lot boundary along the entire lot boundary, this will result in high building bulk along the interface with the PAW, adversely affecting the amenity of this PAW. Officers recommend that this provision be modified to allow verandahs to project to the lot boundary of the PAW, however for this to be limited to a maximum length of 10m (and not exceeding 3m in wall height and 4.2m in ridge height), in accordance with the R-Codes.

Visually permeable fencing

The LDP proposes visually permeable fencing along the interface of Mead Street, and the partial interface of Lots 3150 and 3149 which abut the pedestrian access way (PAW). This visually permeable fencing is proposed only along the northern one-third of the boundary between these lots and the PAW. Visually permeable fencing along the boundary between these lots and the PAW will provide an opportunity for passive surveillance and will improve the visual amenity and pedestrian safety of the PAW. A modification has been recommended by Officers for visually permeable fencing to extend along the entire length of the shared boundary between Lots 3149 and 3150 and the PAW to ensure a suitable interface is achieved that provides passive surveillance, safety and visual amenity.

Options

Option 1

That Council:

1. Pursuant to Clause 52 (1) Part 6 Schedule 2 of *the Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE The Glades, Byford Village Centre Stage 1 - Local Development Plan as contained within **attachment 1**, subject to modifications as contained within **attachment 2**, and subject to Western Australian Planning Commission approval being granted under Clause 52 (1A).



- 2. Pursuant to Clause 55 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PUBLISH The Glades, Byford Village Centre Stage 1 - Local Development Plan in accordance with Clause 87.

Option 2

That Council REFUSE The Glades, Byford Village Centre Stage 1 - Local Development Plan, due to its variation against Local Planning Policy 2.2, and specifically pertaining to setbacks and garage placement issues.

Option 1 is recommended.

Conclusion

This LDP proposes variations to the R-Codes and LPP2.2. The majority of the proposed provisions relating to dwelling orientation, primary and lot boundary setbacks, visual privacy and surveillance, and built form are generally consistent with the R-Codes and LPP2.2 and are supported by Officers. Officers are also supportive of the R-Code variations to vehicular access, visual privacy, and solar access. However, Officers recommend modifications in relation to provisions for garage setbacks, secondary street garage setbacks, PAW special provisions, and visually permeable fencing. Officers recommend that the proposed LDP be approved, subject to modifications as per **attachment 2**.

Attachments (available under separate cover)

- **10.1.8 - attachment 1** - The Glades Village Centre Stage 1 Local Development Plan (E24/7035)
- **10.1.8 - attachment 2** - Schedule of Modifications (E24/7036)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Connected
2. Contribute to a well-connected, accessible and health community

Financial Implications

There are no financial implications associated with the proposed application.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is the lowest strategic risk option.						
2	That Council REFUSE The Glades Village Centre Stage 1 Local Development Plan and the applicant seeks review of the decision via the State Administrative Tribunal.	Planning framework, including Local Planning Policy 2.2 Residential Design Standards (R25-R60) Policy, and the Residential Design Codes Volume 1 (R-Codes).	Social / Community Outcomes	Possible	Moderate	MODERATE	Accept Officer recommendation.



Voting Requirements: Simple Majority

OCM156/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council:

- 1. Pursuant to Clause 52 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE The Glades Village Centre Stage 1 Local Development Plan as contained within attachment 1, subject to modifications as contained within attachment 2, and subject to Western Australian Planning Commission approval being granted under Clause 52 (1A).**
- 2. Pursuant to Clause 55 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PUBLISH The Glades Village Centre Stage 1 Local Development Plan in accordance with Clause 87.**

CARRIED UNANIMOUSLY 5/0



10.1.9 - The Glades, Byford Village Centre Stage 2 - Local Development Plan (PA23/966)

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:	Taylor Burrell Barnett
Owner:	LWP Byford Syndicate Pty Ltd
Date of Receipt:	20 December 2023
Lot Area:	Various
Local Planning Scheme No 3 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

Report Purpose

The purpose of this report is for Council to consider the proposed Glades Village Centre Stage 2 Local Development Plan. The LDP proposes variations to the Residential Design Codes Volume 1 (2024) and Local Planning Policy 2.2 Residential Development Standards (R25-R60) (LPP2.2). This LDP proposes to vary setback provisions prescribed by LPP2.2 and is therefore required to be considered by Council. It is recommended that Council approve the proposed Local Development Plan, subject to modifications and the approval of the Western Australian Planning Commission (WAPC).

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

Under Clause 47, Part 6, Schedule 2 of the Regulations, a LDP may be prepared in the following instances:



- (a) *‘the Commission has identified the preparation of a local development plan as a condition of approval of a plan of subdivision of the area; or*
- (b) *a local planning policy or structure plan requires a local development plan to be prepared for the area; or*
- (c) *another provision of this Scheme requires a local development plan to be prepared for the area; or*
- (d) *the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning.’*

On 2 October 2023, the WAPC issued a conditional subdivision approval (WAPC ref 163815) for the subdivision of Lot 9118 Doley Road, Byford with a condition requiring the preparation of a LDP. Condition 14 of the subdivision approval states the following:

- 14. *Local Development Plan(s) being prepared and approved for all proposed lots shown on the plan dated 4 September 2023 (attached) that address the following:*
 - (a) *Vehicle access*
 - (b) *Garage locations*
 - (c) *Building heights*
 - (d) *Pedestrian access way interface*

The proposed LDP seeks to vary provisions within the Residential Design Codes Volume 1 (R-Codes) relating to street and garage setbacks, visual privacy and surveillance, solar access, landscaping, outdoor living areas, open space, vehicular access and verandah and portico projections, and include provisions relating to fencing, dwelling orientation, the addressing of lot boundaries. The proposed LDP provisions are discussed in greater detail within the Planning Assessment section of this report.

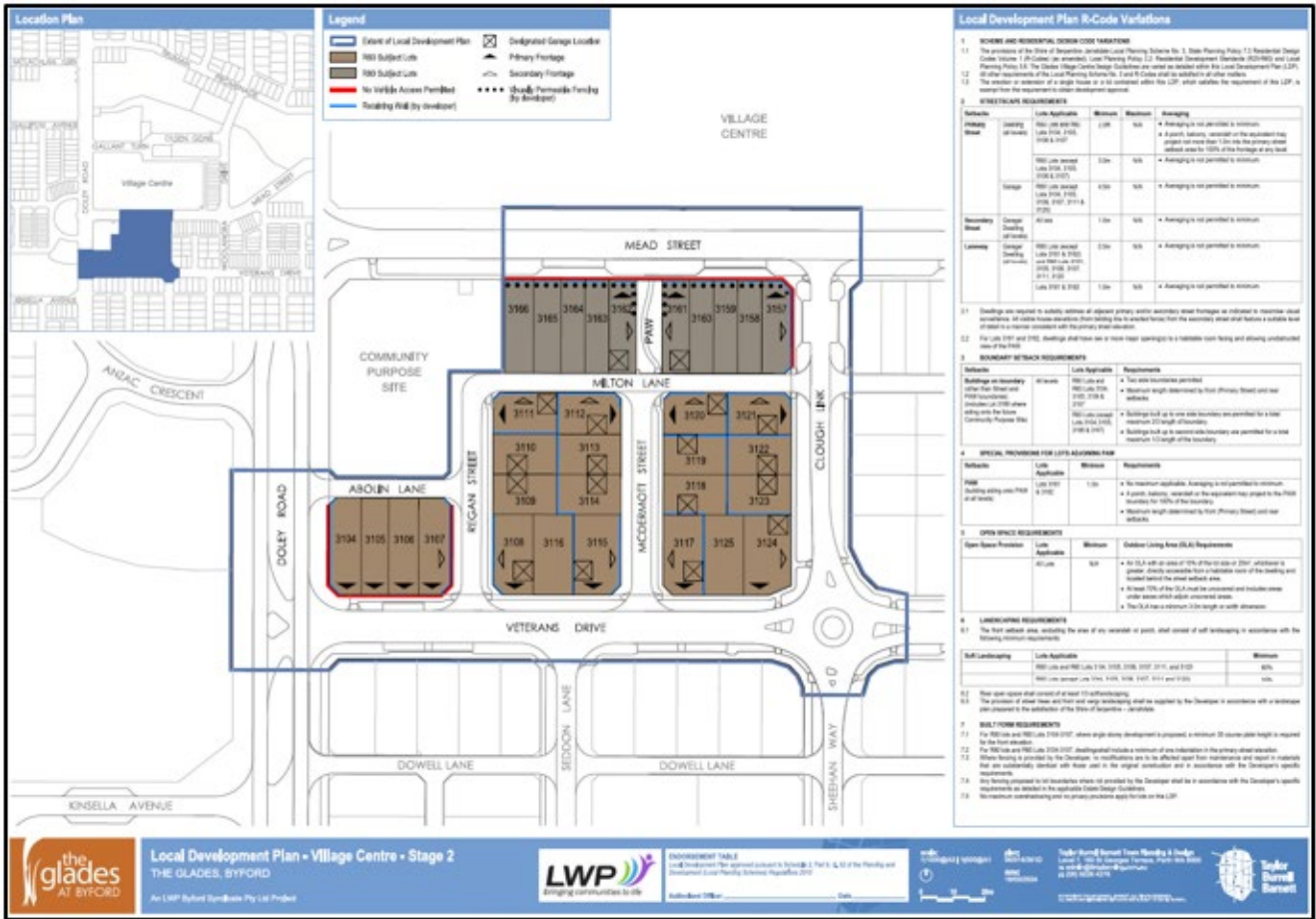


Figure 1: Proposed Local Development Plan

Community / Stakeholder Consultation

Pursuant to Clause 50 (1), Part 6, Schedule 2 of the Regulations, the local government is required to advertise a LDP within 28 days of accepting an application. Pursuant to Clause 50 (3), the local government may decide not to advertise a LDP if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area. The provisions contained within the LDP are not considered to impact any owners or occupiers within the area covered by the plan or an adjoining area. Therefore, the LDP was not advertised.

WAPC Referral

Clause 50 (1) (b), Part 6, Schedule 2 of the Regulations states that the local government must seek comments in relation to the LDP application from any public authority the local government considers appropriate. Clause 52 (1A) of the Regulations states that the local government must not approve a LDP if the LDP amends or replaces a deemed-to-comply provision of the R-Codes that requires the WAPC’s approval under the R-Codes and the WAPC has not approved the LDP.

Part A Clause 3.2.4 of the R-Codes Volume 1 (2024) requires WAPC approval for variations to R-Code provisions relating to open space. The proposed LDP seeks to vary the open space provisions of the R-Codes and therefore, the proposed LDP was referred to WAPC for consideration of this provision. WAPC approval has not yet been received in relation to this open space provision.



Statutory Environment

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

State Government Policies

Residential Design Codes Volume 1 (2024)

Local Planning Framework

Shire of Serpentine Jarrahdale Local Planning Scheme No.3

Local Planning Policy No. 2.2 - Residential Development Standards (R25 - R60)

Local Planning Policy No. 3.6 - The Glades Village Centre Design Guidelines

Planning Assessment

Vehicular Access

Section C3.7.1 of the R-Codes states that vehicular access is to be gained off a communal street, or right of way where possible, rather than a secondary or primary street. The proposed dwelling orientations, garage locations and vehicle access provisions shown within the LDP align with this section of the R-Codes, with the exception of Lots 3108, 3115, 3117 and 3121. The LDP proposes for Lots 3108, 3115, 3117 and 3121 to take vehicle access off the primary street.

Retaining walls are required to be constructed along the secondary boundaries to these corner lots, as an engineering solution to site constraints. This has been reflected within the civil drawings submitted for this subdivision stage. These retaining walls therefore prevent garage locations and vehicle access being achieved off the primary street. Given this site constraint, the proposed variation for vehicle access is supported by Officers.

Setbacks

Primary street setbacks

The LDP proposes minimum primary street setbacks of 2m for R80 lots and R60 Lots 314, 3105, 3106 and 3107, and 3m for the remaining R60 lots. The proposed 3m setback for R60 lots is consistent with Local Planning Policy 2.2 Residential Development Standards (R25-R60), which prescribes a 2m minimum primary street setback, and is supported by Officers. The 2m primary setback for the R80 and mentioned R60 lots is also supported, as it achieves the R-Codes requirement for a 2m minimum primary street setback for R80 lots, and the 2m minimum primary street setback required under Local Planning Policy 2.2 for R60 lots.

Secondary street setbacks

The LDP proposes minimum secondary street setbacks of 1m for both dwellings and garages. This is consistent with the requirements of the R-Codes for the R80 lots and is therefore supported. However, for the R60 lots, this provision is not consistent with the garage setback requirements of LPP2.2 for the R60 lots (Lot 3124) which requires a minimum 1.5m setback from the secondary street and is therefore not supported by Officers. Officers recommend that the provision for secondary street setbacks to garages and dwellings for all R60 lots be separated into separate provisions specify a 1m dwelling setback to the secondary street and a 1.5m garage setback to the secondary street to align with LPP2.2, as per the Schedule of Modifications within **attachment 2**.



Rear laneway setbacks

The LDP proposes 0.5m setbacks for the rear loading laneway lots. This applies to R80 lots except 3161 and 6162, and R60 Lots 3104, 3105, 3106, 3107, 3111 and 3120. A 1m laneway setback applies for R80 lots 3161 and 3162, adjacent to the Pedestrian Access Way (PAW). Local Planning Policy No.3.6 The Glades Village Centre Design Guidelines (LPP3.6) prescribes a nil or 0.5m minimum setback for laneway lots in these specific locations. LPP2.2 prescribes nil setbacks for rear loading R60 lots. Therefore, both the proposed 0.5m and 1m laneway setbacks are consistent for these laneway lots under LPP3.6, and are supported by Officers. The 1m setback for the two lots adjacent to the PAW is required for servicing purposes, and the minor setback difference proposed along the laneway (0.5m and 1m) is not considered to impact the streetscape.

Garage setbacks

The LDP proposes garage setbacks of 4.5m for all R60 lots, except Lots 3104, 3105, 3106, 3107, 3111 and 3120, which take rear access off the laneway. LPP2.2 prescribes garage setbacks of 5.5m from the front boundary where footpaths are located at less than 1m from the lot boundary. The civil drawings for this subdivision demonstrate that the footpaths are to be located less than 1m from the lot boundary for all roads providing access to the R60 lots. The Shire and proponent engaged in discussions regarding the design of Roads 1 and 2, which is a mews. Through this collaboration, these Roads (1 and 2) were designed as a 13.2m wide mews, with footpaths on either side, located against the property boundary. Therefore, garage setbacks of 5.5m would be required under LPP2.2 to prevent vehicles overhanging the footpath. As this provision is not consistent with LPP2.2 or civil design for this mews, this provision is not supported by Officers. A modification for this provision to state a 5.5m setback has been recommended within **attachment 2**.

Boundary setbacks

The LDP proposes that for R60 lots (except lots 3104, 3105, 3106 and 3107), buildings may be built up to one side boundary to a length of two-third the boundary, and that buildings built along the second side boundary may be built up to one-third of this boundary. LPP2.2 requires no maximum length to both side boundaries therefore the proposed two-third length to one side boundary, and one-third length to the second side boundary are less than the minimum requirement and therefore supported by Officers.

The LDP proposes that the R80 and R60 lots 3104, 3105, 3106 and 3107 have two side boundaries with maximum length of the side boundary for lots to be determined by the front and rear setbacks. This is supported, as the two side boundaries are appropriate given the high R80 density, and the length requirements will default to the R-Codes and the R60 lots require no maximum length to both side boundaries in accordance with LPP2.2.

Passive Surveillance

The LDP proposes a provision for dwellings to suitably address all adjacent street frontages to maximise visual surveillance, with all visible house elevations (from building line to erected fence) from the secondary street featuring a suitable level of detail in a manner consistent with the primary street elevation. This is particularly important for corner lots, which have several street frontages and must ensure to address the secondary street. The proposed provision provides for the addressing of all street frontages, with all visible house elevations from the secondary street having suitable detail of which is consistent with the primary street elevation. This provision is supported, as it provides for adequate secondary streetscape amenity and appearance and provides for visual surveillance to all streets to improve safety.



The similar detail for visible house elevations from the secondary street to the primary street will ensure a consistent streetscape appearance for both streets and is supported.

The LDP proposes that one major opening to a habitable room be provided from Lots 3161 and 3162 facing the PAW. This provision is supported, as the major opening from the habitable room facing PAW would allow for unobstructed views of the PAW providing for visual surveillance.

Open Space and Outdoor Living Areas

The LDP proposes a 'N/A' minimum open space percentage for all lots, with an OLA area of 10% of the lot size or 25m² (whichever is greater), with OLAs having a minimum length or width dimension of 3m with at least 70% being uncovered. Officers support the provision for N/A percentage of open space, and the 3.0m minimum OLA length or width in regard to the R60 lots as this is consistent with LPP2.2. However, this provision does not align with the R-Code requirements for the R80 lots. Table 5.1a of the R-Codes requires 30% open space for R80 lots. The LDP therefore proposes a variation to the R-Codes. This provision has therefore been referred to the WAPC for consideration.

Landscaping

The LDP proposes minimum soft landscaping provisions of 60% for R80 lots and R60 lots 3104, 3105, 3106, 3107, 3111 and 3120, and 40% for R60 for lots (except lots 3104, 3105, 3106, 3107, 3111 and 3120) These soft landscaping percentages are consistent with LPP2.2 and the R-codes, and this is supported by Officers.

Visual Privacy and Solar Access

The LDP proposes that the R80 lots be exempt from the R-Codes Section 3.10 relating to visual privacy and Section 3.9 relating to solar access for adjoining sites. These R-Code sections include provisions such as prescriptions for maximum overshadowing on adjoining properties. Officers view it appropriate for the R80 lots to be exempt from provisions related to visual privacy and overshadowing, given the size of these lots and the associated house product which will be achieved. Under the Shire's LPP2.2, R60 lots are exempt from all visual privacy and overshadowing provisions. The R80 lots within the LDP have an average lot size of 236.7m². This is considerably larger than the 120m² average lot size prescribed by the R-Codes for R80 lots. Additionally, the proposed development within the R80 lots will be single storey in contrast to the intended two storey development within the Village Centre. Given the scale of the proposed lots and the expected future wall heights and housing product, the potential overshadowing impacts will be minimal and Officers support an exemption from overshadowing and visual privacy provisions, as is the case with R60 lots under LPP2.2.

Built Form

This LDP proposes single storey development with a 30-course plate height. This provision intends to increase building height. LPP3.6 states that multi-storey development is preferred within the Village Centre location, which is particularly relevant regarding the R80 lots along the main street. This provision creates an appearance of increased building heights and scale to accommodate for the intended multi-storey streetscape appearance within single storey development. As such, this provision is supported.

This LDP proposes a provision for dwellings within R80 lots and R60 lots 3104-3107 to have at least one indentation in the street elevation. This will provide for a streetscape with increased interest, visual amenity, and will result in a stronger urban design outcome. As these lots have an R80/R60 density and main-street, multi-storey development was intended within this location under



LPP3.6, this provision will help to achieve the outcomes of LPP3.6 by creating a streetscape with a suitable appearance for this location. As such, this provision is supported.

PAW special provisions

The LDP proposes special provisions for Lots 3161 and 3162, which adjoin the Pedestrian Access Way (PAW). The LDP proposes a provision for a porch, balcony, veranda or the equivalent may project to the PAW boundary for 100% of the boundary. Officers are concerned that if these structures are projected to the lot boundary along the entire lot boundary, this will result in high building bulk along the interface with the PAW, adversely affecting the amenity of this PAW. Officers recommend that this provision be modified to allow verandahs to project to the lot boundary of the PAW, however for this to be limited to a maximum length of 10m (and not exceeding 3m in wall height and 4.2m in ridge height), in accordance with the R-Codes.

Visually permeable fencing

The LDP proposes visually permeable fencing along the interface of Mead Street, and the partial interface of Lots 3161 and 3162 which abut the pedestrian access way (PAW). This visually permeable fencing is proposed only along the northern one-third of the boundary between these lots and the PAW. Visually permeable fencing along the boundary between these lots and the PAW will provide an opportunity for passive surveillance and will improve the visual amenity and pedestrian safety of the PAW. A modification has been recommended by Officers for visually permeable fencing to extend along the entire length of the shared boundary between Lots 3161 and 3162 and the PAW to ensure a suitable interface is achieved that provides passive surveillance, safety and visual amenity.

Options

Option 1

That Council:

1. Pursuant to Clause 52 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE The Glades, Byford Village Centre Stage 2 - Local Development Plan as contained within **attachment 1**, subject to modifications as contained within **attachment 2**, and subject to Western Australian Planning Commission approval being granted under Clause 52 (1A).
2. Pursuant to Clause 55 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PUBLISH The Glades, Byford Village Centre Stage 2 - Local Development Plan in accordance with Clause 87.

Option 2

That Council REFUSE The Glades, Byford Village Centre Stage 2 - Local Development Plan, due to its variation against Local Planning Policy 2.2, and specifically pertaining to setbacks and garage placement issues.

Option 1 is recommended.



Conclusion

This LDP proposes variations to the R-Codes and LPP2.2. The majority of the proposed provisions relating to dwelling orientation, primary and lot boundary setbacks, visual privacy and surveillance, built form, and fencing are generally consistent with the R-Codes and LPP2.2 and are supported by Officers. Officers are also supportive of the R-Code variations to vehicular access, visual privacy and solar access.

However, Officers recommend modifications to provisions relating to garage setbacks, secondary street garage setbacks, PAW special provisions and visually permeable fencing. Officers recommend that the proposed LDP be approved, subject to modifications as per **attachment 2**, to ensure alignment with LPP2.2.

Attachments (available under separate cover)

- **10.1.9 - attachment 1** - The Glades Village Centre Stage 2 Local Development Plan (IN24/11697)
- **10.1.9 - attachment 2** - Schedule of Modifications (IN24/11698)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Connected
2. Contribute to a well-connected, accessible and health community

Financial Implications

There are no financial implications associated with the proposed application.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is the lowest strategic risk option.						
2	That Council REFUSE The Glades Village Centre Stage 1 Local Development Plan and the applicant seeks review of the decision via the State Administrative Tribunal.	Planning framework, including Local Planning Policy 2.2 Residential Design Standards (R25-R60) Policy, and the Residential Design Codes Volume 1 (R-Codes).	Social / Community Outcomes	Possible	Moderate	MODERATE	Accept Officer recommendation.



Voting Requirements: Simple Majority

OCM157/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Bishop

That Council:

- 1. Pursuant to Clause 52 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVE The Glades, Byford Village Centre Stage 2 - Local Development Plan as contained within attachment 1, subject to modifications as contained within attachment 2, and subject to Western Australian Planning Commission approval being granted under Clause 52 (1A).**
- 2. Pursuant to Clause 55 (1) Part 6 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PUBLISH The Glades, Byford Village Centre Stage 2 - Local Development Plan in accordance with Clause 87.**

CARRIED UNANIMOUSLY 5/0



10.1.10 - Brickwood Reserve Environmental Offset Proposal - Byford Rail Extension (SJ2201)	
Responsible Officer:	Director Development Services
Senior Officer/s:	Director Development Services
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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 a proposal received from the Public Transport Authority (PTA), in which they seek to partner with the Shire in order for the Shire to deliver required environmental offsets on behalf of the PTA.

The PTA wrote to the Shire on 8 November 2023 (refer **attachment 1**) setting out as follows:

The PTA has identified an 'Offset Allocation Area' of approximately 7.5 ha within Brickwood Reserve that contains sufficient extent of SCP 3a and CCW to achieve State and Federal requirements for the BRE project. As Brickwood Reserve contains approximately 34 ha of SCP 3a in total, there would be ample unallocated area remaining should the Shire require it for other environmental offsets in the future.

In consultation with the Shire's environmental team, the PTA has also identified an 'Offset Management Area' of approximately 12 ha, within which the Offset Allocation Area is situated (Figure 1). This larger area is based on available access and will provide for practical on-ground management of the Offset Allocation Area and its buffer.

The PTA proposes to provide funding to the Shire for the implementation of on-ground management within the 12 ha 'Offset Management Area' as part of the environmental offset package for the BRE project. On-ground management measures may include, but are not limited to, the installation of fencing and signage, formalisation of access, rehabilitation of degraded areas, rubbish removal, weed control, surveys and monitoring.'

The purpose of this report is to consider the response received from the PTA based on the above, and for Council to further consider the proposal.

Officers are now satisfied the proposal, as put forward by PTA, can be supported. Accordingly, Officers recommend that Council support in-principle portion of Brickwood Reserve as an environmental offset for the BRE project, subject to a suitable Memorandum of Understanding which includes (but is not limited to):

- the specific actions to be taken to achieve the required conservation outcomes;



- the timelines for undertaking such actions;
- the costs for such actions and all reporting aspects, and specifically how full cost recovery for the Shire will occur;
- the specific reporting requirements, frequency and responsibility for these;
- the specific monitoring requirements.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 March 2024 - OCM041/03/24 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. REQUESTS that the Chief Executive Officer write to the Public Transport Authority, in response to its letter dated 8 November 2023, advising that prior to further consideration of the matter, the Shire seeks the following additional information:*
 - a. How additional land equivalent to the offset area (12ha) will be secured and vested for the purposes of future offsetting needs that can be utilised by the Shire; and*
 - b. A written legal position provided by the State Solicitors Office, that clearly states the mechanisms by which the Shire will have no statutory compliance obligations in respect of fulfilling the offset requirements imposed by way of State and Federal Government statutory environmental approvals of the Public Transport Authority project.*
- 2. Upon receipt of a response received under Part 1, REQUESTS a further report on the matter for Council's consideration.*

Background

The Byford Rail Extension (BRE) to extend the Armadale line to Byford as part of the Metronet State Government project was approved by the Western Australian Minister for Environment on 1 February 2022 and the Federal Minister for the Environment on 7 February 2022.

The project identified significant residual impacts from the proposal which remain and require an offset. The significant impacts identified are:

- Threatened ecological community (TEC) *Corymbia calophylla* - *Kingia australis* woodlands on heavy soils (SCP3a), listed as Endangered under the EPBC Act and assessed as Critically Endangered by the WA Threatened Ecological Communities Advisory Committee.
- Threatened ecological community *Corymbia calophylla* - *Xanthorrhoea preissii* woodlands and shrublands (SCP3c), listed as Endangered under the EPBC Act and assessed as Critically Endangered by the WA Threatened Ecological Communities Advisory Committee.
- Carnaby's cockatoo *Calyptorhynchus latirostris*, listed as Endangered under the EPBC Act and the BC Act.
- Forest red-tailed black cockatoo *Calyptorhynchus banksii*, listed as Vulnerable under the EPBC Act and the BC Act.
- Baudin's cockatoo *Calyptorhynchus baudinii*, listed as Endangered under the EPBC Act and the BC Act.



- Conservation Category Wetlands - wetlands which support a high level of attributes and functions and are the highest priority for management (DBCA 2012).
- Bush Forever - identifies regionally significant bushland for protection in the Perth Metropolitan area (GoWA 2002a).

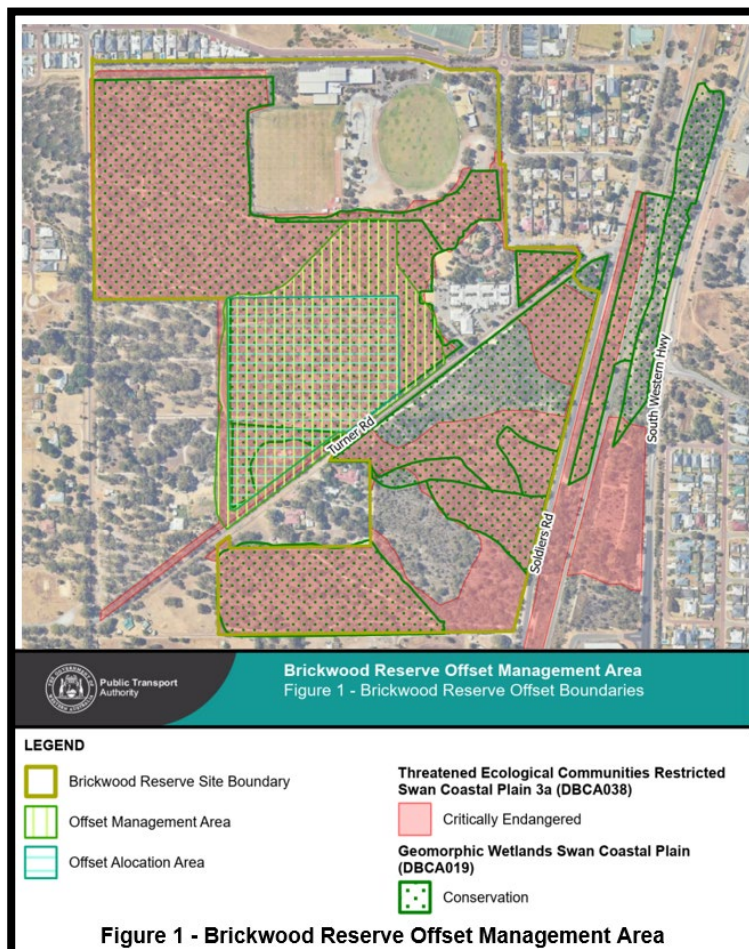
Under the approval conditions, the PTA is required to prepare and implement an environmental offset strategy, offset management plans and a research plan, that detail measures to counterbalance the project's environmental impacts.

The Ministerial Statement 1183 requires that the environmental offset measures are to be implemented at four locations, including Brickwood Reserve. The extent of the environmental values within Brickwood Reserve requiring environmental offset measures to be implemented are as follows.

The PTA has identified an 'Offset Management Area' of approximately 12ha, within which the Offset allocation area is situated:

- 6.5 ha of threatened ecological community (TEC) Swan Coastal Plain type 3a (SCP 3a) 'Corymbia calophylla - Kingia australis woodlands on heavy soils community of the Swan Coastal Plain';
- 4.2 ha of Conservation Category Wetland (CCW).

Refer to the following image:





Community / Stakeholder Consultation

Stakeholder

Key stakeholders include the State Government, specifically the PTA, Environmental Protection Authority (EPA) and Department of Biodiversity, Conservation and Attractions (DBCA), and the relevant portfolio Ministers at both State and Federal Government levels. The community and community groups involved in active management of Brickwood Reserve, are also key stakeholders in respect of outcomes that may affect this important environmental asset.

Statutory Environment

State Government Policies

- State Planning Policy 2.8 (SPP2.8)
- *Biodiversity Conservation Act 2016*
- *Environmental Protection Act 1986*

Local Planning Framework

- Shire of Serpentine Jarrahdale Local Planning Scheme No. 3

Comment

The PTA have approached the Shire on the following basis:

- The PTA proposes to provide funding to the Shire for the implementation of on-ground management within the 12 ha 'Offset Management Area' as part of the environmental offset package for the BRE project.
- On-ground management measures may include, but are not limited to, the installation of fencing and signage, formalisation of access, rehabilitation of degraded areas, rubbish removal, weed control, surveys and monitoring.
- If supported by the Shire, the PTA would prepare a Memorandum of Understanding (MoU) in consultation with the Shire, which would outline the obligations of each party, including in relation to financial management, on ground management, governance and reporting.
- The basis of such arrangement would seek to mirror established similar arrangements, formed between the DBCA and the PTA for other Metronet environmental offsets.

The PTA is seeking confirmation of the Shire's in-principle support to utilise a portion of Brickwood Reserve as an environmental offset for the BRE Project.

As a result of the report presented to the March 2024 meeting, Council resolved a request for some further information, as follows:

- a. Understanding how additional land equivalent to the offset area (12ha) will be secured and vested for the purposes of future offsetting needs that can be utilised by the Shire; and
- b. Seeking a written legal position provided by the State Solicitors Office, that clearly states the mechanisms by which the Shire will have no statutory compliance obligations in respect of fulfilling the offset requirements imposed by way of State and Federal Government statutory environmental approvals of the Public Transport Authority project.



A letter was received from the PTA dated 1 May 2024 (**attachment 2**) in response to this request, which provides the following information. This forms the basis of consideration, following the March 2024 report to Council.

Additional information and Officer comment

Q. Understanding how additional land equivalent to the offset area (12ha) will be secured and vested for the purposes of future offsetting needs that can be utilised by the Shire

A. *In relation to the 'offset area (12 ha)', the PTA wishes to clarify that it proposes to secure an approximate 7.5 ha 'offset allocation area' within a 12 ha 'onground management area,' as illustrated in the attached figure and explained further below:*

- The approximate 7.5 ha 'offset allocation area' within Brickwood Reserve includes at least 6.5 ha of threatened ecological community (TEC) Swan Coastal Plain type 3a 'Corymbia calophylla – Kingia australis woodlands on heavy soils community of the Swan Coastal Plain' (SCP 3a) and 4.2 ha of Conservation Category Wetland (CCW). This would be the 'offset allocation area' referenced in any offset strategy or management plans required under Ministerial Statement 1183 and EPBC 2020/8764.*
- The PTA proposes that the offset allocation area be buffered within a larger 'onground management area' (12 ha), defined by existing firebreaks and property boundaries. This larger area would provide flexibility for the Shire in its implementation of onground management activities (e.g. weed control), to improve the condition of environmental values within the offset allocation area. The portion of the proposed onground management area outside of the proposed offset allocation area (equivalent to approximately 4.5 ha) would still be available for the Shire to allocate as an environmental offset for another project.*

Outside the PTA's proposed approximate 7.5 ha offset allocation area, Brickwood Reserve contains approximately 33 ha of TEC SCP 3a and 31 ha of CCW that would still be available for the Shire to use for any future environmental offsets.

Under WA and Commonwealth government policies, environmental offsets are required to provide 'like for like' compensation for residual significant impacts to environmental values. The WA Environmental Offset Guidelines states that "...impacts to an environmental value are required to be offset by actions that benefit the same environmental value being impacted" (p.13), and the Commonwealth Environmental Offsets Policy states that "Offsets must directly contribute to the ongoing viability of the protected matter impacted by the proposed action..." (p.17). In the case of the Byford Rail Extension (BRE) project, the PTA is providing direct (on-ground) and indirect (research) offsets to improve the condition of various environmental values, including TEC SCP 3a, CCW, black cockatoo foraging habitat and potential black cockatoo breeding trees.

The PTA is unable to secure and vest additional land for the Shire's future offsetting needs. However, once the Shire has determined its project impacts to specific environmental values, the PTA can provide advice to the Shire on environmental offset requirements. This may include assistance with interpretation of WA and Commonwealth requirements, inputs to offset calculations, review of existing government spatial data, and identification of environmental values on Crown land (potential offset sites).

Officer comment: Officers generally concur with the findings that land suitability for future offsets are unable to be met by land in a *general* sense, but that specifically it is only land and its associated landscape unit that may qualify it for use for offsets.



Thus, it is more realistic to be approaching the offset task by ensuring early identification as part of a capital project, and then seeking options to secure land (preferably already managed by the Shire) which matches the landscape unit being impacted by the project and thus utilising this for offsetting.

Having a State Government agency offering to support the Shire in respect of its future capital project delivery, is considered very valuable, especially in looking at the expertise that can be accessed to help. For example, in exploring ways to reduce vegetation impacts and maximise the ability to reduce offsets. Furthermore, it is important to acknowledge that the on ground management area outside of the proposed offset allocation area (equivalent to approximately 4.5 ha) would still be available for the Shire to allocate as an environmental offset for another project which directly impacted the same landscape unit found in Brickwood Reserve.

Q. Seeking a written legal position provided by the State Solicitors Office, that clearly states the mechanisms by which the Shire will have no statutory compliance obligations in respect of fulfilling the offset requirements imposed by way of State and Federal Government statutory environmental approvals of the Public Transport Authority project.

A. The PTA has sought advice from the State Solicitor's Office (SSO) and has been informed that the SSO does not advise or assist entities other than the State government and its agencies. Therefore, the SSO will not be able to provide advice to the Shire on this matter. The SSO has explained that any protections or limitation on liability that the Shire is seeking will be contained in the Memorandum of Understanding (MoU), which will be prepared under the SSO's guidance.

The WA Environmental Offset Guidelines states that "...while third party delivery arrangements may occur, the legal obligation remains with the proponent or permit holder" (p.29) and the Commonwealth Environmental Offsets Policy states that "regardless of the offset delivery mechanism, project proponents remain responsible for ensuring that their conditions of approval are met" (p.26). The PTA is the proponent for both Ministerial Statement 1183 and EPBC 2020/8764 will therefore remain legally responsible for compliance with the relevant offset conditions.

The SSO has been involved in the preparation of all MoUs for METRONET environmental offsets. The attached draft MoU is based on a recently executed MoU between the PTA and the Department of Biodiversity Conservation and Attractions (DBCA) for Roman Road Nature Reserve in Mundijong. The PTA invites the Shire's feedback on the draft MoU for Brickwood Reserve, which will then be reviewed by the SSO.

Officer comment: Officers are also aligned with the position expressed by PTA, that the legal framework pertaining to offsets remains with the proponent or permit holder. This is the State Government, and specifically the PTA, in this regard.

Officers consider that there is manageable risk in now pursuing the proposal, provided that (at this stage), Council indicate its support in-principle, to portion of Brickwood Reserve as an environmental offset for the BRE Project, subject to a suitable Memorandum of Understanding which includes (but is not limited to):

- the specific actions to be taken to achieve the required conservation outcomes;
- the timelines for undertaking such actions;
- the costs for such actions and all reporting aspects, and specifically how full cost recovery for the Shire will occur;



- the specific reporting requirements, frequency and responsibility for these;
- the specific monitoring requirements.

As part of considering legal risks, Officers also obtained confidential legal advice, which is provided in **CONFIDENTIAL attachment 3**.

The specific actions

Council has an adopted Management Plan for Brickwood Reserve, which would form the initial position to work with PTA in quantifying the actions to be taken. These would include:

Briggs Park and Brickwood Reserve Management Plan	
1.	Implement appropriate mechanisms to ensure stormwater does not cause erosion such as in-stream structure to assist in slowing down water velocity.
2.	Rehabilitate degraded areas, focusing on bare soil such as eroding tracks and firebreaks.
3.	Monitor inappropriate motorcycle access.
4.	Implement plans in consultation with the BMX club for the redesign of the BMX Track.
5.	Cost options to improve the winter drainage of the lower square oval, in collaboration with user groups.
6.	Investigate the potential for diverting development runoff away from the bushland area such as in the case of the Lower Briggs Park proposal to utilize the preferred Option 3 (See Appendix 6) with the least environmental impact with the discharge location utilising the existing limestone fire management access track.
7.	Ensure that the principles of water sensitive urban design are implemented in all future urban development to minimise nutrient and water flow through the Reserve.
8.	Seek support from Department of Water to implement the Drainage and Water Management Plan and include important provisions in the new Town Planning Scheme for Serpentine Catchment area to help guide future groundwater allocation and to set conditions for future urban developments in the area.
9.	Instigate collaboration in seeking funds for a regular groundwater and surface water monitoring program (quality and quantity) spatially and temporally linked to vegetation composition and condition within and around the Reserve.
10.	Install pollutant trap/nutrient filters along the drains near or upstream from where they enter the reserve.
11.	Investigate opportunities to educate surrounding and upstream landholders on how to minimise pollution of waterways and groundwater (i.e. brochure).

**Briggs Park and Brickwood Reserve Management Plan**

12.	Review and implement a Nutrient and Irrigation Management Plan which minimises impact to Brickwood Reserve from Briggs Park Ovals and addresses irrigation frequency and volumes.
13.	Complete connection of Briggs Park and all amenities to deep sewerage.
14.	Establish targets for water consumption at the Serpentine-Jarrahdale Recreation Centre.
15.	Conduct annual audits of water use associated with the Serpentine-Jarrahdale Recreation Centre.
16.	Investigate ways to isolate and restrict dieback spread and access to dieback (<i>Phytophthora cinnamomi</i>) free areas.
17.	Place signs at the entrance to the reserve to advise users of the incidence and effect of dieback (<i>Phytophthora cinnamomi</i>), the areas that are infected and areas where access is restricted.
18.	Monitor the recovery of plant communities after fire and use this information to reassess the fire management plan/strategy.
19.	Review annually and implement a Weed Control Plan in consultation with the Friends of Brickwood Group that maps and identifies weed species within the reserve, and identifies priority areas and appropriate techniques and strategies to reduce weed density and weed seed sources in the bushland, surrounding areas and active recreation areas.
20.	Identify and progressively remove all river red gums (<i>Eucalyptus camaldulensis</i>) and other invasive non-local trees and shrubs from the reserve and road reserves.
21.	Update and seek approval for a Reserve Fire Management Plan/Strategy in conjunction with the relevant State and Commonwealth Departments. Ensure all burning in the reserve conforms to this plan.
22.	Regularly monitor and record feral animals around the reserve. Undertake control programs when needed including trapping and baiting.
23.	Advise all local residents of the impacts of dogs and cats on the reserve fauna.
24.	Revise, review and implement an animal (i.e. dogs and cats) management plan for the reserve with implementation costs.
25.	Continue discussion with the WA Baptists Hospital and Homes Trust to transfer the two areas of Reserve 37404 linked to lot 106 to Shire management for conservation and to change the reservation under the Metropolitan Region Scheme to 'Parks and Recreation'.
26.	Provide all developers/landowners directly adjacent to Brickwood Reserve with management plan information and requirements.

**Briggs Park and Brickwood Reserve Management Plan**

27.	Develop and implement a public education program (including signs, a brochure drops, field days) that targets local landowners and users of the reserve, to protect rare and beautiful species in the reserve and protect from the impacts of domestic dogs and cats, impacts of weeds and dieback (<i>Phytophthora cinnamomi</i>) physical disturbance and impacts of fire.
28.	Encourage, support and facilitate community groups to provide ongoing participation in the management of the reserve.
29.	Provide seating, shading, interpretive signage and other facilities for picnic areas in Briggs Park.
30.	Continue to consolidate the Brickwood Reserve for Shire conservation purpose vesting through acquiring Lot 106 and managing Lot 48 for conservation as well as for community, scientific study and educational purposes.
31.	Investigate the feasibility of providing information to local Schools about the environmental and conservation values of Brickwood Reserve.
32.	Implement the Master Plan for Briggs Park Recreation Precinct to increase, renovate or upgrade reserve and park facilities, including public lighting as appropriate, over the life of this management plan without any unauthorised clearing of native vegetation.
33.	Investigate developing appropriate signage to advise users of the environmental values and history of the reserve including the history of naming of the reserve after Geoff Brickwood.
34.	Implement the Byford Structure Plan Statutory Provisions as follows: <ul style="list-style-type: none">• Investigate the possible closure of Turner Road.• Local Structure Plans that are to be prepared for land adjacent to the Brickwood Reserve to include a road reserve adjacent to the Brickwood Reserve separating the reserve from future residential areas.
35.	Periodically monitor and review the efficiency and effectiveness of management plan action implementation and revise as necessary.

Options**Option 1**

That Council:

1. SUPPORTS in-principle a portion of Brickwood Reserve as an environmental offset for the Byford Rail Extension project, subject to a suitable draft Memorandum of Understanding (MOU) being prepared by the Public Transport Authority, satisfactory to the Shire of Serpentine Jarrahdale which includes (but is not limited to):
 - a. the specific actions to be taken to achieve the required conservation outcomes;



- b. the timelines for undertaking such actions;
 - c. the costs for such actions and all reporting aspects, and specifically how full cost recovery for the Shire will occur;
 - d. the specific reporting requirements, frequency and responsibility for these;
 - e. the specific monitoring requirements.
2. REQUESTS the Chief Executive Officer, upon receiving the draft MOU, to organise a legal review of the draft MOU with the costs of this to be met by the PTA.
 3. Upon (1) and (2) being completed, REQUESTS the draft MOU be reported to Council for consideration.

Option 2

That Council DOES NOT SUPPORT portion of Brickwood Reserve as an environmental offset for the Byford Rail Extension project.

Option 1 is recommended.

Conclusion

Officers have recommended a position in respect of the whole issue of offsets, which has been cautious to ensure a full understanding of options and implications occurs. This report culminates in a recommendation on the proposal received from PTA, that Council support the project.

Attachments (available under separate cover)

- **10.1.10 - attachment 1** - Letter from Public Transport Authority dated 8 November 2023 (E24/2617).
- **10.1.10 - attachment 2** - Letter from Public Transport Authority dated 1 May 2024 (IN24/12291)
- **10.1.10 – CONFIDENTIAL attachment 3** - Confidential legal advice (E24/7783)

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

Financial Implications

The PTA proposes to provide funding to the Shire for the implementation of on-ground management within the 12ha 'Offset Management Area' as part of the environmental offset package. This would provide a funding source not currently available to the Shire, to manage this natural reserve.



The resolution to Council recommends supporting in principle the proposal, subject to detailed information including full cost recovery for the Shire.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This is considered the lowest risk option.						
2	The Shire does not support the PTA proposal, which adds further uncertainty to the management of environmental impacts associated within the Byford Rail Extension (BRE).	Environmental protection framework	Financial	Possible	Moderate	SIGNIFICANT	Accept Option 1.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

1. SUPPORTS in-principle a portion of Brickwood Reserve as an environmental offset for the Byford Rail Extension project, subject to a suitable draft Memorandum of Understanding (MOU) being prepared by the Public Transport Authority, satisfactory to the Shire of Serpentine Jarrahdale which includes (but is not limited to):
 - a. the specific actions to be taken to achieve the required conservation outcomes;
 - b. the timelines for undertaking such actions;
 - c. the costs for such actions and all reporting aspects, and specifically how full cost recovery for the Shire will occur;
 - d. the specific reporting requirements, frequency and responsibility for these;
 - e. the specific monitoring requirements.



2. REQUESTS the Chief Executive Officer, upon receiving the draft MOU, to organise a legal review of the draft MOU with the costs of this to be met by the PTA.
3. Upon (1) and (2) being completed, REQUESTS the draft MOU be reported to Council for consideration.

OCM158/06/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Mazzini

That Council:

1. **SUPPORTS** in-principle a portion of Brickwood Reserve as an environmental offset for the Byford Rail Extension project, subject to a suitable draft Memorandum of Understanding (MOU) being prepared by the Public Transport Authority, satisfactory to the Shire of Serpentine Jarrahdale which includes (but is not limited to):
 - a. the specific actions to be taken to achieve the required conservation outcomes;
 - b. the timelines for undertaking such actions;
 - c. the costs for such actions and all reporting aspects, and specifically how full cost recovery for the Shire will occur;
 - d. the specific reporting requirements, frequency and responsibility for these;
 - e. the specific monitoring requirements.
2. **REQUESTS** the Chief Executive Officer, upon receiving the draft MOU, to organise a legal review of the draft MOU with the costs of this to be met by the PTA.
3. **REQUEST** the Chief Executive Officer as part of the development of the MOU ensures consultation occurs with Friends of the Brickwood Reserve.
4. Upon (1), (2) and (3) being completed, **REQUESTS** the draft MOU be reported to Council for consideration.

CARRIED UNANIMOUSLY 5/0

Reason for difference to Officer Recommendation

To allow community consultation with interested party.



10.1.11 - Shire of Serpentine Jarrahdale Mosquito Management Plan 2024 - 2029 (SJ261)

Responsible Officer:	Manager Health, Building 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 present to Council the Shire's Mosquito Management Plan 2024-2029 (MMP) for consideration and adoption. The Mosquito Management Plan recommends the next five year focus in respect of mosquito management within the Shire, and also recommends the Shire join the South-Metro Contiguous Local Authorities Group (CLAG) Mosquito Management Program. This provides an effective approach over the next five years, and also through participation in the CLAG opens up opportunities for funding through Department of Health, to help deliver the Plan.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 July 2020 – OCM215/07/20 - COUNCIL RESOLUTION / Officer Recommendation
That Council ADOPTS the Health and Wellbeing Strategy 2020 – 2024 as contained within attachment 1 and implements the actions within Budget constraints.

Background

Mosquito management is an important issue for local government focus, noting the hazard that can be associated with mosquito born disease and the impacts on vulnerable communities. With much of the Shire affected by flood plain, and relying on extensive systems of day light drainage systems, addressing the risk of mosquitos is relevant to the context of the Shire.

The Shire's draft 2024-2029 Mosquito Management Plan (MMP) (**attachment 1**) builds upon and replaces the Shire's existing 2018 Plan. It is also noteworthy that the development of a MMP is a mandatory requirement for the Shire to join the South-Metro Contiguous Local Authorities Group (CLAG) Mosquito Management Program. The Department of Health also requires development of a Memorandum of Understanding (MoU) (**attachment 2**) between participating local government Chief Executive Officers, and the Western Australian Department of Health.

As will be discussed, joining the CLAG is an important step for the Shire to take in addressing the hazards posed by mosquitos and the potential impacts this has on vulnerable communities.



Community / Stakeholder Consultation

There is no statutory consultation required for this application type. Community education is proposed as a key action within the MMP.

Statutory Environment

The Shire has a responsibility, under the *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911*, to manage public health risks from mosquitos on land under its control. The *Public Health Act 2016* and subsidiary legislation contains requirements with respect to monitoring notifiable infectious disease and the associated threat to public health from mosquito-borne disease.

The implication for the Shire of this is the need to implement a robust mosquito management program, that manages this risk of mosquito vector borne disease and nuisance in the Shire.

Additionally, the Shire will deliver mosquito management within the bounds of the following statutory frameworks:

- *Planning and Development Act 2005* with respect to the responsibility to assess development applications that may potentially increase mosquito breeding areas.
- *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992*
- *Wetlands Conservation Policy for Western Australia 1997*
- *Wetlands Policy of the Commonwealth Government of Australia 1997*
- *Local Planning Scheme 3*

Legislation

Health (Miscellaneous Provisions Act) 1911

Public Health Act 2016

Comments

To understand the transmission of disease and the prevalence of nuisance mosquitoes, the life cycle and habitat preferences of mosquitoes needs to be discussed. The mosquito life cycle consists of four distinct stages: egg, larvae, pupa and adult (refer Figure 1).

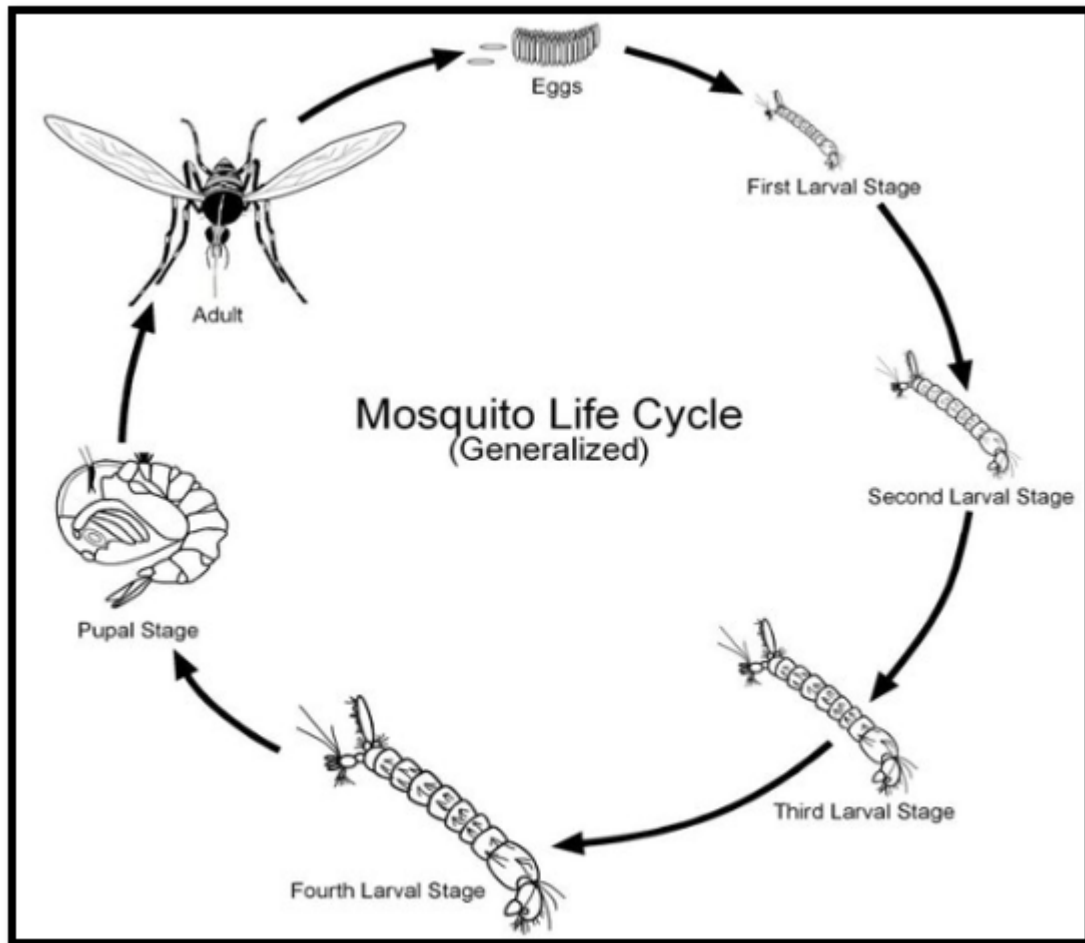


Figure 1: Mosquito Lifecycle

Interestingly, the female mosquito is the only one that will bite, as they require a blood meal to obtain the necessary protein to produce around 100 to 500 eggs. The eggs are laid on water bodies and depending on the species, may require water for their complete development. The egg will hatch into a larvae that is entirely aquatic, and will go through four stages known as instars. After the fourth instar stage, around five to seven days after hatching, the larvae will moult and develop into a pupa which will complete its development in water or moist environment.

The larval and pupal stages of the mosquito life cycle are aquatic, feeding on microscopic organisms, decaying vegetation or bottom detritus. The larvae can be found in stagnant water such as swamps, puddles, dams as well as in animal water troughs, bowls and buckets. If no management is taken, the larvae will become an adult mosquito within four to ten days, depending on the species. Following the pupa stage, the mosquito will develop into an adult mosquito and live for an average of six or seven days for males, and around six weeks for females. Anopheles and Culex species of mosquitoes may fully develop from an egg to an adult within seven to ten days, while the Aedes species may take only four to five days.

The adult mosquito will usually remain in their larval habitat as long as there is a blood source, and may only travel 50 to 100 metres. However, other species may travel one to five kilometres, and the Aedes vigilax may travel around 100 kilometres.



In Western Australia, mosquito species can be divided according to their breeding habitat such as wetlands, swamps, emergent vegetation, containers and temporary ground pools. Therefore, residents living in close proximity to mosquito natural habitats are more at risk of being impacted by nuisance levels of mosquitoes and diseases. Most of the Shire is within the Peel Harvey catchment. The largest sub-catchment is the Upper Serpentine River, which flows east to west through the Shire, passing near Serpentine. The Serpentine River is the most significant waterway in the Shire, hosting two drinking water dams. Several brooks run south and north of the river, many of which are no longer perennial (disconnected from groundwater) and respond only to direct rainfall.

Mosquito species most commonly identified in the Shire are *Aedes Notoscriptus* which can be a carrier of Ross River Virus and Bharma Forest Virus. They breed in domestic containers of stagnant water such as discarded buckets or tyres, bird baths, ponds, plant trays etc. The major mosquito species and characteristics are outlined in Table 1 (Figure 2) below.

Major Species						
Mosquito Species	Distribution	Habitat and breeding preference	Dispersal capability from the breeding site	Biting habit & biting period	Active season	Human disease
<i>Aedes notoscriptus</i>	Throughout the Shire but most often associated with urban areas and localised complaints.	Clean water within the domestic environment; artificial containers such as: <ul style="list-style-type: none"> • Discarded tyres and buckets, • water ponds, • bird baths, • pet water bowls, • gutters, • pot plant drip, trays, self-watering pot plants, • leaf axils, e.g. • Bromeliads. 	About 0.4 km Prefer to stay around houses. Generally, males are found within 20m of the larvae site.	Vicious; active dawn and dusk; sometimes at night and daytime; prefers shade and moist humid areas.	Most often in the warm months when domestic reticulation commences.	RRv and BFv
<i>Aedes camptorhynchus</i>	Most parts of the Shire	Some opportunistic, freshwater	Up to 3-5 km,	Vicious; all times, particularly	Winter, spring and	RRv and



Major Species						
Mosquito Species	Distribution	Habitat and breeding preference	Dispersal capability from the breeding site	Biting habit & biting period	Active season	Human disease
		wetlands, brackish swamps & saline affected inland regional waters	however, could be up to 8km.	dusk & dawn.	early summer.	BFv.
<i>Aedes vigilax</i>	Most areas in the Shire	Brackish wetlands/streams	Generally, 5-8km; but up to 100 km.	Extremely vicious; all times. Especially during the heat of the day	Mid to late summer when air & water temps are high	RRv and BFv.

Figure 2: Table 1 - Major mosquito species in the Shire

Mosquito Management

A Mosquito Management Plan is an overarching document that describes all aspects of a mosquito management program, including the programs objectives, nuisance/disease risks, mosquito breeding sites, management strategies, land owners, necessary permits/approvals, budgets and resource requirements. The Plan identifies future budget and funding arrangements, along operational strategies to adequately control mosquitos within identified risk areas of the Shire.

The reason for the Management Plan is that the Shire is to manage the risk of residential development growth in proximity to environments favourable for mosquito breeding. With more public open space, artificial waterbodies, and stormwater infrastructure being handed over to the Shire, there is a need to manage the risk of mosquitos more strategically. Much of this residential development is located in close proximity to existing wetlands, riparian areas and the Swan Coastal Plain, which is subject to seasonal inundation.

As development proceeds through the southern area of the Shire and the population increases, it is likely that there will be an increased number of cases of mosquito-borne disease being driven by saltmarsh mosquito breeding, especially along upper tidal reaches of the Serpentine River. A collaborative approach with Peel CLAG is required to control the extent of breeding and control of saltmarsh mosquitoes likely to disperse well beyond the border of Serpentine Jarrahdale, under favourable environmental conditions.

Plan Objectives

The aim of the Plan is to protect the health, welfare and amenity of Shire residents from vector and nuisance mosquitoes. The principal objective is to reduce the risk of mosquito borne disease to the population by:

- Identifying breeding and potential mosquito breeding areas in the Shire, particularly within high-risk urban residential growth areas.



- Undertaking an appropriate monitoring program – pre & post treatment data.
- Achieving application skills and a competent understanding of the control chemicals (larvicide/adulticide), and chemical resistant risk.
- Disseminating public health information through integrated education programs through Department of Health – Fight the Bite campaign, CLAG regional campaigns – media ads, onsite warning signs etc.
- Establishing a unified community and stakeholder approach to mosquito management.

CLAG Memorandum of Understanding

The integration of the Shire into the South Metro CLAG enables access to State funding, with 50% of larvicide costs and 100% of the helicopter hire costs being provided by the DOH. This is formalised through a “*Memorandum of Understanding* (MoU), and it is strongly acknowledged that the CLAG funding is critical for the delivery of an effective mosquito control program.

The MoU should be directly referenced to gain an understanding of the funding commitments and process for the CLAG to set an appropriate annual member budget contribution.

The Shire provides funds separate to the CLAG for purposes outside of the auspices of the MoU such as:

- mosquito awareness/health education,
- maintenance of equipment, including the painting of interpretation shelters, replacement of signage, etc.;
- purchases of new equipment, e.g., adulticide hot/cold spray equipment, vehicles, quad bike;
- adulticides;
- general contingency fund, referenced as, “mosquito control”.

Options

Option 1

That Council:

1. ENDORSES the Mosquito Management Plan.
2. AUTHORISES the Chief Executive Officer to sign the Memorandum of Understanding to join the South-Metro Contiguous Local Authorities Group Mosquito Management Program.

Option 2

That Council DOES NOT ENDORSE the Mosquito Management Plan and subsequently DOES NOT AUTHORISE the Shire’s joining of the South-Metro Contiguous Local Authorities Group Mosquito Management Program.

Option 1 is recommended.

Conclusion

The Shire’s Mosquito Management Plan 2024-2029 and subsequent integration into the South-Metro CLAG provides the Shire with an opportunity to deliver an improved mosquito management service to protect public health and the state of the environment.



Attachments (available under separate cover)

- **10.1.11 - attachment 1** - Draft Shire of Serpentine Jarrahdale Mosquito Management Plan 2024 2029 (E24/7409)
- **10.1.11 - attachment 2** - Southern Metropolitan Contiguous Local Authorities Group Memorandum of Understanding (E24/7423)

Alignment with our Council Plan 2023-2033

<p>Liveable</p> <p>A protected, enhanced and safe natural and built rural environment, with access to services and facilities</p>
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Financial Implications

The financial implications of the Mosquito Management Plan are predominantly operational. A proposed amount of \$7,500 has been budgeted for in the 2024/2025 financial year (2300 12401 6600) to assist with mosquito resource as required including education, equipment, chemical treatments and contingency funds for seasonal variations in mosquito risk.

Account Number	Project	Natural Account	Type	Debit \$	Credit \$
6300-80174-6600	Mosquito Management activity		Operational Expenditure		7,500

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 is no foreseeable risk to Option 1						
2	If the Council does not endorse the Plan the community may be impacted by nuisance and disease, due to the Shire having inadequate measures to manage mosquito risk.	Rely on the 2018 Plan	Physical or Psychological	Likely	Major	HIGH	Accept Officer Recommendation



Continued

Ordinary Council Meeting Minutes Monday, 17 June 2024

Voting Requirements: Simple Majority

OCM159/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. ENDORSES the Mosquito Management Plan.**
- 2. AUTHORISES the Chief Executive Officer to sign the Memorandum of Understanding to join the South-Metro Contiguous Local Authorities Group Mosquito Management Program.**

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.1.12 - Gas Gun Use - Noise Management Review (SJ1264-11)

Responsible Officer:	Manager Health, Building 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 report is in response to a motion passed at the 18 March 2024 Council meeting, which requested the Chief Executive Officer provide a report within three months, setting out options and implications for enhanced management of gas gun usage within the areas of Jarrahdale used for commercial orcharding.

The motion also requested that the report include information on any current and historical complaints; how complaints are currently dealt with; approaches utilised by other local governments and; input and recommendations from relevant State Government agencies of DBCA, DPIRD and DWER.

In response to that motion, this report provides a summary of gas guns use in Jarrahdale orchards area, with respect to relevant legislation, guidelines, state and local government and local context including complaints. The report provides Council with information pertaining to the motion. The report also identifies how Officers utilise the current State Government Best Practice Guidelines for Bird Scaring in Orchards (Noise Considerations), and recommend this be the continued basis for managing noise issues.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 March 2024 - OCM034/03/24 - COUNCIL RESOLUTION / Elected Member Recommendation That Council REQUESTS the Chief Executive Officer to provide a report within three months of the date of resolution, setting out options and implications for enhanced management of gas gun usage within the areas of Jarrahdale used for commercial orcharding. This should include information on current and historical complaints; how complaints are currently dealt with; approaches utilised by other local governments and; input and recommendations from relevant State Government agencies of DBCA, DPIRD and DWER.

Background

On 18 March 2024, Council put forth a Notice of Motion requesting the Chief Executive Officer to provide a report within three months of the date of resolution, examining options and implications on enhanced management of gas gun usage within the areas of Jarrahdale.



Acoustic bird scaring devices, such as gas guns, have become the primary cost-effective means of controlling birds in orchards, when used in an appropriate manner. Gas guns are commonly used as bird scaring devices in Jarrahdale to protect fruit crops in orchards, and are particularly important given the three endangered black cockatoo species of the southwest of Western Australia.

Community / Stakeholder Consultation

At this stage, no community consultation has occurred, given the motion resolved by Council is specific to:

- documenting current and historical complaints;
- documenting how complaints are currently dealt with;
- approaches utilised by other local governments; and
- input and recommendations from relevant State Government agencies of DBCA, DPIRD and DWER.

Council could decide to undertake consultation with the community and / or stakeholders if deemed appropriate.

Statutory Environment

The Shire's Environmental Health Officers are authorised under the *Environmental Protection Act 1986*, and have the responsibility to administer the *Environmental Protection (Noise) Regulations 1997*. This administration is commonly in the form of addressing environmental noise, to protect against what may be considered as unreasonable noise, as defined by the Act.

The protection of wild birdlife, specifically protected species, falls within the remit of the *Biodiversity Conservation Act 2016*. Routine land management activities that temporarily modify a species behaviour by moving them on (but not to their detriment) such as through the use of audible gas gun scaring devices, are able to occur without any authorisation under the *Biodiversity Conservation Act 2016*.

Legislation

Environmental Protection (Noise) Regulations 1997

State Biodiversity Conservation Act 2016

Commonwealth Biodiversity Conservation Act 1999

Shire Authority Procedure

The Shire's Environmental Health team carries out investigation and enforcement for matters relating to noise, in accordance with their authorisation under the *Environmental Protection (Noise) Regulations 1997*. In ensuring this is done in an appropriate, structured and consistent manner, Officers follow recommended State Government guidance, as it may relate to the matter at hand. In this regard, with respect of audible gas gun usage and noise considerations, Officers have and continue to utilise the State Government Best Practice Guidelines for Bird Scaring in Orchards (Noise Considerations).

Given the use of gas gun devices, the guidelines assist Officers in respect of adopting approaches to address issues. These help the local government sector to balance what is reasonable and practicable, given the application of the *Environmental Protection (Noise) Regulations 1997*.



Consistent with Council's Compliance and Enforcement Policy, and the Best Practice Guidelines, Officers take an educative approach by requesting all orchardists reflect the Best Practice Guidelines.

If issues continue, the Best Practice Guidelines assist in helping Officers deal reasonably and practicably with pursuing solutions, that balance reasonable amenity considerations with the ongoing needs for crop protection.

The said Guidelines were produced by Black Cockatoo/Fruit Protection Technical Advisory Committee. This Committee comprised a number of State Government departments and the WA Fruit Growers Associated, with the intention to establish a balance between the commitment to protected threatened bird species, and the viability of the fruit growing industry and the welfare and amenity of residents.

The recommended procedure for local government when dealing with noise complaints under the Best Practice Guidelines includes:

1. *Ensuring both complainants and growers have the available information about bird scaring in orchards;*
2. *Using informal mediation to achieve acceptable bird-scaring regimes based on the Best Practice Guidelines, where possible;*
3. *If damage mitigation methods, or compliance with noise regulations are in dispute, assess the impact of noise emission with regard to:*
 - i) *the type of scaring method and duration, time of day; and*
 - ii) *the noise level, and presence of tonality or impulsiveness.*
4. *Encourage the fruit grower to explore ways of reducing noise in accordance with the guidelines by:*
 - *reducing use of acoustic methods by using other methods, including both short and long term, (e.g. visual scarers or netting, noting however netting can have detrimental impact on other orchards by essentially shifting the problem); and*
 - *reducing the noise emissions from acoustic methods, such as using barriers or placement to reduce the noise level or by reducing the number of blasts from gas guns.*

The Best Practice Guidelines also introduce a noise management plan option. This has the purpose of setting out negotiated conditions designed to minimise the impact of bird scaring devices on neighbours. It is a plan specific to one orchard (or a collection of adjacent orchards) and the surrounding neighbours, and non-legal in nature. According to the Guidelines, it aims to document conditions/activities considered reasonable and acceptable to all parties.

Current and Historical Complaints

Gas gun disturbance issues have been seen to be present since 2020. As a result of complaints in 2020, an investigation was undertaken and correspondence with one particular orchard operator in Jarrahdale occurred. This engagement resulted in that issue ceasing temporarily.

In April 2021, additional complaints were then received about gas gun use causing a disturbance. With respect to this investigation, the Shire followed procedures to educate the operator in writing; make them aware of this legal obligation under the *Environmental Protection (Noise) Regulations 1997* and; seek their voluntary cooperation to address the issue.



The landowner was also advised specifically about their obligation, as a landowner, to be considerate of reducing disturbance to neighbouring properties.

In discussion with affected residents in July 2021, confirmation was received that the issue had reduced to an acceptable level, with the gas gun used occasionally for low impact use.

Residents were also advised to continue keeping a noise log, and to contact the Shire if the issue was to become unreasonable or excessive.

Acting on additional concerns in May 2022, the Shire sought evidence of unreasonable gas gun use in order to proceed to consider escalated enforcement action. In order to enforce a breach of the *Environmental Protection (Noise) Regulations 1997*, sufficient evidence in the form of a noise reading was explained to be required.

Due to the sporadic nature of the gas gun usage, Officers were unable to capture a noise reading but conducted site visits in response to complaints. Further, the Shire's sound level meter noise monitoring equipment was installed in April 2022 at nearby affected resident premises, for an extended period with the intention to capture a noise picture.

In that situation, the measured noise from the gas gun did not exceed the assigned maximum allowable assigned noise level of 65 dB for the times between 7am-7pm designated within Table 1 of the *Regulations*. This however was specific to the highly sensitive area designated at the noise sensitive premises, and did not document whether areas outside this were compliant. It also does not replace the test about whether noise is reasonable, specific to its operations and frequency.

In continuing current investigations, Officers considered the noise to be used unreasonably with blasts being recorded at intervals of less than two minutes, in conflict with the advised practice of keeping time between blasts to be no less than six minutes. In following a proportionate and graduated enforcement approach, Officers issued a formal warning infringement, along with a letter outlining the conditions requiring for gas gun operation.

This shows, in the opinion of Officers, how the Best Practice Guidelines continue to be applied to manage issues as they arise. The issue of gas gun noise remains a current investigation and Officers are actively engaging with orchardists and affected residents in this regard.

Application of the Noise Regulations

As set out in the Best Practice Guidelines, the Regulations describe three types of assigned levels:

1. LA10 – the level not to be exceeded for more than 10% of a representative assessment period;
2. LA1 – the level not to be exceeded for more than 1% of the representative assessment period;
and
3. LAmax – the level never to be exceeded.

Given consideration of the short duration noise of gas gun blasts, the LAmax assigned levels are the most appropriate criteria against which to assess compliance. Officers note that the noise emissions from gas guns are likely to exceed the LAmax, when used in one or more of the following scenarios:

- Sensitive receivers (such as residential dwellings) are closer than 1,000m to the straight line distance to the gas gun.
- The direction of the gas gun is pointed towards sensitive receivers.
- Gas guns are operated before 7am or after 7pm.



- Where the noise is assessed at any area other than the highly sensitive area and the 80 dB assigned level is applied (in accordance with Table 1 of the Regulations).

State Agency Position

Following review and consultation with the Noise Branch of the Department of Water and Environmental Regulation (the Department), they recommended that the Best Practice Guidelines are followed including the pathway to an agreed non-legal Noise Management Plan. This is supported by Officers.

Approaches used by Other Local Governments

In the development of this report, the Shire engaged other local governments similarly managing gas gun noise in orchards, with the intention to providing an informed approach. This included the Shire of Donnybrook, Bridgetown, City of Swan, Shire of Murray and the Shire of Denmark. The consensus approach for local governments regulating these issues, is that where the expectations of the community could not be met through mediation, a non-legal Noise Management Plan should be pursued. This is a pathway currently provided for in the Best Practice Guidelines, recommended where issues are ongoing. Officers are currently following the Guidelines, with respect to one particular case, and it may be that a Noise Management Plan approach be utilised as the next step. The issue at hand is yet to reach the Noise Management Plan stage however.

Consistent with the Best Practice Guidelines, non-legal Noise Management Plans set out an agreement between orchardists and the surrounding landowners, by:

- restricting how close gas guns may be placed in relation to residential buildings on adjoining properties;
- restricting the times of use;
- limiting the frequency of gas gun blasts;
- limiting the number of gas guns on a property according to land area;
- expecting the neighbours to be notified prior to operation of gas guns during the fruit damage season.

The Noise Management Plan also prescribes that where gas guns are used contrary to any of the conditions set out in the Plan, then each gas gun blast must comply with the *Environmental Protection (Noise) Regulations 1997*.

Officers Comment

Officers continue to utilise the Best Practice Guidelines, which is considered the consistent, state wide best practice recommendations for audible gas gun usage. By continuing to use the Guidelines, Officers are confident that they can work collaboratively with the community, to reasonably and practicably ensure ongoing regulation.

Options

Option 1

That Council NOTES that Officers will continue utilising the State Government's 2023 Best Practice Guidelines for Bird Scaring in Orchards (Noise Considerations) as contained within **attachment 1**.



Option 2

That Council REQUESTS a new Council Policy be developed to set out additional requirements for operations of gas guns within the Shire.

Option 1 is recommended.

Conclusion

Attachments (available under separate cover)

- **10.1.12 - attachment 1 - 2023 Best Practice Guidelines for Bird Scaring in Orchards - noise considerations (E24/7445)**

Alignment with our Council Plan 2023-2033

Liveable
A protected, enhanced and safe natural and built rural environment, with access to services and facilities

Financial Implications

There are NIL financial implications of this decision.

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						
2	Council not noting the intended approach of using the Guidelines and requesting a Council Policy could see an approach taken which is not reflective of best practice, and this could create barriers to effective compliance and enforcement.	Noise Regulations	Organisational Performance	Possible	Moderate	MODERATE	Accept Officer Recommendation



Voting Requirements: Simple Majority

Officer Recommendation

That Council NOTES that Officers will continue utilising the State Government's 2023 Best Practice Guidelines for Bird Scaring in Orchards (Noise Considerations) as contained within **attachment 1**.

OCM160/06/24

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Bishop

That Council:

- 1. NOTES that Officers will continue utilising the State Government's 2023 Best Practice Guidelines for Bird Scaring in Orchards (Noise Considerations) as contained within attachment 1; and**
- 2. REQUESTS the Chief Executive Officer prepare a noise management plan involving the Jarrahdale orchards where previous noise complaints have been raised, with the intent to establish mutually agreeable standards by which each orchard commits to utilise audible bird scaring devices.**

CARRIED UNANIMOUSLY 5/0

Reason for difference to Officer Recommendation:

To allow communication and understanding between the Jarrahdale orchardists to ensure gas gun use is at best practice.



10.1.13 - Public Health Plan Review and Update (SJ119)

Responsible Officer:	Manager Health, Building 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 provide Council with an update on the review of the Shire's Health and Wellbeing Strategy 2020-2024 and Local Food Action Plan 2020-2024. These two Plans will be combined to be the SJ Public Health Plan 2024-2029, which will be presented to Council for endorsement by June 2025.

This report is necessary as a delay in the project was caused as a result of having to wait for the final public health profile of the south-east subregion to be released, and suitably integrated into the Plan. This report seeks Council agreement to extend the timeframe of this strategic project, from June 2024 to June 2025.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 20 July 2020 - OCM215/07/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council ADOPTS the Health and Wellbeing Strategy 2020 - 2024 as contained within attachment 1 and implements the actions within Budget constraints.

Background

The Shire of Serpentine Jarrahdale's *Health and Wellbeing Strategy 2020-2024 and Local Food Action Plan 2020-2024* are due to be reviewed and updated, to provide the next iteration. To align with the Western Australian Health terminology, the Health and Wellbeing Strategy will be renamed as the SJ Public Health Plan 2024-2029 reflective of being a Local Public Health Plan (LPHP).

A LPHP is a legislative requirement under the *Public Health Act 2016*. It is also an informing strategy within the Shire's integrated planning framework. All local governments must prepare a Local Public Health Plan that aligns with the objectives of the *State Public Health Plan 2019-2024* and is adapted to consider the public health needs of the local district community.

The World Health Organisation defines Public Health as "*the art and science of preventing disease, prolonging life and promoting health through the organized efforts of society*". Public health planning is a preventative measure that offers ways to improve health outcomes in Australia and locally.



With recent health events, building and supporting the capacity of our community to live healthy and engaging lives, represents a centrepiece to the partnership based approach enshrined by the previous version of the Health and Wellbeing Strategy. This is intended to be a hallmark that continues under the new Public Health Plan.

Community / Stakeholder Consultation

Community consultation will commence in June 2024 to identify the public health needs of the community. The East Metropolitan Health Services will provide the public health profile, which will be integrated into the Plan and also used to inform further engagement that will occur with the community.

Statutory Environment

Stage 5 of the *Public Health Act 2016* comes into effect on 4 June 2024. Within two years of implementation, all Local Governments are required to prepare a Local Public Health Plan that applies to its local government district.

The *Public Health Act 2016 s.45* requires the Local Public Health Plan to be consistent with the State Public Health Plan and establish objectives and priority areas related to the public health of its district. The Local Public Health Plan must be reviewed annually, replaced every five years, and a report provided to the Chief Health Officer on the performance of the local government in administering its functions under the *Public Health Act 2016*.

Legislation

- *Public Health Act 2016*

State Government Policies

- State Public Health Plan 2019 - 2024

Comments

The Shire of Serpentine Jarrahdale was one of the first local governments in Western Australia to develop a local public health plan, the Shire's Health and Wellbeing Strategy 2016-2019. This is almost 10 years ahead of the legislated compulsory date to develop such a Plan. The current review is unable to proceed for finalisation in June 2024, as a Local Public Health Plan must align with the State's objectives, and as at the writing of this report, Officers were still waiting for the public health profile that is an important evidence base that the Local Public Health Plan must respond to.

Also, the State is currently undertaking a review of its own Public Health Plan with an indicative adoption date of September 2024. In order to support local governments, the State has indicated they will release their objectives in June or July 2024, which in conjunction with the public health profile information, will enable the Shire's Plan to be developed and presented to Council by June 2025.



Options

Option 1

That Council:

1. NOTES that the Corporate Business Plan will be amended through the annual review, to acknowledge the inability for Council to endorse the reviewed Public Health Plan by June 2024, due to the dependency on the State reviewing its Public Health Plan and providing the public health profile for the Shire.
2. NOTES this action will have a new due date of June 2025 in the Corporate Business Plan.

Option 2

As per Option 1, but with a date of December 2025 stipulated under Part 2.

Option 1 is recommended.

Conclusion

In order for the Shire to develop an evidence based Local Public Health Plan in alignment with the State's objectives, the drafting process must be delayed whilst waiting for these critical dependencies. The community consultation will be able to occur once this information is provided, enabling a new target date of June 2025.

Attachments (available under separate cover)

Nil.

Alignment with our Council Plan 2023-2033

Liveable
A protected, enhanced and safe natural and built rural environment, with access to services and facilities
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.						
2	Further delays occur in the project dependencies becoming available, which impact the revised timeframe	Continue engagement with State agencies	Organisational Performance	Possible	Moderate	MODERATE	Nil

Voting Requirements: Simple Majority

OCM161/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

1. **NOTES** that the Corporate Business Plan will be amended through the annual review, to acknowledge the inability for Council to endorse the reviewed Public Health Plan by June 2024, due to the dependency on the State reviewing its Public Health Plan and providing the public health profile for the Shire.
2. **NOTES** this action will have a new due date of June 2025 in the Corporate Business Plan.

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.1.14 - Jarrahdale Trails Centre Concept Design and Operational Model - Lot 814 and Lot 815 Millars Road, Jarrahdale (SJ2201-2)

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

Authority / Discretion

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 Draft Jarrahdale Trails Centre Concept Design, and Operational Model, for endorsement. Endorsement of the Concept will be an important step in advancing Council's Election Advocacy Priorities, of which the Trails Centre is one.

Once Council adopts the Concept Design and Operational Model, there can be confidence in both advocacy and applying for grants (which rely also on strategic advocacy taking place), in order to deliver the project. The project is identified as a staged initiative, however if funds were available could also be delivered in one complete package.

It is recommended that Council endorse the concept and operational model, subject to a minor adjustment to increase end of trail facilities as part of Stage 1.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 19 June 2023 - OCM121/06/23 - COUNCIL RESOLUTION / SUBSTANTIVE MOTION

That Council:

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



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

Background

The subject site (27ha) at Lot 814 and 815 Millars Road, Jarrahdale are two adjacent, undeveloped freehold lots owned by the Shire, located in the Jarrahdale Townsite. Historically, the site has been used for a range of timber milling purposes, with a range of infrastructure that has come and gone from the land overtime.

Since the Shire's purchase of the site in 2000, it has been considered for a range of opportunities. The site currently remains undeveloped, and used for an RV stop-over area which a chemical toilet and freshwater standpipe facilities.

In terms of the commitment to tourism for Jarrahdale, there is an ambition to become a Trails Town of which, inter alia, a high quality tourism and visitor experience would be essential. As part of a previous business case that examined the capacity for a caravan park on the land, it was found that such could not be viable without firstly establishing, operating and evolving a visitors centre that further builds brand awareness and understanding of Jarrahdale.

This was the basis of the project to conceptualise a Trails Centre, including operational model.



Figure 1 - Subject site Location

**Community / Stakeholder Consultation**Policy Concept Forum (PCF)

Meeting Date	27 May 2024
Elected Members in Attendance	President Rob Coales, Cr Tricia Duggin, Cr Nathan Bishop, Cr Reece Jerrett, Cr Shaye Mack, Cr Courtney Mazzini

Presentation at the PCF provided the opportunity to answer questions on the proposed Jarrahdale Trails Centre Design Concept and Operational Model by S2 Architects project team.

Discussion included the request for end of trail facilities as part of the earliest stages of the Centre, and options in which operational income could be generated through high quality commercial leasing.

Stakeholder

The commencement of the project included a workshop with Tourism Western Australia and Peel Development Commission. This was undertaken to enhance the insights into the motivations behind tourism-related structures such as visitors centres in Western Australia, and the current tourism landscape in Western Australia.

Statutory Environment

- *Local Government Act 1995*
- Shire of Serpentine Jarrahdale Local Planning Scheme No.3

CommentLot 814 / Lot 815 Millars Road, Jarrahdale - Prior Business Case

The previous business case highlighted the strong opportunity for the subject site to accommodate the current and growing need for different land uses. As the Shire is a growing trails destination, the business case documented that there is a need to continue to expand tourism services within the Shire, to support visitation and growth.

In order to support a multi-use tourism development outcome of the subject site, the business case noted that a first step Trails Centre had strong economic merit. The Centre and associated works (new car parking, access, amenities etc) were shown to benefit the community and visitors alike. It was also seen as a symbolic further step toward a Trails Town designation, delivering a range of social and economic benefits as a result. The business case also highlighted such Centre being aligned to a range of state and federal government policy priorities, from which funding could be applied for.

Council received the Lot 814 / Lot 815 business case as contained within **attachment 1**. It was resolved (consistent with the business case) not to progress caravan park tourism delivery options until the development of the Trails Centre had occurred. This resulted in the Centre being an adopted Election Priority, for the upcoming State and Federal Government Elections.

Council, at the 19 June 2023 Ordinary Council Meeting, endorsed this (and other) election priorities.



Developing the Concept

In order to realise the election priority, it was necessary to develop a Trails Centre Concept and Operational Model that could provide a strong robust proposal in which to seek state and federal support for.

Officers obtained proposals to develop the Design Concept and Operational Model, through a competitive procurement process consistent with the Shire's Procurement Policy. After a selection process conducted by Officers, S2 Architects was selected as the preferred lead consultant.

The project was advanced in a collaborative manner, noting centrally how important it was to ensure that such a facility spoke authentically to the natural character and sense of place that is Jarrahdale. The following section outlines the final Concept, for Council's consideration.

Key Project Goals

The purpose of the project, based on the election priority, was to research and present a clear vision for the Centre, including its target audience, competitive advantage and benefits for the community and roles in respect of delivering the broader Jarrahdale Trails Town vision. It was to ensure such Concept was a competitive and lucrative opportunity for government to support, be emphasising the strong alignment with adopted policy frameworks of government as they relate to nature based, and specifically trails tourism within Western Australia and Australia.

Further to this, design was central to emphasising the delivery of a sustainable, aesthetically pleasing and accessible facility, that educated visitors about the local environment and history of Jarrahdale, and was capable of operation in a viable manner.

The project goals of the design sought to:

- Create a building that is an attraction in its own rights - an iconic building that is appealing and inviting to stop and rest after the trails, or to prepare and start.
- Be an inclusive environment - a place that is comforting and also accessible for everyone.
- Be appropriate for diverse visiting groups - students, hikers, mountain bikers, horse riders, tourists and locals, and easy to navigate for all abilities.
- Create awareness - a connection with the region, and invitation to experience the trails network and learn about the story of Jarrahdale and the Shire.
- Facilitate trail access, parking and different needs.
- Flexible and multi-use, to appeal to the community and offer functions attracting a wide range of visitors (not just trail users).
- Clear Way finding.
- Minimise the environmental footprint by having a sustainable facility that takes advantage of natural light, ventilation, and thermal mass heating.
- Create a local growth opportunity for business, employment and broader precinct vibrancy.
- Incorporate versatile space such as a research area, office, exhibition space and multi-use area for functions.



Key Design Drivers, Design Statement and Important Elements

There is strong opportunity for the subject site to create a place where trail users can find a welcoming and comforting visitors centre, and where users can also be educated and tempted to challenge themselves.

This focussed upon a key set of design considerations and opportunities, expressed as design drivers and design features:

- Flexible space that can be used for day to day casual seating, but also as a controlled function space, or semi-outdoor gallery.
- A place that responds to the site and its unique setting.
- Building shape inspired by Jarrah tree leaves.
- Open entrance, that leads into more intimate, textured and detailed interior spaces.
- Multiple entrance points from different directions, without creating security issues with differing open times and functions.
- Separation of conflicting uses and competitive commercial opportunities.
- Flexible indoor and outdoor spaces that can be used for multiple uses throughout the year.
- Roof design to allow access to north facing glazing and car park design to maximise landscaped areas and allow potential solar water generation between zones.

Important elements of key relevance to the design which included:

- Entrance: Welcome Statement, with plenty of space that has to contrast with immediate layering and complexity that leads the visitors centre with comfort through the space.
- Interior: large open areas that inspire visitors to know more and explore other spaces.
- Furnishing: Use of materials that are of good quality, crafted and enclosing elements.
- Quality of Space: Impressive and Open at the entrance, tactile and inspiring further inside in which results in embracing layers spaces to relax and atmosphere that challenges and inspires visitors to explore.

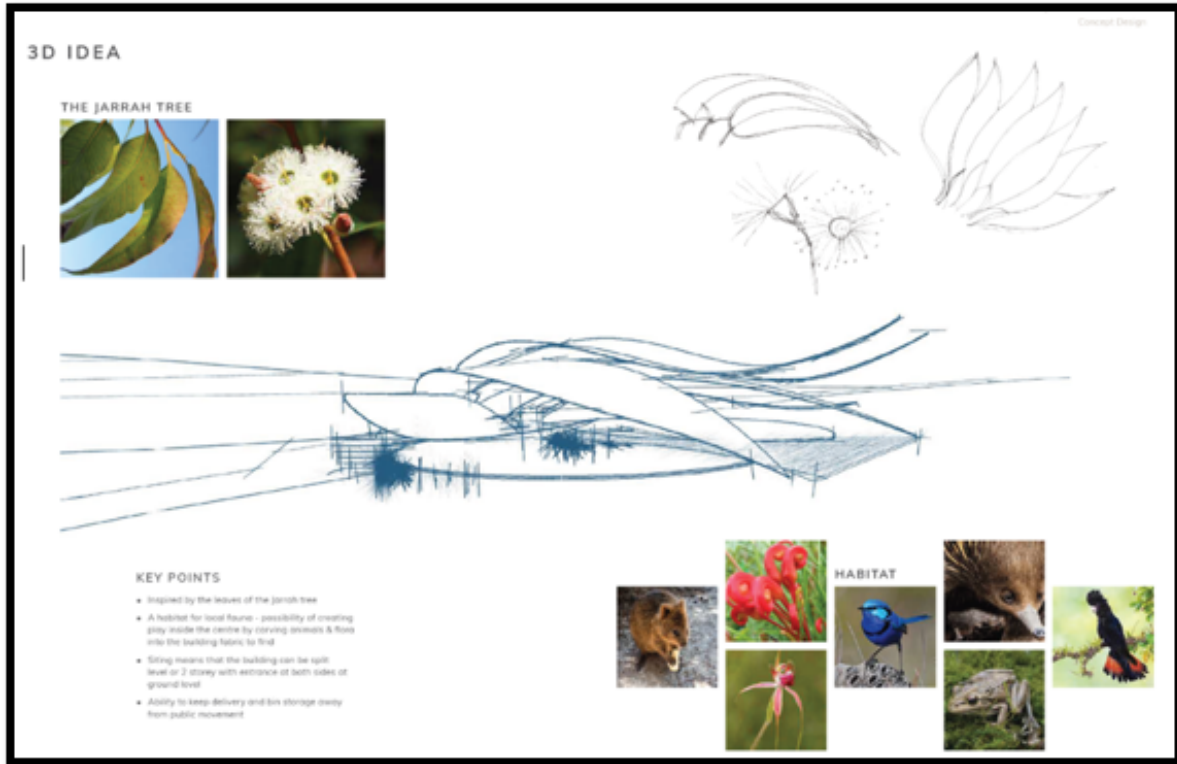


Figure 2 - Design Elements

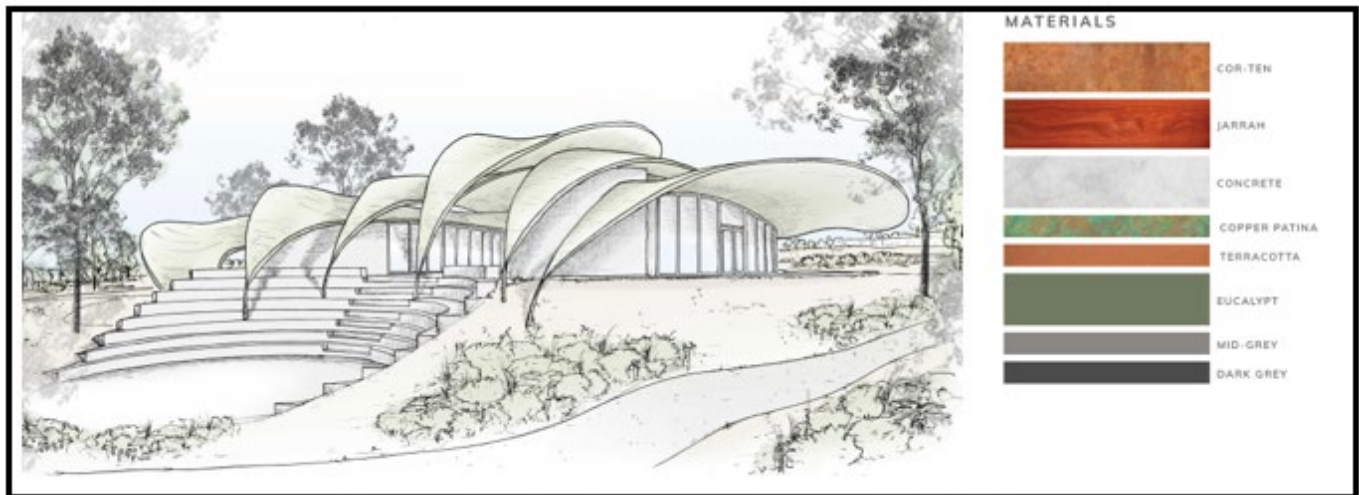


Figure 3 - Design Concept, Colours and Materiality



Site Location Considerations

There is strong opportunity for the site to accommodate the Trails Centre in various locations. In particular, the site has demonstrated significant advantages in relation to Site 1, shown following:

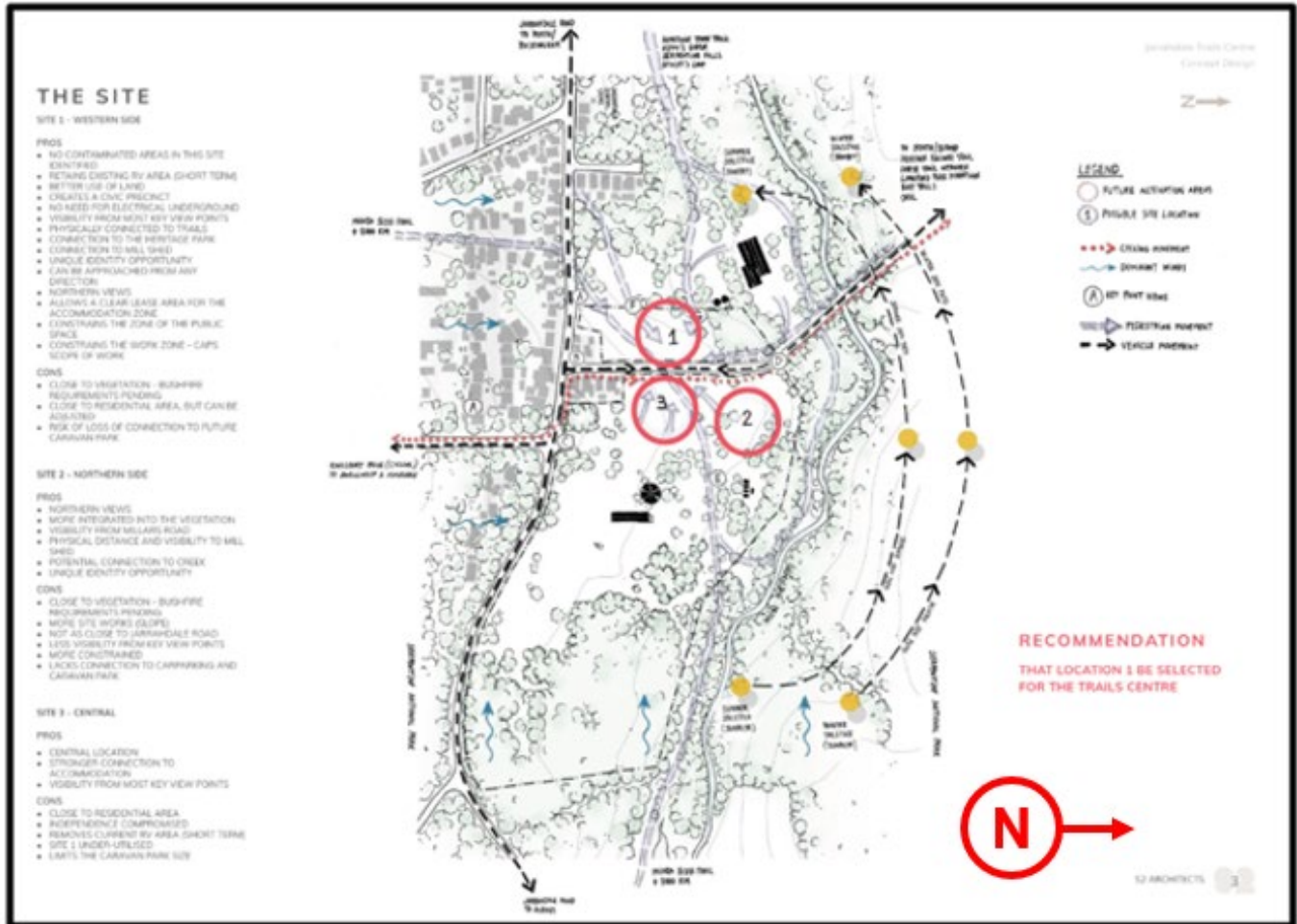


Figure 4 - Preferred Location

The retention of the RV Area (Short Term), creating a civic precinct, visibility from key view points, connection to trails and the heritage park, have all been key considerations driving Site 1.

With regard to vehicle, bike and pedestrian access, this can be approached from any direction and has major access from Millars Road. Site 1 also enjoys some separation from existing single dwellings nearby, which enables amenity to be carefully managed so that activities at the Centre do not cause impact.

Project Strategy

In assessment of project Design Concept initiatives and costings, the preferred option recommended was to undertake the Trails Centre in three stages as per **attachment 2**. This option was considered more suitable due to:

- Achieving funding for the overall Jarrahdale Trails Centre;
- The viability of supporting a built form outcome that maximises the Centre due to appropriate staging of development, through testing demand for Stage 2, once the Trails Centre is established.

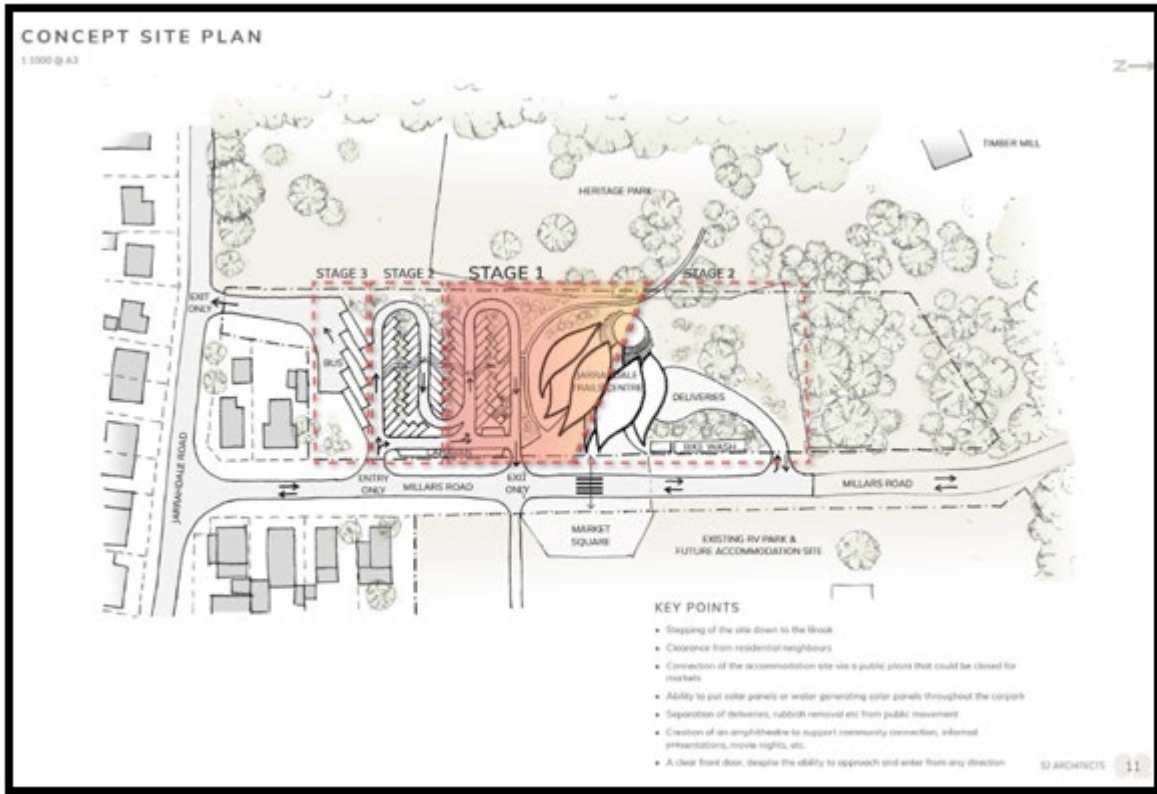


Figure 5 - Stage 1 - Visitor Information Centre only

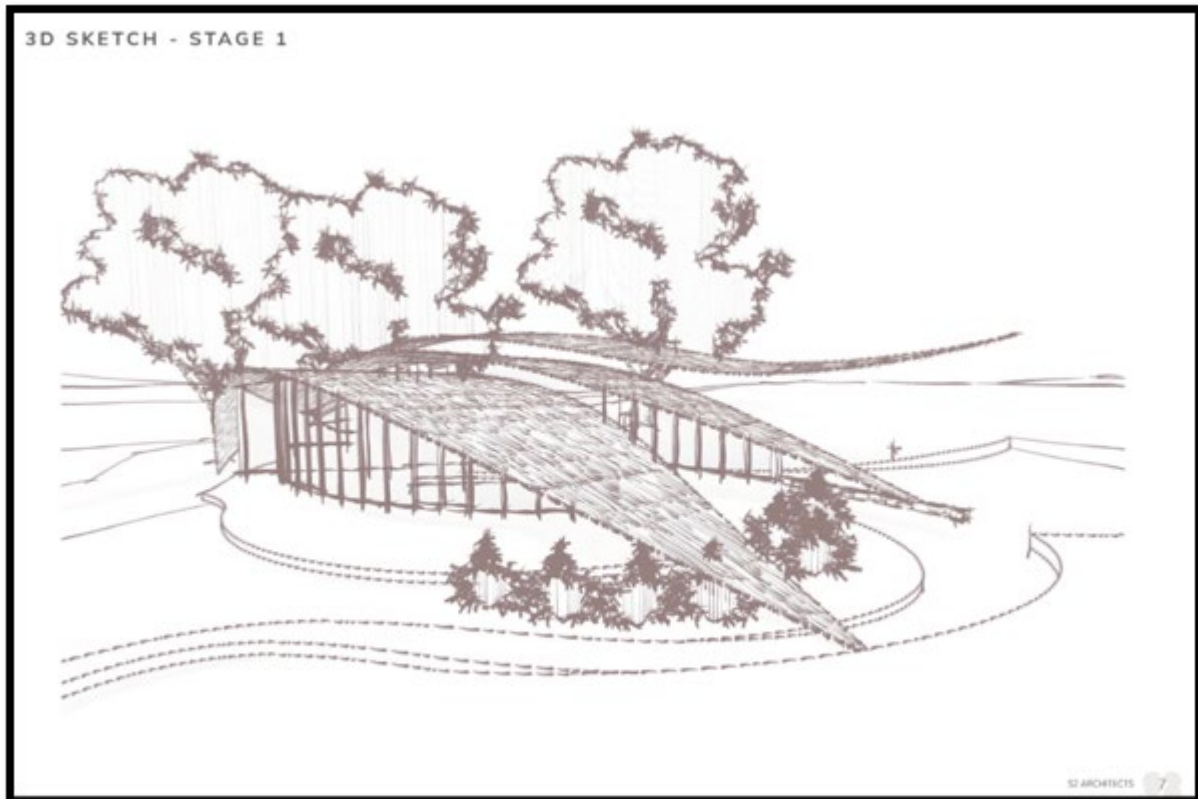


Figure 6 - Stage 1 - Visitor Information Centre only



The staging approach is considered viable provided Stage 1 is slightly reconfigured to increase end of trail facilities (showers, toilets etc). This forms part of the recommendation to Council.

Budget – Quantity Surveyor (QS) Estimate

In order to support the optimum development outcome on the subject site, the following enabling work, building and site works cost for development have been considered per stage. The QS estimate also estimates the building and site work costs. The following stages/tasks have been identified:

Stage / Task	Description	Estimated QS Total Costs
Enabling Works	Road upgrades and parking	\$620,000
Trails Centre	Building and site works per Stage	\$7-10M per Stage

Operational Model

The principal findings of the operational modelling are as follows:

Market Conditions

The operational modelling undertaken as per **attachment 3** revealed there is strong market conditions in which visitor centres play an important role in the Western Australian economy, with respect to direct and indirect economic outcomes. The figure below reveals the critical details to how visitor centres are key to enhancing the visitor experience and unlock visitor spending.

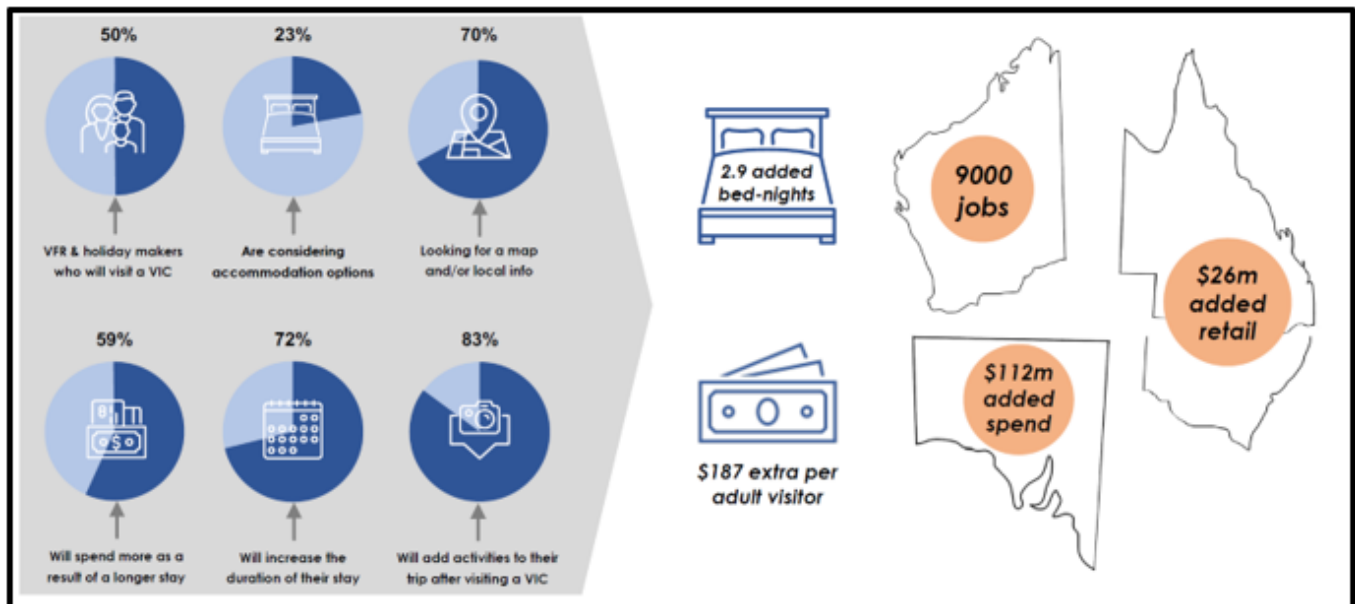


Figure 7 - Direct and Indirect Economic Outcomes Visitor Centres

Multi-Use Facility

The Design Concept and Operational Modelling strongly considered that the visitors centre requires a modular, multi-use, flexible space, fulfilling roles of a visitors centre, attraction and administration service centre, which has specific primary functions, each serving a specific customer audience:



1. Trails Centre: servicing trail users and amenities.
2. Visitor Information Centre: trail users, general visitors and locals with benchmark quality access to information (multi-channel engagement).
3. Attraction: Trail users and general visitors with local historical, cultural, indigenous, heritage and natural landscape.
4. Administration: Support for Council Staff and others providing services.

Resourcing

The operational modelling proposes services be provided by a combination of Shire FTE and third-party partners. This is based on forecast demand and benchmarked resourcing levels from the visitor information service sector. This allows for scaling staff and numbers in response to low and high season demand. The following service provision is recommended:

- Shire Staff - one permanent FTE and one casual staff FTE will have primary responsibility for provision of general visitor information centres. This would require trained, skilled staff that will be rostered to service demand across low and high demand periods.
- Third Party partners - University, trail clubs, historical society, local first nations community and association members.

Resourcing Costs

Resourcing Costs	Position	Assumed Resource Cost
One x FTE	Management of Facility	\$112.5k
One x FTE	Permanent Staff	\$65k
Casual	Casual Staff	\$65k plus 15% loading

Impact of Staged Implementation

The project modelling indicates the staging of the project, and assumes Stage 1 will be a standalone operation of the Trail Centre in years 1-5, with Stage 2 opening a commercial facility as a straight tenancy in years 6 and 7. The model approaches for the site are summarised following:

Staged Approach	Description
Stage 1: Trail Centre	Trail Centre and Visitor Centre services; Potential commercial revenues from retail, bookings (accommodation, local activities) other on site activations; Operating costs to deliver.
Stage 2: Commercial Tenancy	Leasable commercial space to act as an attraction Revenue would be a lease agreement on commercial terms.
Impact on Financial Forecast	The modelling undertaking of the operating model and forecast of revenue assumed that:



	<p>Stage 1 will be a stand-alone fully functional facility built in accordance with design principles and construction standards as set out by S2 Architects;</p> <p>Equipped to deliver trail and visitor services, retail, venue hire and other commercial opportunities;</p> <p>Stage 2 development of a commercial space would be self-contained facility, although fully integrated with Stage 1 upon completion.</p>
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The financial implications section outlines detailed revenue and cost analysis for the project.

Next Steps

The Concept Design Report and Operational Model highlights the critical project strategy and outcomes to progress and support the project delivery of a visitor centre in Jarrahdale. Officers have identified the following options for Council to consider:

Option	Actions
1. Update the concept to include end of trail facilities, then endorsement for advocacy, but take no further action in terms of detailed design.	<ul style="list-style-type: none"> • Update concept and operational modelling; • Advocate for funding but not progress to any future design stage at this time
2. Update the concept to include end of trail facilities, then endorsement for advocacy, and request a further report for consideration to fund detail design.	<ul style="list-style-type: none"> • Update concept and operational modelling; • Advocate for funding • Report to progress detailed design stage

Options

Option 1

That Council:

1. REQUESTS the Jarrahdale Trails Centre Concept Design and Operational Model, as contained in **attachment 2** and **attachment 3**, be updated to add sufficient end of trail facilities as part of the initial Stage;
2. Following (1) being undertaken, ENDORSES the Jarrahdale Trails Centre Concept Design and Operational Model for the purposes of election advocacy;
3. TAKES NO FURTHER ACTION in respect of detailed design at this stage.

Option 2

That Council:

1. REQUESTS the Jarrahdale Trails Centre Concept Design and Operational Model, as contained in **attachment 2** and **attachment 3**, be updated to add sufficient end of trail facilities as part of the initial Stage;
2. Following (1) being undertaken, ENDORSES the Jarrahdale Trails Centre Concept Design and Operational Model for the purposes of election advocacy;



3. REQUESTS a future report on the costs associated with undertaking detailed design of the endorsed concept.

Option 1 is recommended.

Conclusion

There is strong opportunity for the subject site to accommodate a Trails Centre given the current and growing need for trails infrastructure, to support the trails town vision for Jarrahdale. As the Shire is a growing trails destination, there is need to expand tourism services within the Shire to support visitation growth. A staged approach to the development is considered the most viable and optimal outcome for this land holding. Council has been presented options to move forward with the project. Officers are recommending the Concept Design and Operational Model be adopted for the purposes of advocacy, and showing the clear alignment of the project to the state and federal tourism priorities.

Attachments (available under separate cover)

- **10.1.14 - attachment 1** - Lot 814 / Lot 815 Millars Road, Jarrahdale - Business Case (E22/15151)
- **10.1.14 - attachment 2** - Jarrahdale Trails Centre Concept Design (E24/7468)
- **10.1.14 - attachment 3** - Operational Modelling (E24/7469)

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

Financial Implications

The capital delivery of this project is reliant on external grant monies. In order to secure this, it has been imperative to demonstrate a compelling vision for a Concept, which is also supported by a strong operational analysis to show how the proposal brings about the forecast economic and social benefits.

As part of funding, the following CAPEX is required:

Stage / Task	Description	Estimated QS Total Costs
Enabling Works	Road upgrades and parking	\$620,000
Trails Centre	Building and site works per Stage	\$7-10M per Stage

The following OPEX is identified:

- \$20K in Year 1 for content development and delivery.
- \$10K per annum for content development.
- \$10K for per annum for technology support



- \$10K per annum Community Support (Activities and Events)
- \$20K annual operational contingency.
- An annual CPI increase at 2.5% has been included for all Opex.

If Stage 1 of the project was only ever funded and delivered, the Operational Model reveals the following revenue, revenue source and profit loss information:

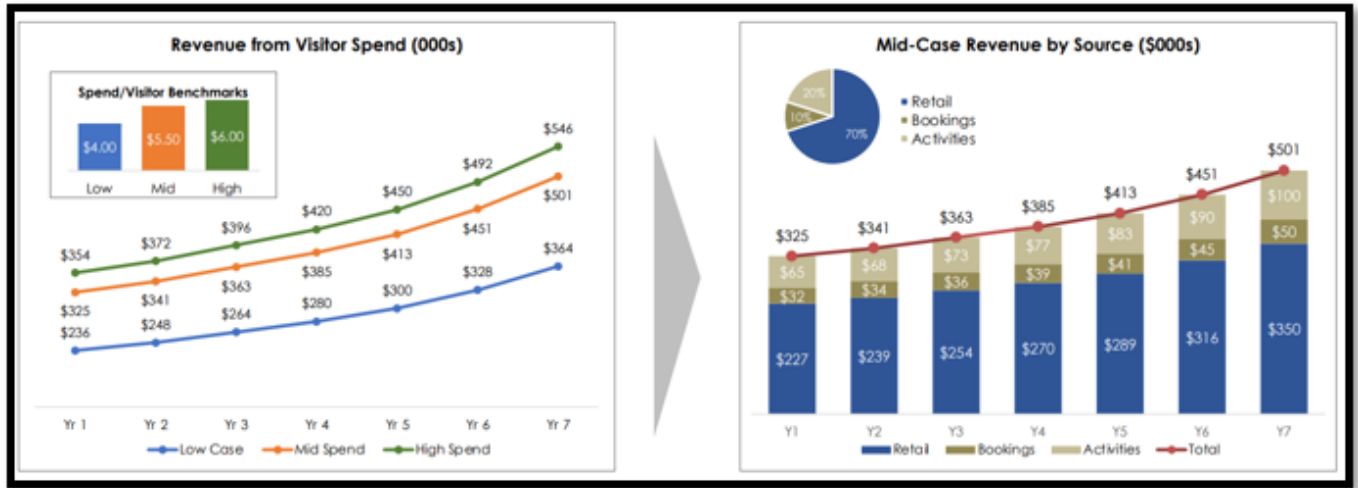


Figure 8 - Stage 1 only

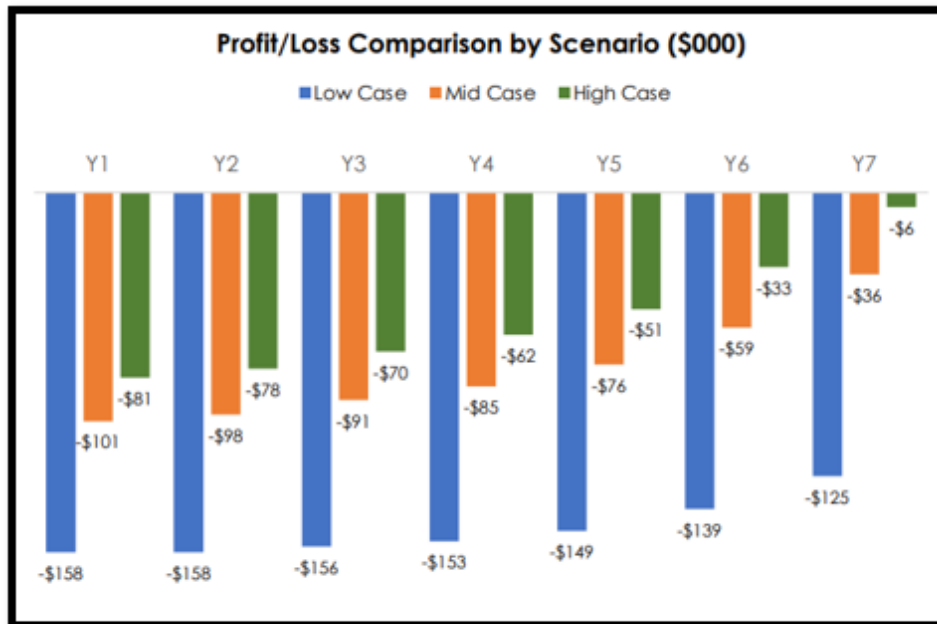


Figure 9 - Stage 1 only

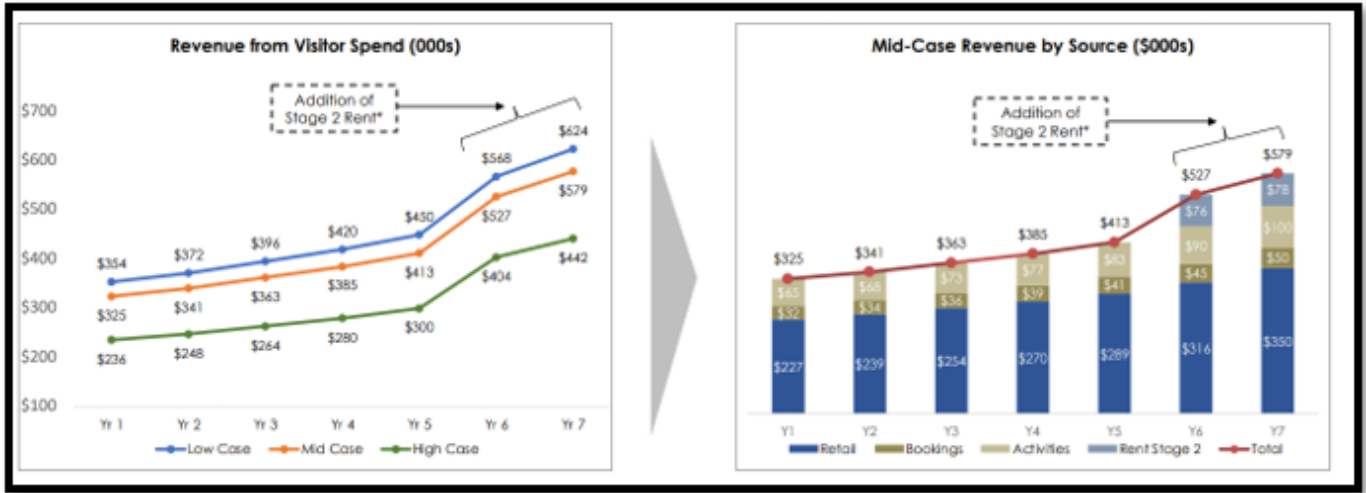


Figure 10 - Stage 2 delivered Year 6 onwards

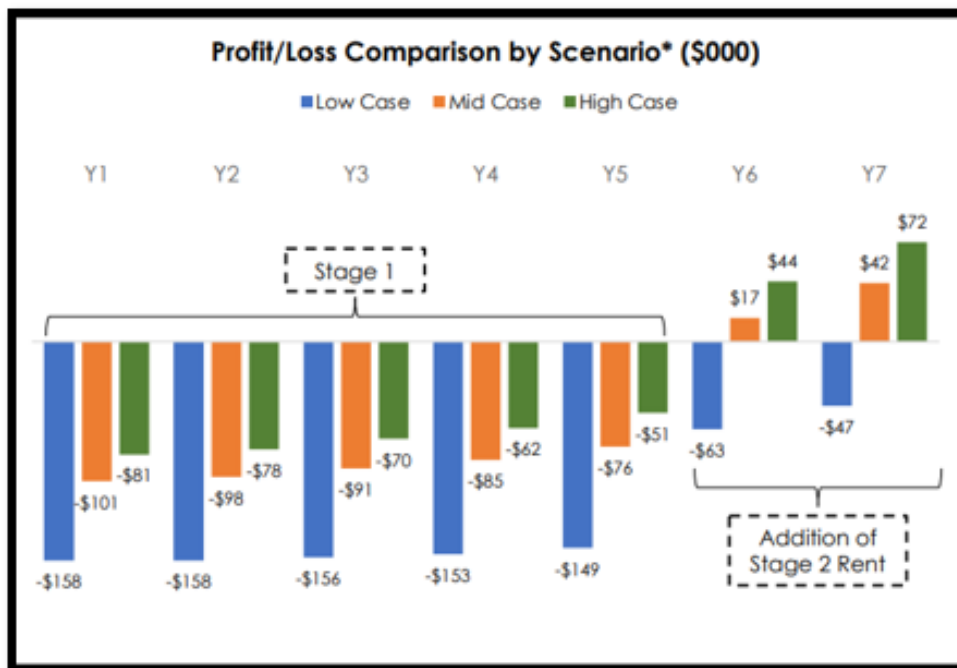


Figure 11 - Stage 2 delivered Year 6 onwards



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Council adopting the Jarrahdale Trails Concept Design and Operational Modelling. As and when projects are funded, much more specific project management documents, consistent with the Shire's Project Management Framework, would underpin delivery of the project and business case to underpin operational impacts also. Taking no further action reflects the need for external funding to progress the project.						
2	If Council seeks to progress to the detailed design stage, there may be a range of additional design costs associated with the unique site characteristics that are unknown at this stage, presenting some risk in an attempt to quantify what detailed design may cost.	Nil.	Reputation	Possible	Moderate	MODERATE	Accept Option 1



Continued

Ordinary Council Meeting Minutes Monday, 17 June 2024

Voting Requirements: Simple Majority

OCM162/06/24

COUNCIL RESOLUTION / Officer Recommendation:

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. REQUESTS** the Jarrahdale Trails Centre Concept Design and Operational Model, as contained in attachment 2 and attachment 3, be updated to add sufficient end of trail facilities as part of the initial Stage;
- 2. Following (1) being undertaken, ENDORSES** the Jarrahdale Trails Centre Concept Design and Operational Model for the purposes of election advocacy;
- 3. TAKES NO FURTHER ACTION** in respect of detailed design at this stage.

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.2 Infrastructure Services reports:

10.2.1 - Award Request for Tender - RFT 05/2024 - Water Quality Monitoring - Byford Townsite (SJ4451)	
Responsible Officer:	Manager Engineering Services
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Authority / Discretion

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

The purpose of this report is to seek Council approval for the award of RFT 05/2024 – Water Quality Monitoring – Byford Townsite.

Relevant Previous Decisions of Council

The project was approved by Council as part of the 2023/2024 Annual Budget.

<p><i>Ordinary Council Meeting – 17 July 2023 – OCM165/07/23 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council, in accordance with Clause 9.3.10.1 of the Scheme, ADOPTS Development Contribution Plan Report No. 7 for DCA1 without modifications, and authorises the Chief Executive Officer to update the appendices at the date of adoption.</i></p>

Background

The Byford Townsite Drainage and Water Management Plan (DWMP) establishes a framework for water management in new urban developments. This ensures that water quantity and quality design objectives are achieved and monitored.

The DWMP reinforces the Shire's commitment to ensuring water sensitive urban design principles are incorporated into new urban development.

The Shire will implement water quality and quantity monitoring within developments and wetlands guided by a Sampling and Analysis Plan that will be prepared on commencement of the monitoring program. The water quantity and quality monitoring program will be carried out over a 10 year period and is identified in the Byford Traditional Infrastructure Development Contribution Plan Report, Report No. 7 (DCP). This approach will allow longer term trends in water quality and quantity to be identified and monitored as the DCA 1 is fully developed. The DCP identifies the inclusions of the monitoring program in regard to sites, frequencies and parameters.



The Byford DCP assumes funding responsibility for the post development water monitoring program required by the Byford DWMS, including internal Shire management costs for the management of the contract.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Submissions

The Request for Tender RFT 05/2024 - Water Quality Monitoring - Byford Townsite - was advertised on Saturday 20 April 2024 and closed at 2.00pm on Thursday 14 May 2024.

The Tender was advertised on Tenderlink and was advertised in the following papers:

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

Three (3) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

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

Tender submissions were received from the following companies:

#	Company Name
1	Altrum Pty Ltd T/A Engineered Efficiency
2	Emerge Environmental Services Pty Ltd T/A Emerge Associates
3	The Trustee for Talis Unit Trust T/A Talis Consultants Pty Ltd

Evaluation Panel

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

- Manager of Engineering
- Development Engineer
- Technical Specialist – Infrastructure Contributions.

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



Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	50%
Relevant experience with: <ul style="list-style-type: none"> • Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years. 	20%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none"> • Capacity to deliver the services including: • Key personnel / Professional skills; • Describe the key personnel who will be involved in the work, including past work of a similar nature. 	15%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none"> • Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. • Use dot points to explain the process. • The process should include a timetable for delivering the services. 	15%

Comment

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

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

The tender evaluation panel therefore recommends the tender submission made by Emerge Environmental Services Pty Ltd be accepted.

Amendment to the Corporate Business Plan

Byford Water Monitoring is a Strategic Operating Project within the Corporate Business Plan (CBP) 2023-27. As reported within the Corporate Business Plan Performance Report – January to March 2024, presented to and noted by Council at the May 2024 Ordinary Council Meeting (OCM138/05/24), this project was 'behind target' as the Q3 CBP milestone to 'award and commence initial monitoring set up' was not met within the reporting period.

On award of this tender, the Corporate Business Plan will be updated to reflect the revised project completion date of 30 December 2024, to allow sufficient time to set up and commence monitoring in Q1 and Q2 of 2024-25. After this time, the water quantity and quality monitoring program is regarded as a level of service to be continued over a 10 year period.



Statutory Environment

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

Division 2 under Part 4 of the *Local Government (Functions and General) Regulations 1996* prescribes the kinds of contracts that must be publicly invited. Regulation 11(1) states:

Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

The Regulations also prescribe requirements and processes to apply when undertaking a public tender.

Options

Option 1

That Council:

1. AWARDS the Tender RFT 05/2024 – Water Quality Monitoring Byford Townsite to Emerge Environmental Services Pty Ltd as recommended in **CONFIDENTIAL attachment 1** for a period of ten (10) years (1 July 2024 till 30 June 2034);
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 05/2024 – Water Quality Monitoring Byford Townsite;
3. NOTES the Corporate Business Plan will be updated to reflect a revised project finish date of 30 December 2024, to allow sufficient time to set up and commence monitoring in Q1 and Q2 of 2024-25.

Option 2

That Council DOES NOT AWARD RFT 05/2024 and REQUESTS the Chief Executive Officer retender.

Option 3

That Council DOES NOT AWARD RFT 05/2024 and REQUESTS the Chief Executive Officer not proceed with the project.

Option 1 is recommended.

Conclusion

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

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



Attachments (available under separate cover)

- **10.2.1 – CONFIDENTIAL attachment 1** – RFT 05/2024 – Water Quality Monitoring Byford Townsite - Evaluation Report (E24/6521)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
Liveable
1. Preserve and enhance our natural places, parks, trails and reserves
2. Invest in facilities and amenities to meet current and future needs
3. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment

Financial Implications

This project currently has a budget in the 2023/2024 Financial Year of \$189,000 for the first year, within the Engineering Administration Operating Budget, which is fully funded by the Byford Traditional Infrastructure Development Contribution Plan over the 10 year program period.

The DCP also collects for Shire administration and management costs for the management of and overseeing the contract.

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	The tender is awarded and the company does not agree to contract terms leading to prolonged negotiations or the need to retender resulting in a delay to project delivery.	Tender documentation includes a copy of the proposed contract.	Organisational Performance	Unlikely	Minor	LOW	Nil



2	If a retender process is required this will result in a delay to the commencement of the monitoring. This risk this process is a delay to the commencement of the works	Nil	Organisational Performance	Unlikely	Minor	LOW	Nil
3	Not awarding the tender and ceasing the project means the monitoring works do not occur. The risk this poses is non delivery of DCP funded project and lacking information on water quantity and quality being discharged	Nil	Social / Community Outcomes	Unlikely	Major	MODERATE	Nil

Voting Requirements: Simple Majority

OCM163/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. AWARDS the Tender RFT 05/2024 – Water Quality Monitoring Byford Townsite to Emerge Environmental Services Pty Ltd as recommended in CONFIDENTIAL attachment 1 for a period of ten (10) years (1 July 2024 till 30 June 2034);**
- 2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 05/2024 – Water Quality Monitoring Byford Townsite;**
- 3. NOTES the Corporate Business Plan will be updated to reflect a revised project finish date of 30 December 2024, to allow sufficient time to set up and commence monitoring in Q1 and Q2 of 2024-25.**

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.2.2 - Award Request for Tender RFT 04/2024 - Turf Renovations, Rejuvenations and Repairs - (SJ4422)

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

Authority / Discretion

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

The purpose of this report is to seek Council approval for award of RFT 04/2024 - Turf Renovations, Rejuvenations and Repairs.

Relevant Previous Decisions of Council

Nil.

Background

The scope of this contract is to undertake turf renovations, rejuvenation and repairs for active sports fields and passive turf areas at various locations within the Shire of Serpentine Jarrahdale (the Shire). Services to be supplied by this contract are currently being delivered by several contractors through short term requests for quotes which is not cost efficient and require excessive Officer time to set up and manage. These services are essential in maintaining the active and passive turfed assets of the Shire. These services will ensure the continued health of the turf in open spaces which are important assets for sporting and social activities within the Shire.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Submissions

The Request for Tender RFT 04/2024 - Turf Renovations, Rejuvenations and Repairs was advertised on Saturday 30 March 2024 and closed at 2.00pm on Tuesday 23 April 2024.

The Tender was advertised on Tenderlink and in the following papers:

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



- Sound Telegraph (Rockingham & Kwinana)

Five (5) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

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

Tender submissions were received from the following companies:

#	Company Name
1	Environmental Industries Pty Ltd
2	Gecko Contracting Turf & Landscape Maintenance
3	Green Options
4	State Wide Turf Services
5	Turf Care WA Pty Ltd

Evaluation Panel

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

- A/Manager Parks and Reserves
- Technical Officer Operations
- Acting Coordinator Arbor, Assets and Reserves

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

Evaluation Criteria

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

EVALUATION CRITERIA	WEIGHTING
Price with quantities	50%
Relevant experience with: <ul style="list-style-type: none">• Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years	15%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none">• Capacity to deliver the services including:• Key personnel / Professional skills;• Describe the key personnel who will be involved in the work, including past work of a similar nature.	20%



Demonstrated Understanding/Experience with: <ul style="list-style-type: none"> • Project schedule; • Process for delivery of goods/services; • Project Management Plan; • Critical assumptions; and • Any additional information. 	15%
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Comment

Provision of services covered by the Turf Renovations, Rejuvenations and Repairs are an essential part of maintenance activities for the Shire’s turfed active and passive POS and ovals. These services are currently supplied by contractors on short term contracts that are procured through a Request For Quotation (RFQ) processes. The Shire does not currently have the resources and plant to undertake these works.

Procurement of these services through a tender process will allow for a longer term (minimum 3 years) contract which is a more efficient method due to reduced Officer time and resulting management cost. Due to level of estimated expenditure (\$300,000) exceeding the \$250,000 tender threshold, in accordance with the Council Policy - *Procurement of Goods or Services through Public Tendering* (E19/5672), it is a requirement to procure these services through a tender process.

Below is the list of active and passive Public Open Spaces (POS) that will be serviced through the contract:

- Mundijong Oval;
- Clem Kentish Oval;
- Serpentine Sports Park;
- Briggs Park Upper & Lower Ovals;
- Kalimna Oval;
- Other Reserves as required.

Services to be provided under the Turf Renovations, Rejuvenations and Repairs contract will include:

- Double Pass Verti-Mow and Sweep;
- Scarifying;
- Verti Draining - Solid Tine Coring (All sizes);
- Coring - 13mm/25mm diameter Hollow Tine;
- Decompaction – Slicing, Earth Quaking;
- Low Mow and Sweep;
- Sweeping;
- Debris Removal & Disposal;
- Turf Removal;



- Turf Replacement;
- Overseeding application;
- Field Top Making.

All tender submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment and prices are documented in **CONFIDENTIAL attachment 1 and 2**.

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by State Wide Turf Services was assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission made by State Wide Turf Services be accepted.

Statutory Environment

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

Division 2 under Part 4 of the *Local Government (Functions and General) Regulations 1996* prescribes the kinds of contracts that must be publicly invited. Regulation 11(1) states:

Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

The Regulations also prescribe requirements and processes to apply when undertaking a public tender.

Options

Option 1

That Council:

1. AWARDS Tender RFT 04/2024 - Turf Renovations, Rejuvenations and Repairs to State Wide Turf Services as per the Schedule of Rates contained within **CONFIDENTIAL attachment 2**;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 04/2024 - Turf Renovations, Rejuvenations and Repairs.

Option 2

That Council NOT AWARD the contract and retender / requote.

Option 3

That Council NOT AWARD the contract and NOT retender / requote i.e. – nil action.

Option 4

That Council REASSESS and appoint an alternative tenderer / quoter.

Option 1 is recommended.



Conclusion

The Shire currently engages contractors to undertake turf renovation and repair works through short term contracts by way of a request for quotation procurement process. The Shire does not have its own plant and resources to provide these services. Provision of these services through a longer-term contract by way of a tender process will allow for more efficiency and cost effectiveness in delivery of these services. In addition, procurement of these services through a tender process will ensure compliance with the Shire’s own procurement policy.

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

Therefore, it is recommended that Council support Option 1 and the contract be awarded to State Wide Turf Services.

Attachments (available under separate cover)

- **10.2.2 – CONFIDENTIAL attachment 1** – RFT 04/2024 - Turf Renovations, Rejuvenations and Repairs - Evaluation Report (E24/6983)
- **10.2.2 – CONFIDENTIAL attachment 2** – RFT 04/2024 - Turf Renovations, Rejuvenations and Repairs – Schedule of Rates (E24/7103)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
4. Ensure sustainable and optimal use of Shire resources and finances
Liveable
3. Preserve and enhance our natural places, parks, trails and reserves
4. Invest in facilities and amenities to meet current and future needs

Financial Implications

The estimated cost of services to be delivered under this contract is \$300,000 over the initial 3-year term of the contract. These costs have been factored into the Shire’s proposed 2024-25 annual operating budget.



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	The Shire operates without a contract in place for provision of Turf Renovations, Rejuvenations and Repairs. Duty of care	Procurement of Turf Renovations, Rejuvenations and Repair maintenance services will be on a quote basis as per the Shires' procurement policy.	Social / Community Outcomes	Likely	Moderate	MODERATE	Nil
2	Council selecting an applicant contrary to the evaluation report may affect the probity of the procurement process resulting in reputation damage.	Procurement Policy	Strategic Stakeholder Relationships	Rare	Moderate	Moderate	Nil



Voting Requirements: Simple Majority

OCM164/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. AWARDS Tender RFT 04/2024 - Turf Renovations, Rejuvenations and Repairs to State Wide Turf Services as per the schedule of rates contained within CONFIDENTIAL attachment 2;**
- 2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for RFT 04/2024 - Turf Renovations, Rejuvenations and Repairs.**

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0

**10.2.3 - Scrivener Road Gravel Pit Investigation (SJ1863)**

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

Authority / Discretion

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

The purpose of this report is to update Council on the result of investigations into the feasibility of extracting gravel from the Scrivener Road gravel pit with a view to abandoning the project and requesting removal from the Corporate Business Plan.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 27 March 2017 – AEM003/01/17 – Council Decision / Officer Recommendation

That Council notes motion AEM003/01/17 and requests a business case be brought to Council to undertake a site selection study which will include the Scrivener Road site and other sites within the Shire to determine what site will yield the most favourable benefit to the Shire of Serpentine Jarrahdale in the short to medium term.

Ordinary Council Meeting – 10 August 2015 – OCM142/08/15 – COUNCIL DECISION / Officer Recommendation

That Council endorse the release of the Scrivener Road Gravel Reserves Draft Management Plan for comment for a standard public submission period of a minimum of 42 days.

Background

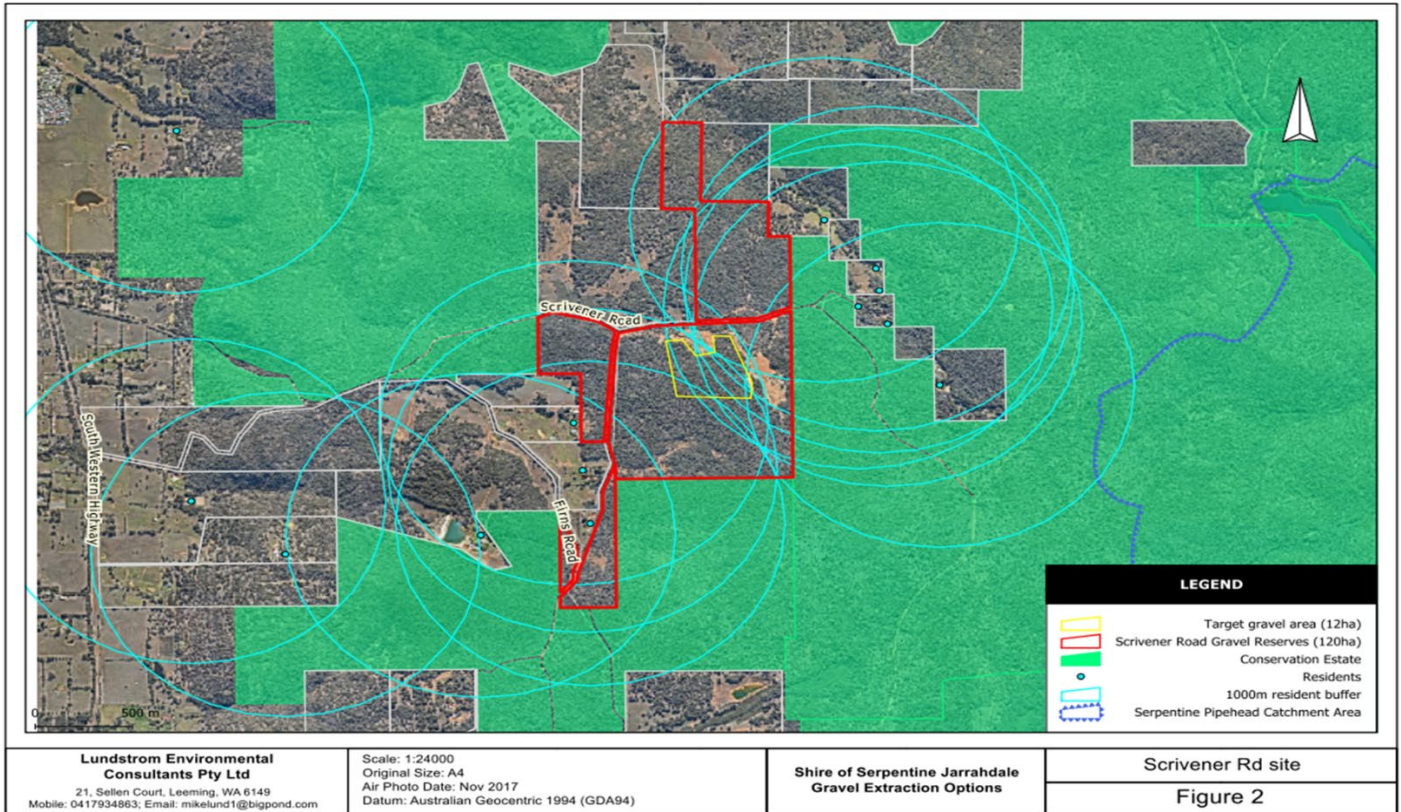
The Shire of Serpentine Jarrahdale extracted gravel from the Reserve No. 26080 Scrivener Road between 1995 and 2006. The reserve is 120ha in size, consisting of two reserves (numbers 26080, 26079), and is located in the Darling Scarp, adjoining the Serpentine National Park which is part of the Serpentine River catchment area.

The gravel was mainly used for re-sheeting of the Shire's unsealed roads in the past. In order to continue gravel extraction, a 12ha site within the Reserve was identified as containing gravel and was proposed for future mining. This site was densely vegetated and required clearing of native vegetation. Both Federal and State Government approval was required to undertake the native vegetation clearing as the area was known to contain protected Black Cockatoo foraging habitat.



The approximate 12ha of vegetation consists of Black Cockatoo foraging habitat and contains some potential nesting trees.

The operational objective of the gravel pit was to extract 900,000 tonnes of road base gravel over 12 years, equating to 75,000 tonnes per annum (1ha) whereby 10,000 tonnes would provide the Shire with its annual requirements and the remaining would be sold.



Community / Stakeholder Consultation

A report on findings of the most recent feasibility study and investigations was presented to PCF on 25 March 2024.

Policy Concept Forum

Meeting Date	25 March 2024
Elected Members Attendance	in President Coales, Cr Duggin, Cr Mack, Cr Mazzini

Residents of the area surrounding the reserve 26080 have all raised their concern and opposition to the Reserve 26080 being mined due to their perceived negative impact of mining operations on the environment including native vegetation, fauna, surface water, noise, dust, and vibration.

Statutory Environment

State: Environmental Protection Act 1986, Biodiversity Conservation Act 2019

Federal: Environment Protection and Biodiversity Conservation Act 1999

**Comment**

The Shire had commenced preliminary investigations to mine this site in 2016 which progressed to a feasibility study in 2019. An amount of \$170,050 was allocated for environmental surveys and native vegetation clearing application fees in 2021-22 budget. There is currently an amount of \$163,887 unspent funds remaining in this budget. Initial application and investigations were undertaken in 2016-2018 and then the project was put on hold in 2019. The Shire undertook a procurement process in 2022 to engage a qualified consultant to undertake the environmental surveys and prepare a native vegetation clearing application. The Shire received one non-compliant submission and therefore this work was not able to be awarded. The funding allocated in the budget for this project was transferred to a reserve account in 2023.

There has been no further progress on this project since 2023, except a feasibility study which was completed in March 2024.

The cost investigations determined the following key points:

- The overall costs have significantly increased since the 2019 investigations, refer **attachment 2**. The cost increases are mainly due to capital, operating, environmental approval and offsets costs. In summary, based on the 2024 feasibility study cost comparison between mining versus purchasing 75,000 tonnes of gravel per year over a 12 year period from suppliers, indicate that the overall financial disbenefit to the Shire will be approximately \$6,812,032.
- Capital costs included the upgrade of a 4.2km section of Scrivener Road to allow for truck traffic, plant and equipment, vehicle washdown, infrastructure such as detention ponds and fencing;
- Environmental Approval costs included vegetation and fauna surveys and management plans, aboriginal heritage survey, social impact assessment (noise, vibration, dust, visual amenity), risk assessments (fire, traffic), environmental scoping document and public review period and appeals, environmental federal referral, stakeholder engagement;
- Operating costs comprised of mining operations, site management, annual road maintenance, site rehabilitation, control of unauthorised access to prevent illegal dumping, Dieback Management plan implementation, Operational and Environmental Management Plan to control surface water runoff, dieback, weeds, dust and noise.
- Environmental Offset costs comprised of rehabilitation of degraded forest due to vegetation clearings and areas damaged by unauthorised access, installation of artificial Cockatoo hollows, monitoring and compliance reporting;
- The uncertain and high risk parts of the project were determined to be the environmental approval and offset requirements and timelines navigating this complex process, appeals from residents and DBCA and operation and management of the site
- The level financial and reputational risk to the Shire were also identified to be high as this kind of operation is not considered to be the Shire's core business.

The Shire had initiated discussions with the Department of Biodiversity, Conservation and Attractions (DBCA) in 2019 in regard to abstracting gravel from two potential sites. One of these sites was a portion of the State Forest on Kingsbury Drive and the other site was Reserve 26080 Scrivener Road.



The DBCA has delegated authority from the Department of Planning, Lands and Heritage (DPLH) to grant Licence for gravel abstraction from State Forest under Section 91 of the *Land Administration Act 1997*.

At a meeting between Shire Officers and DBCA Acting District Manager and Road Projects Coordinator in February 2021, DBCA advised that they will not support issuing a gravel abstraction Licence for the State Forest in order to limit impacts to the conservation values and potential offsets requirements. Accordingly, the Kingsbury Road State Forest site was ruled out for any further investigation. Therefore, the only potential site to be investigated for gravel abstraction by the Shire was limited to the Reserve 26080 Scrivener Road only.

Shire Officers engaged an external consultant in February 2024 to undertake a feasibility study of gravel abstraction from Reserve 26080 and 26079, similar to the feasibility study undertaken in 2019. Both these studies focused on economic viability of the gravel abstraction operations in comparison to purchasing gravel from external supply sources.

The feasibility study concluded that abstracting gravel from Scrivener Road site was clearly uneconomical when compared to purchasing the gravel from suppliers. The result of this study indicates that there will be an estimated \$6,812,032 net disbenefit to the Shire if the Shire chose to mine 75,000 tonnes of gravel over a 12 year period as opposed purchasing the gravel from private suppliers.

Considering the current stringent compliance conditions applied to native vegetation clearing works by both the State and Federal Government agencies, it will be very difficult and quite likely impossible to obtain approvals to proceed with gravel abstraction from this site. In the unlikely event that a clearing permit was issued, the high risks associated with the environmental, financial and operational management of gravel abstraction operations do not justify viability of this business opportunity. It should be noted that any further native vegetation clearing at this site will require significant offsets. In contrast, if the site was left in its current condition without further disturbance, it can be used as an offset area for the Shire's other projects that will require native vegetation clearings. It should also be noted that the Shire is aware of strong local community opposition to this gravel abstraction operations at the proposed site.

Considering the evident non-viability of the gravel abstraction both in terms of financial feasibility and also significant associated risks, Officers recommend the project to be abandoned, the item be removed from the Shire's Corporate Business Plan and funding allocated to this project be reallocated to other works as part of the surplus.

Options

Option 1

That Council:

1. NOTES the findings of the Scrivener Road Gravel Pit Investigation report;
2. RESOLVES not to proceed with the Scrivener Road Gravel Pit project and remove the Scrivener Road Gravel Pit project from the Shire's Corporate Business Plan;
3. NOTES that the current site (Reserves 26080 and 26079) will be considered for use as environmental offset for future Shire of Serpentine Jarrahdale Projects as part of the environmental offset strategy, planned to be developed in 2024/25.

Option 2

That Council



1. NOTES the findings of the Scrivener Road Gravel Pit Investigation report;
2. REQUESTS the Chief Executive Officer to PROCEED with the delivery of the Scrivener Road Gravel Pit project in accordance with the Shire’s project management framework.

Option 1 is recommended.

Conclusion

The findings of the feasibility study into gravel abstraction from Scrivener Road reserve 26080 conclude that the proposed project is not financially viable and pose significant environmental and operational risks. The study also concludes that it is more cost effective, environmentally responsible and less risky for the Shire to purchase the gravel for its needs from private suppliers. Accordingly, it is recommended that the Shire abandons the Scrivener Road gravel pit project and reallocated to other works as part of the surplus.

Attachments (available under separate cover)

- **10.2.3 - attachment 1** – Scrivener Road Gravel Pit investigations presentation – PCF 25 March 2024 (E24/3857)
- **10.2.3 - attachment 2** – Gravel extraction cost analysis (E24/3656)
- **10.2.3 - attachment 3** – Department of Biodiversity Conservation and Attractions – DBCA - response (IN24/214)

Alignment with our Council Plan 2023-2033

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

Financial Implications

Purchasing gravel from suppliers instead of mining the gravel from Scrivener Road gravel pit will result in approximately \$6,812,032 cost savings over a period of 12 years. If this project was abandoned, the remaining \$163,887 unspent funds allocated to this project can be used for delivery of other projects or services.



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	<p>Significant amount of capital investment required up-front.</p> <p>This year's budget is \$170,050, initial environmental surveys alone will cost approximately \$600,000.</p>		Financial	Likely	Major	HIGH	
2	<p>Public environmental review - the Shire is already aware of public opposition and the position of the Department of Biodiversity Conservation and Attractions.</p>		Reputation	Almost Certain	Major	HIGH	
	<p>Environmental Approval process – cost and timeframes unknown (State and Federal Government processes)</p>		Environment / Heritage	Likely	Moderate	SIGNIFICANT	



Voting Requirements: Simple Majority

OCM165/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. NOTES the findings of the Scrivener Road Gravel Pit Investigation report;**
- 2. RESOLVES not to proceed with the Scrivener Road Gravel Pit project and remove the Scrivener Road Gravel Pit project from the Shire's Corporate Business Plan;**
- 3. NOTES that the current site (Reserves 26080 and 26079) will be considered for use as environmental offset for future Shire of Serpentine Jarrahdale Projects as part of the environmental offset strategy, planned to be developed in 2024/25.**

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.2.4 – Watkins Road Waste and Recycling Transfer Station Contaminated Sites Works Update

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

Authority / Discretion

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 provide Council with an update on the Watkins Road Waste and Recycling Transfer Station (Waste Transfer Station - WTS) following completion of the detailed site investigation works and asbestos removal. The report seeks Council's interim decision on the preferred option for remediation of the site.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 11 December 2023 - OCM308/12/23 - COUNCIL RESOLUTION - extract

That Council:

1. *NOTES the summary of the asbestos findings and planned actions and requests that the Chief Executive Officer present a follow-up report in 2024 to determine to future of the site.*
6. *REQUESTS the Chief Executive Officer presents a report to Council to consider disposal options prior to the disposal of any fleet from the Waste Transfer Station.*

Background

The Shire of Serpentine Jarrahdale (the Shire) operated the Watkins Road Waste Transfer Station and Recycling Centre (WTS) at 40 Watkins Road, Mundijong as per the conditions of the Department of Water and Environmental regulation (DWER) licence L9073. Formerly this site and the adjoining site to the north owned by the Department of Biodiversity Conservation and Attractions (DBCA) were being used for landfilling activities.

In October 2023 asbestos fragments were found at several locations across the WTS site along with some soil samples that contained asbestos fibres. The site has since been closed to the public pending the outcome of further investigation and Council decision on the future use of the site.

DWER had previously written to the Shire under the *Contaminated Sites Act 2003* (Ref – DEC6589) advising of the following two sites being classified as 'possibly contaminated - investigation required':

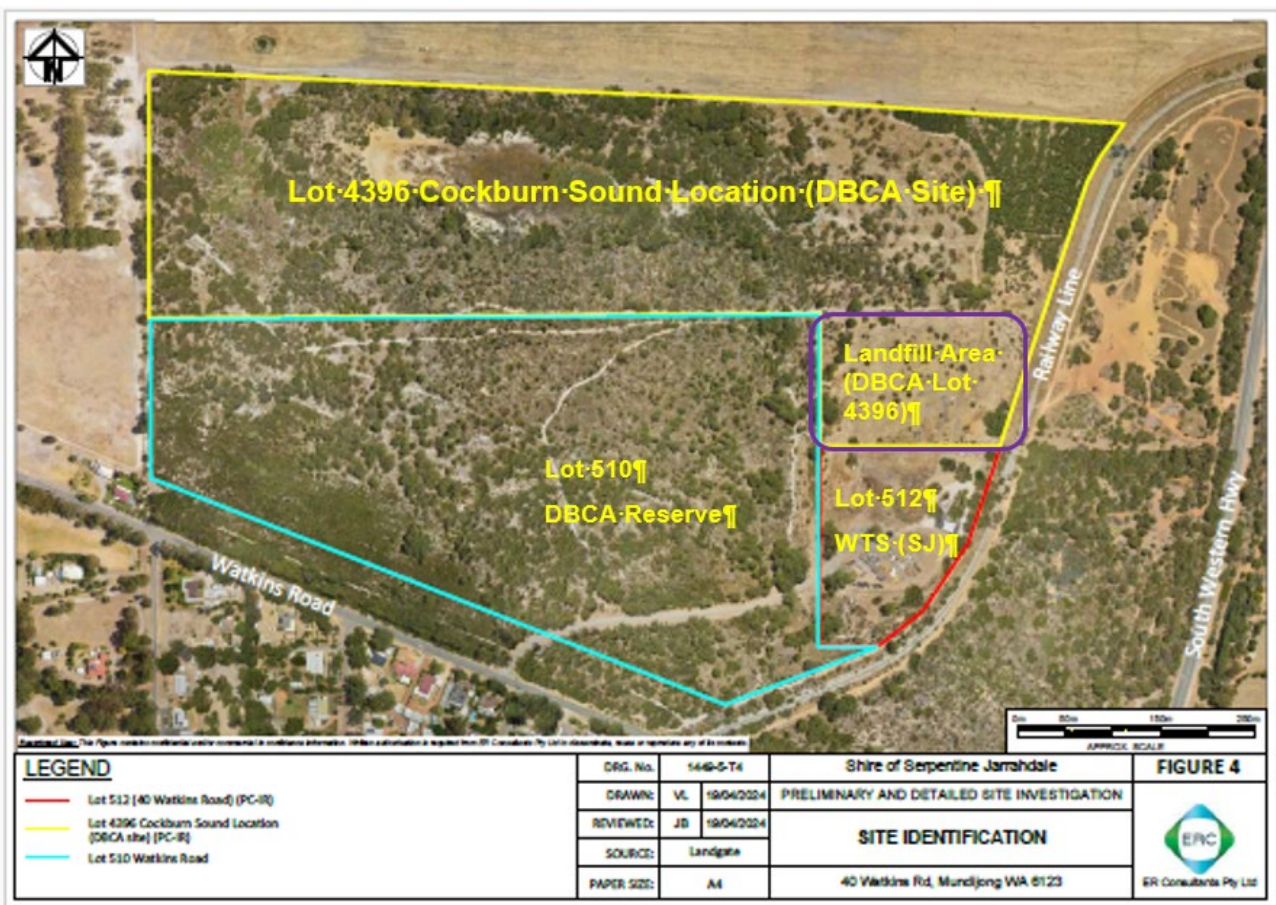


- LOT 512 ON PLAN 53922 as shown on certificate of title LR3141/929 known as Mundijong WA 6123 (WTS)
- COCKBURN SOUND LOCATION 4396 as shown on certificate of title LR3111/72 known as Mundijong WA 6123 (DBCA site)

Accordingly, following the Council report in December 2023, the Shire engaged Environmental Risk Consultants (ERC), to complete the following tasks at the Waste Transfer Station and DBCA site as relevant:

- Air monitoring;
- Preliminary Site Investigation;
- Detailed Site Investigation;
- Surface Asbestos Removal;
- Remediation Action Plan;
- Presentation to Council – including information on re-establishing the WTS as an option; and
- Concept designs for Landfill Cell Closure (as required).

The following aerial image shows the location of the sites referred to above along with Lot 510 owned by DBCA, through which entry is gained to the Waste Transfer Station.





Community / Stakeholder Consultation

Policy Concept Forum

This matter was presented to Elected Members at a Policy Concept Forum on 29 May 2024.

Meeting Date	29 May 2024
Elected Members in Attendance	Cr Bishop, Cr Duggin, Cr Jerrett, Cr Mack, Cr Mazzini

Statutory Environment

- *Environmental Protection Act 1986*

This is the peak legislative body that sets direction on environmental protection matters including licensing of prescribed premises and management of waste.

- *Environmental Protection Regulations 1987*

Premises with potential to cause pollution or environmental harm to the environment, water resources, public health and/ or amenity are known as 'prescribed premises'. Prescribed premises categories are outlined in Schedule 1 of the regulations.

- *Contaminated Sites Act 2003*

Provides a framework for the identification, recording, management and remediation of land to be classed as contaminated sites.

- *Contaminated Sites Regulations 2006*

These regulations stipulate the process to be followed to register and manage contaminated sites.

- *Waste Avoidance and Resource Recovery Act 2007*

The Act provides waste avoidance and resource recovery, management of local government waste including charging of fees and application of levies on waste.

Comment

The information below provides a summary on each of the steps relating to the works conducted by Environmental Risk Consultants (ERC).

Air Monitoring

In December 2023, ERC provided a summary report detailing the results of the boundary and on-site air monitoring using four monitoring sites on three different days to determine the risks. On-person monitors were also used during drilling activities on site to determine risk to operators. The summary from ERC (refer **attachment 1**) concluded that the air monitoring results did not indicate any cause for concern with regard to the presence of respirable fibres (including asbestos) at any of the monitoring stations and on any of the monitoring days documented.

The air monitoring summary from ERC was circulated to elected members by email on 4 January 2024. Following this a letter was sent to neighbouring residents informing of the results. Staff within the Shire were also informed of the results via email.



Initial Combined Preliminary/ Detailed Site Investigation (Phase 1)

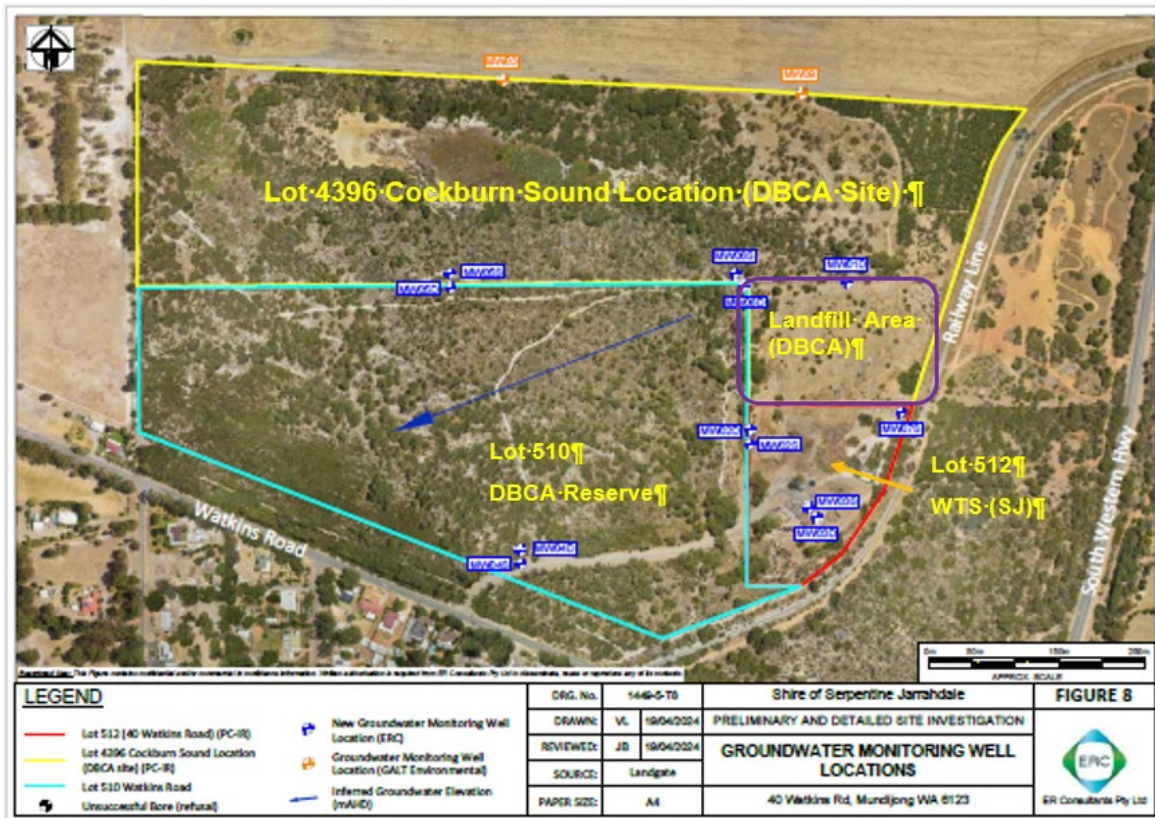
Below are extractions from the Summary Report (**attachment 2**) provided by ERC. In some instances, the information is verbatim to avoid any misinterpretation. The diagrams provided below have also been taken from the Summary Report. The combined Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) Phase 1 works commenced in December 2023 and were completed with the lab results in February 2024. The purpose of these Phase 1 works was to identify potential sources of contamination and likely contaminants at the site.

The aim of the Phase 1 works is to provide an understanding of the soil and groundwater contamination. The results assisted with determination of the extent and locations of investigation required for the Phase 2 works.

The Phase 1 works by ERC included:

- Advancement of twenty-five (25) strategic test pits (TP1 to TP25) across both the Waste Transfer Station and DBCA land to assess the lateral extent of buried landfill waste across the site, and to make a preliminary assessment of sub-surface contamination.
- Advancement of seven strategic soil bores (SB1 to SB7) to assist with identifying the lateral extent of buried landfill waste across the WTS.
- Preliminary sampling of two drain waste stockpiles to the north and west of the WTS.
- Installation of three groundwater monitoring wells (MW01D to MW03D) to gain an initial understanding of groundwater quality and potential contamination below the site, and in close proximity to the historical buried waste material.

The following image provides a reference to the ground water monitoring wells and soil sampling locations mentioned in both the Phase 1 and Phase 2 works.







Sampling was conducted to assess the risk to human health and/ or the environment based on guidance documents. The results of the assessment informed the DSI and have been discussed along with the Phase 2 DSI results below.

Detailed Site Investigation (Phase 2)

The investigation commenced in March 2024 and comprised of the following works by ERC:

- *Advancement of eleven (11) additional test pits (TP26 to TP36) across the DBCA land to further assess the lateral extent of buried landfill waste across the site, and to gain further understanding of the nature of potential contamination within the buried landfill waste.*
- *Advancement of nine additional soil bores (SB8 to SB16) primarily targeting potential sources of contamination at the WTS, related to its more recent use since 2000 (post landfilling activity).*
- *Installation of three additional groundwater monitoring wells (MW04D to MW06D) to delineate the extent of contaminants identified in groundwater during Phase 1 works. Six opportunistic shallow wells (MW02S to MW07S) were also installed at this time to target a potential seasonal perched aquifer, which may exist at the site during the wetter months of the year.*

Investigation Findings – Waste Transfer Station

The following are the main points stated by ERC -

- *Two windrows comprising cut material from the site (Windrow 1) and green waste mixed with sand (Windrow 2) were observed. Windrow 1 is contaminated with asbestos containing materials (ACM) debris throughout, whereas Windrow 2 reported isolated ACM impact from north to south.*
- *Several surface hotspots of ACM debris were identified across the site. Although the site is not licensed to accept ACM wastes, it is likely that over the years, small quantities of ACM have been brought into the site undetected and mixed with other wastes. Over time, these ACMs have likely been broken down resulting in the surface debris observed.*
- *Approximately 50% of the investigated area is underlain by buried landfill waste comprising a mixture of sand, gravel, plastic, metal, brick, occasional batteries and drums, and low densities of ACM, but no obvious fibrous asbestos.*
- *During test pitting works, a landfill cap was observed above the buried waste, with thickness generally between 0.2m and 1m across the area. ACM contamination was identified within the landfill cap material close to the site surface at four test pit locations. ERC concluded that this may indicate that ACM impacted material was inadvertently used to cap the landfill areas over 20 years ago, or smaller quantities of ACM debris brought to site over the site's operational history, may have penetrated the site surface through vehicular action, predominantly occurring in the green waste processing area.*

Investigation Findings – DBCA Land

ERC stated that -

- *Numerous areas of illegally dumped surface waste were observed, including household goods, sand/gravel, building material and ACM.*
- *Approximately 90% of the investigated area is underlain by buried landfill waste comprising a mixture of sand, gravel, plastic, metal, brick, occasional batteries and drums, and low densities of ACM, but no obvious fibrous asbestos.*



- *During test pitting works, a landfill cap was observed above the buried waste, with thickness generally between 0.2m and 1m across the area. ACM contamination and/or impact was identified within the landfill cap material close to the site surface at three test pit locations (see Figure 13). This may indicate that ACM impacted material was inadvertently used to cap the landfill areas over 20 years ago, or smaller quantities of “fly-tipped” ACM debris may have penetrated the site surface through vehicular action (which appears to have occurred in the area).*

Soil Contamination Discussion Points

ERC stated that -

- *Asbestos (as ACM) contamination (exceeding the screening criteria for industrial site uses) is present in near surface soils below isolated parts of DBCA land, the green waste processing area, Windrow 1 and in fly-tipped areas outside the southeastern corner of the WTS (see Figure 13). These impacts may pose a risk to site users if the site re-opens and will require remediation and/or management to mitigate the risk.*
- *Although ACM impact was identified in Windrow 2 (WTS), it is present at concentrations below the screening criteria for industrial sites and as such represents a low risk. However, it is recommended that management of this material be included with the overall asbestos management strategy for the site.*
- *Only minor/isolated detections of other soil contamination were reported across both the WTS and DBCA land including:*
 - *Isolated detections of PFOS at three sample locations at concentrations which have the potential to pose a risk to groundwater and terrestrial ecology:*
 - *WTS (SB13, TP23 and SP4)*
 - *DBCA (no exceedances reported)*
 - *Isolated detections of TRH at three locations at concentrations which have the potential to pose a risk to groundwater and terrestrial ecology:*
 - *WTS (SP2 and TP25)*
 - *DBCA (TP07)*
- *The above findings indicate that gross soil contamination with the potential to cause a risk to human health are not present within at the WTS (other than the previously documented ACM contamination within the landfill capping layer, windrows, and fly-tipped area to the southeast). Further, this is likely to be due to the age of the buried waste, being >20 years old, with no likely notable additional source of significant contamination being present since the landfill was capped, and the subsequent natural attenuation and/or leaching of contaminants into the underlying soils and/or groundwater over that period.*

Groundwater Contamination Discussion

ERC stated that -

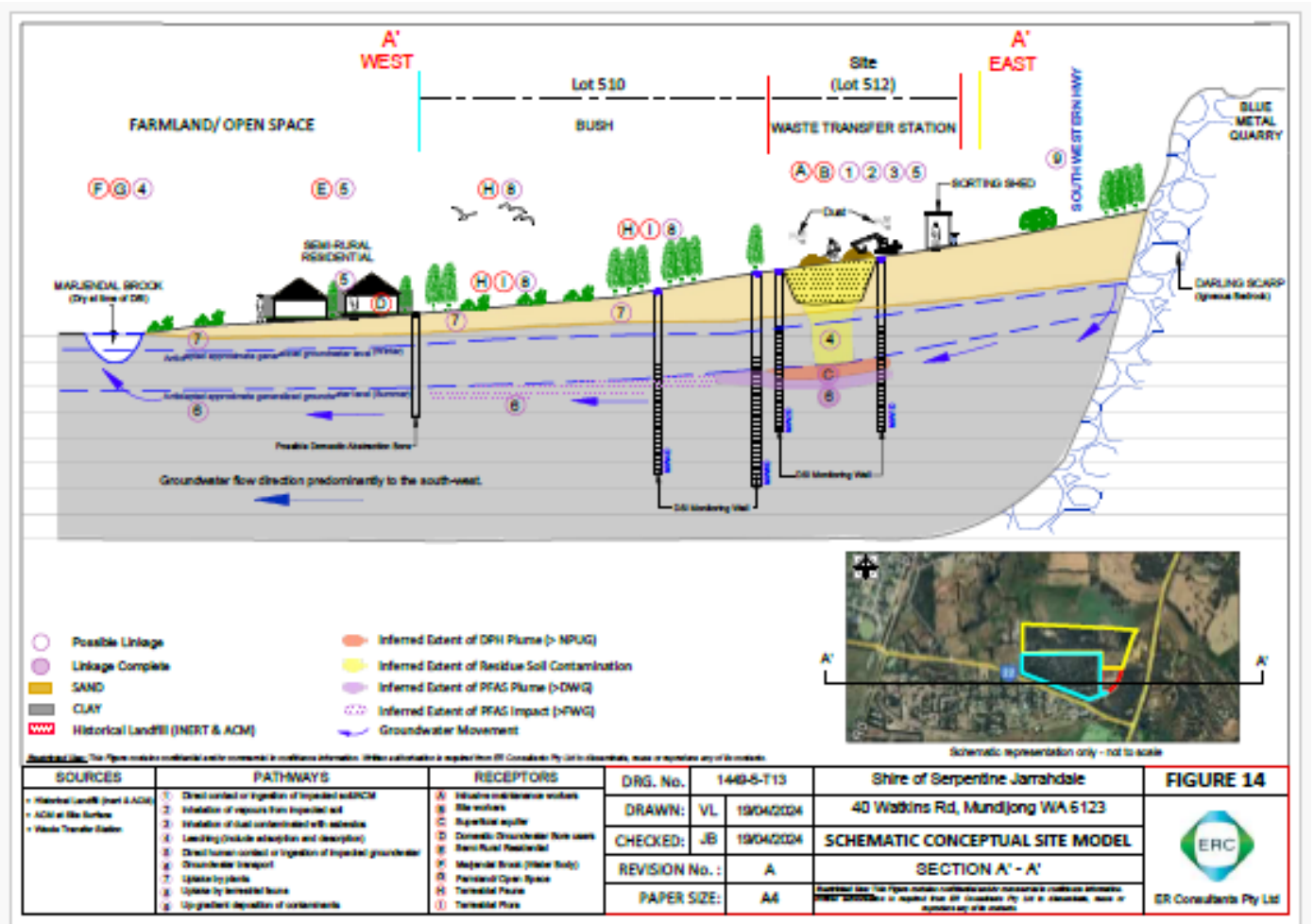
- *Dissolved phase hydrocarbons (DPH) and Per- and polyfluoroalkyl substances (PFAS) groundwater contamination was identified below the WTS and DBCA sites. The concentrations were above drinking water guidelines. Both PFAS and DPH contaminant plumes in groundwater are inferred to have migrated in a south-westerly direction from the source (buried landfill*



waste), which is consistent with the measured groundwater flow direction. The levels were significantly lower when measures in groundwater down site.

- In general, no other notable or significant occurrences of groundwater impact and/ or contamination were identified with respect to the other contaminants analysed.
- As with the soil contamination identified, the groundwater contamination identified below the site is most likely to be attributable to residual impact from landfilling activities occurring >20 years ago, with no obvious ongoing additional source of contamination since. Further, it is likely that any putrescible material has long since decomposed, hydrocarbons predominantly attenuated and other contaminants sorbed or leached through the geological profile resulting in the residual impacts observed as part of this DSI. Without an ongoing source of contamination, these impacts are likely to further decrease over time, with PFAS' being the exception which are far more stable in the environment, take much longer to break down, and will likely be transported further in groundwater, where geological conditions allow it.
- In terms of the potential ecological risk posed by the detected PFAS concentrations (including PFOS), significant off-site ecological risks are considered unlikely, primarily due to the ambient background concentrations of PFAS across large areas of the Perth metropolitan area being higher than those reported in the downgradient wells as part of this DSI.
- The Shire should report the groundwater findings from DBCA Lot 510 to DWER.

The following diagram has been provided to show conceptually show the flow of groundwater.





Surface Asbestos Removal

Surface asbestos removal by ERC was completed in May 2024 over four days. This included the following works:

- Removal of several surface hotspots by manual methods (emu-picking) where ACM had been identified by ERC during Phase 1 and 2 works, and by others prior to ERC's engagement.
- A total of 6.5kg of broken ACM debris attributable to building materials was collected and removed from the operational portion of the WTS.
- A total of 14 fence broken fence panels were removed from various parts of the site, including the DBCA land to the north.

Despite this, ERC have stated that there is risk of asbestos within the soil coming to the surface and the potential for ACM to be brought if the site were to be operated as a Waste Transfer Station in the future. However, this is not an unusual occurrence for waste facilities and will need to be managed as part of the on-going Site Management Plan going forward.

Site Management Recommendations

The following are ERC recommendations form actions that the Shire will need to implement.

1. The DSI report be provided to DWER with the following recommendation for site re-classification, in accordance with the CS Act (2003):
 - a. Lot 512 should be re-classified to Contaminated – Restricted Use (C-RU).
 - b. Lot 4396 should be re-classified to Contaminated – Restricted Use (C-RU).
2. A site management plan (SMP) should be prepared for the site to provide the framework for the following (but may not be limited to):
 - a. Notification of all site personnel/ workers to, and provision of information, regarding the presence of contaminated soil and groundwater below the site, including the development of an asbestos awareness register, specifically targeted at day-to-day site workers.
 - b. Development of a remediation action plan (RAP) to provide the methodology for and subsequently facilitate:
 - i. Capping the footprint of buried landfill waste at Lot 512 (WTS) to at least 100mm thickness.
 - ii. Removal of any other residual surface ACM debris (i.e. stockpiles/ windrow 1-2 but may not be limited to).
 - c. Development of a series of management protocols to mitigate human health risks with regards to known contamination and potential exposure scenarios identified in the CSM (such as on-site excavations for drainage, unexpected finds of ACM which may occur from time to time, and/ or maintenance/monitoring of any applied landfill capping material).
 - d. Restriction on active groundwater abstraction (other than for environmental testing).
 - e. Seasonal groundwater monitoring to track any changes in the nature, magnitude and extent of groundwater contamination identified and discussed in this report, to allow timely adjustments to the human health and ecological risk assessment if required.
 - f. Prevention of public access to the DBCA Land (i.e. permanent perimeter fencing) to mitigate potential exposure to near surface ACM debris.



- g. Further capping of the footprint of buried landfill waste at Lot 4396 (DBCA Land) to meet current landfill closure requirements, noting that further discussions with DWER will be required in this regard, as to DWER's expectations and/or requirements.*
- 3. In accordance with the relevant guidance and legislation, further soil characterisation will be required, if stockpiled materials (such as drainage waste and/or construction and demolition waste) are to be considered for either beneficial re-use on-site or removed and disposed of at a licensed waste facility.*
- 4. All future contaminated site assessment should be undertaken in accordance with Department of Water and Environmental Regulation, Assessment and Management of Contaminated Sites, Contaminated Sites Guidelines, 2021.*

Remediation Action Plan

This document will be prepared following Council's decision in relation to the future of the site based on the options to be discussed.

Site Options for future of Waste Transfer Station

Based on the contaminated sites investigation findings, ERC prepared the Indicative Costings document (**attachment 3**) and has specified the following three conceptual site options for the future of the WTS:

Site Option 1 – Reduced Site Operation - Operations on part of the WTS site (excluding former green waste area) –

Site Option 2 – Full Site Operation - Continue operations on the entire WTS site –

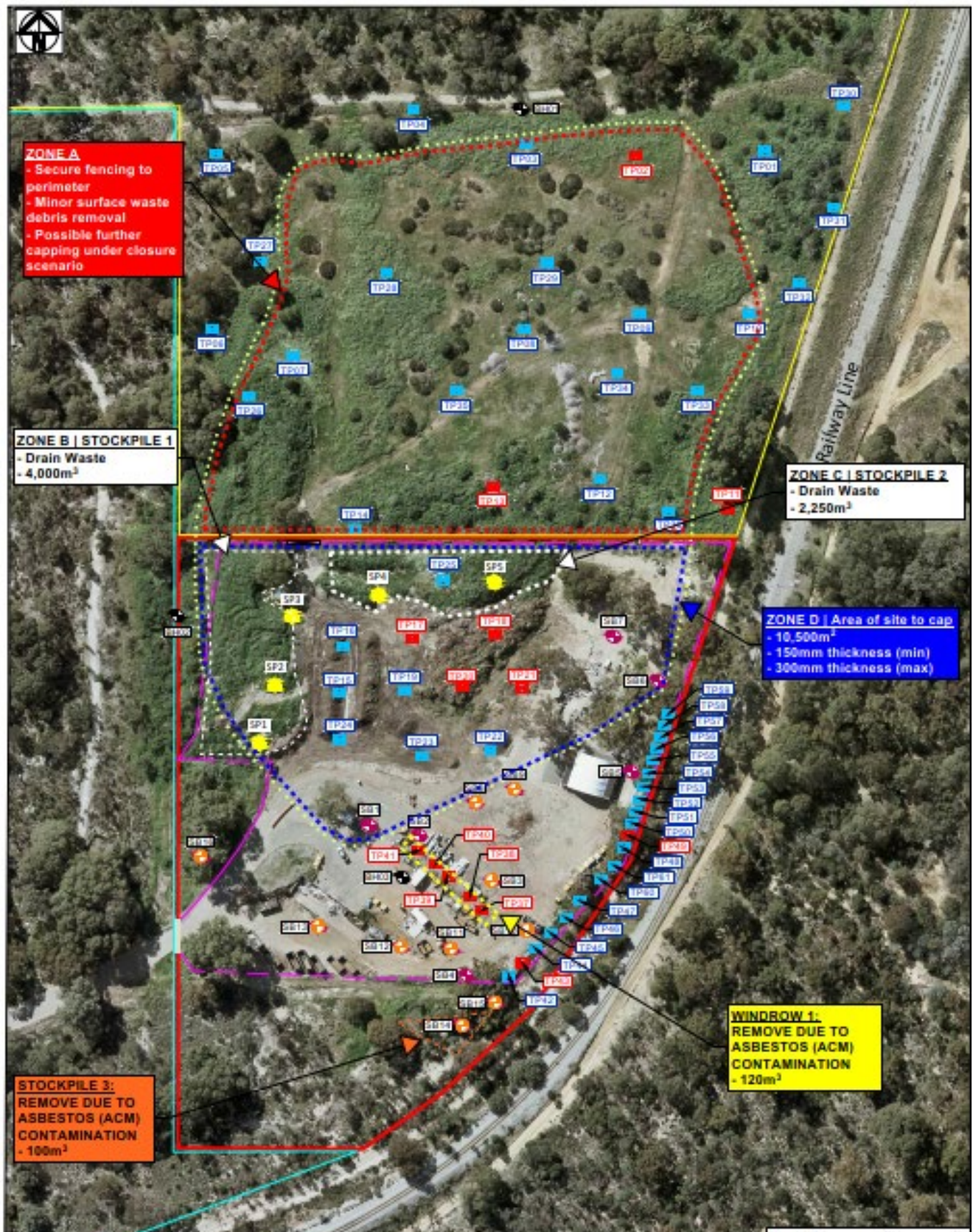
Site Option 3 – Site Closure - Closure of the WTS facility and rehabilitation of the former landfill areas –

The costings provided in this report in relation to the works required on the site are order of magnitude high level and indicative only. Further detailed design work is required to determine more accurate costs, which will vary based on the selected option and variables such as what can be done with the existing drainage waste and Construction and Demolition (C & D) waste stockpiles. The cost of removal and disposal of these stockpiles off site, if confirmed to be contaminated, will be significant. All options to contain these stockpiles on site including levelling the material and capping with a suitable capping layer should be explored with removal of any material off site being considered as the last resort.

It must also be noted that following presentation of the findings to DWER and discussions with DBCA, there are likely to be works required to remediate the DBCA site. The indicative costs of capping the DBCA site have been included in **attachment 3**.

Zones and Stockpiles

The following image from the report shows the different zones and stockpiles mentioned in the report.



<p>LEGEND</p> <ul style="list-style-type: none"> Lot 512 (40 Watkins Road) (PC-R) Lot 4396 Cockburn Sound Location (DBCA site) (PC-R) Lot 510 Watkins Road Site Fence Boundary Extent of Historical Landfill Test Pit Location Test Pit (PACM observed) Stockpile Sample Soil Bore Locations Soil Observation Bore Locations Borehole Locations 		<p>DRG. No. 1448-S-77</p> <p>Shire of Serpentine Jarrahdale</p> <p>PRELIMINARY AND DETAILED SITE INVESTIGATION</p> <p>INFERRED CAPPING AREA</p> <p>40 Watkins Rd, Mundijong WA 6123</p>	<p>FIGURE</p> <p>ERC Consultants Pty Ltd</p>
<p>DRG. No. 1448-S-77</p> <p>DRAWN: VL 19/04/2024</p> <p>REVIEWED: JB 19/04/2024</p> <p>SOURCE: Landgate</p> <p>PAPER SIZE: A4</p>	<p>Scale: 1:500</p> <p>GRAPHIC SCALE</p>	<p>le 2024</p>	

*Zone A –*

Zone A refers to the landfill area on the DBCA site - Lot 4396. Management of capping of Zone A has been captured in the cost breakdown in this report for Site Option 3 - Closure of the site. The Shire will need to seek direction from DWER and engage with DBCA in relation to the best course of action for the any further works on this site.

It is to be noted that although the costs have not been specified in the table of costs for Site Options 1 and 2, there are likely to be some costs applicable for capping and fencing the DBCA site. These will need to be further explored.

Zone B –

The stockpile on the north-west corner of the site denoted on the image with a white dotted line has also been referred to as **Stockpile 1**. This stockpile mainly consists of drainage waste from Shire operations collected since approximately mid 2022 until the closure of WTS. It is understood that the older part of this stockpile towards the northern boundary of the stockpile may contain C&D waste and may contain contaminants. This portion of the stockpile is understood to have been deposited at this location soon after the WTS became operational. However, a larger stockpile of drainage material that was collected near this area between WTS starting operations and early 2022, was tested for contamination, screened by contractors and the screened material was taken by local residents. Larger size material left from screening process was removed and disposed off site by the Shire. The test results at that time did not indicate presence of any contaminants.

The stockpile will need to be tested using a minimum of 25 – 30 samples from various parts of the stockpile to determine whether the stockpile can be left on site and be capped, or if it can be used as capping material or as last option if it will need to be managed as Class 3 landfill and be removed off site. It is recommended that further investigation of the options for this Stockpile 1 are conducted under the Shire's project management framework to reduce costs if possible.

Zone C –

This zone refers to the stockpile located against and forming part of the northern boundary of the site. It has also been referred to as **Stockpile 2**. The stockpile is understood to contain a mix of soil and C&D materials with asbestos contamination.

This Stockpile 2 will need some further testing and will most likely either need to be removed from site as contaminated soil or managed and capped on site. If the stockpile were to be graded and used on-site it would restrict availability of space and operations at that part of the site reducing the available footprint. This will have an impact on any future design plans and strategies for the site, including the operation of the Re-use Shop. As with Stockpile 1, it is recommended that further investigation of the options for Stockpile 2 are conducted under the Shire's project management framework to reduce costs of disposal if possible.

Zone D –

The area denoted by the blue dotted line in the above image is Zone D. It was an area previously used for landfilling and is over 1 hectare in size. The parts not covered by Stockpiles 1 and 2, were used for green waste operations when the site was in use as a transfer station. Zone D will need to be appropriately capped prior to any operations taking place in the area. As there are trees within Zone D, they may need to be cleared prior to capping the area, which would require clearing permits.

If the drainage waste testing results indicate that Stockpile 1 is clean, the soil could potentially be used as capping material for Zone D, saving costs of removal and/ or management.



However, it is important to note that as the soil in this area contains high percentage of organics, it would not be suitable as a structural fill to construct trafficable layers above it. As such, part of this material will need to be removed and replaced with more structurally suitable material.

On the other hand, if Zone D was not made available for use as part of future transfer station operations (Site Option 1), the footprint of the WTS site would be significantly reduced, thus restricting the amount of traffic and waste that could be managed at the site in the future.

Reduced Site Operations – Site Option 1

Below is a table of the indicative, high level costs associated with this option provided by ERC. The management concept is intended to mitigate potential risk to human health through direct contact with contaminated soil and/ or groundwater identified as part of the DSI.

Item No	Description	Indicative Cost (Ex GST)
1.1	Bi-annual groundwater monitoring (per annum)	\$12,000
1.2	Asbestos removal – Windrow 1 and Stockpile 3	\$87,000
1.3	Stockpile 1 and 2 removal and disposal as Class 3 landfill material (See notes 1.i. and information covered in Zones and Stockpiles)	\$2,425,000
1.4(a)	150mm of compacted recycled road base for capping Zone D following grading and/ or removal of Stockpiles 1 and 2 (See note 1.iii.)	\$405,000
1.4(b)	300mm of compacted recycled road base for capping Zone D following grading and/ or removal of Stockpiles 1 and 2 (See note 1.iii.)	\$625,000

Notes –

- 1.i. In this scenario, the biggest expense relates to removal and disposal of the drainage waste and C&D waste stockpiles. Especially for Site Option 1 where Zone D will not be used, there may be other options for these materials including on-site use, which will significantly reduce these costs.
- 1.ii. This Site Option does not allow for any operations on Zone D, as it could potentially damage the capping once again. This will be difficult to manage unless Zone D is fenced off.
- 1.iii. Thicker capping 300mm will ensure that cap is not easily breached, particularly in areas of the site where the current capping layer is more depleted. It is anticipated that the costs for capping with recycled road base will be between the indicative costs specified in Items 1.4(a) and 1.4(b).

Full Site Operations – Site Option 2

Below is a table of the indicative, high level costs associated with this option to undertake transfer station operations over the whole site including Zone D provided by ERC. The management concept is intended to mitigate potential risk to human health through direct contact with contaminated soil and/or groundwater identified as part of the DSI.



Item No	Description	Indicative Cost (Ex GST)
2.1	Bi-annual groundwater monitoring (per annum)	\$12,000
2.2	Asbestos removal – Windrow 1 and Stockpile 3	\$87,000
2.3	Stockpile 1 and 2 removal and disposal as Class 3 landfill material (See notes 1.i. and information covered in Zones and Stockpiles)	\$2,425,000
2.4(a)	150mm of compacted recycled road base for capping Zone D following grading and/ or removal of Stockpiles 1 and 2	\$405,000
2.4(b)	300mm of compacted recycled road base for capping Zone D following grading and/ or removal of Stockpiles 1 and 2	\$625,000
2.5	150mm reinforced concrete over recycled road base. (See note 2.i.)	\$1,895,000

Note –

2.i. For this Site Option 2 – Full Site Operations, Zone D needs an additional layer of reinforced concrete in operational areas to ensure that the ongoing operations will not have an impact on the capping layer separating the buried landfill material. The site will be designed with the aim of reducing the number of areas that require a reinforced concrete hardstand.

WTS Closure – Site Option 3

This option assumes that the WTS will remain closed to the public with the existing landfill areas appropriately capped and vegetated.

ERC subcontracted ASK Waste Management Consultancy Services (ASK Consultants) to prepare indicative high-level costings for the rehabilitation of the landfill. The detailed breakdown from ASK has been included in **attachment 3** and the costs have been rounded up to the nearest \$10,000.

Item No	Description	Indicative Cost (Ex GST)
3.1(a)	Zone A (DBCA Land) - Install Soil Capping System to support <u>vegetation re-growth/ seeding</u>	\$1,140,000
3.1(b)	Zone B, C & D (WTS) - Re-profile drainage waste and C&D stockpiles (Zone B & C) and install Soil Capping System to support <u>vegetation regrowth/ seeding</u> (Zone D)	\$760,000
3.2	Alternative Option to 3.1 (a) and (b) - ZONE A, B, C & D (DBCA Land & WTS) - <u>Engineered Capping System with impermeable membrane.</u>	\$3,160,000

Notes –

3.i. ASK Consultants has provided high level costings for two different types of capping systems. These costs in the table above are to cap both the WTS and DBCA site. They are also based on a capping of 1m – 1.3m across the areas.



3.ii. ASK Consultants has stated in their findings that Item 3.2 is unlikely to be necessary as the landfill was closed over 20 years ago. However, this will need to be confirmed with DWER.

3.iii Further discussions with DWER and DBCA will also reveal the height level and extent of capping required for the DBCA site to be managed as part of the project management framework.

Other Considerations Prior to Re-Opening the WTS

As part of Council's deliberation of the future of the WTS, should the site be considered to be re-opened, it is important that the following matters also be considered and planned for with the aim of:

- Improving site safety for operational staff and visitors;
- Managing public and environmental health concerns;
- Reducing waste and increasing resource recovery.

In June 2023, Council adopted the Glen Flood Group (GFG) report recommendations which were in line with the objectives. Officers were in the process of the implementing the recommendations and planning for future redesign of the site when the site had to be closed due to asbestos findings. As a reminder, below is a list of the recommended actions that are still to be completed:

Recommendation	Reason
After the removal of drainage waste stockpiles review ability to receive and process drainage waste material at this site	There is already material on site which is in excess of the licence requirements. Space at the WTS is limited. It is unclear if there is adequate space to process drainage material and green waste
Establish utilities - water, power, internet communications	Allow appropriate use of technology onsite and amenities for staff
Reduce double handling of material	Redesign the layout and placement of bins so that waste being discarded from the drop off wall is deposited directly into appropriate bins, dedicated to specific materials for removal offsite (including setup of a bin for mattresses)
Implement access control system at point of entry (in conjunction with developing a site master plan WT12)	The current gate house is a makeshift frame with shade cloth. Access control should be managed from a proper gatehouse with a registration system and ability to turnback non-compliant disposals
Remove legacy dumped material from the WTS	Currently there is material that is no longer accepted at the transfer station. The fact that this material is still visible makes it harder to reinforce that it is not accepted
Develop a map of the layout and operation of the WTS that can be handed to visitors and posted on the web site	Traffic flow is poorly managed by the placement of cones. Vehicles are separated but stop at virtually the same place. Once a flow plan is developed it should be mapped and handed out



Recommendation	Reason
Investigate systems to restrict who can access the WTS, what material they can dispose of and the frequency in conjunction with an analysis of vergeside collections	Improve controls around who is using the facility, the frequency and type of material being disposed. This will assist to control disposal costs. For example, it might include a barcode pass permitting two green waste and one general waste per annum plus one each verge collection
Develop a management plan and an annual budget and appropriate financial planning for the facility	A management (or operations) plan that is adopted by Council will provide the guide for managers and senior staff to adhere to as well as providing certainty for all operational staff. It will also provide a safe and secure environment for staff to work in and the public to access
Develop then implement a site Master Plan including emergency escape plan in the event of fire or some other emergency	In conjunction with a management plan the site plan should optimise the logical placement of drop off points, traffic flow and placement of infrastructure

Detailed Design Works for Redesign and/or Remediation of the WTS

Future use of the site will need to ensure that these items have been appropriately managed. Therefore, prior to reopening the site, re-design and remodelling of the site is required.

Consultants are developing concept plans with high level costings for the redesign of the site in line with the above objectives. A separate report will be presented to Council to consider the concept plans for Site Options 1 and 2 discussed above. It is anticipated that the report will be presented to Council by August 2024.

Emergency Egress and Fire Safety

One of the risks that the Shire was not able to fully mitigate prior to the WTS closure was the risk associated with evacuation from the site in an emergency. There is currently a single entry and egress point for the site, from the DBCA site (Lot 510). In an emergency, if this access road was blocked off, there would be no pre-determined, safe exit from the site.

This is a risk that was identified through the GFG review and will need to be addressed as part of the redesign of the site.

Environmental Management Plan

In December 2023, the DBCA contacted the Shire requesting the Shire to submit an application for a licence to continue to use the DBCA site on Lot 510 to access the WTS. The access to the WTS is located entirely on Lot 510 under DBCA management. The 'Licence to Enter Upon and Use Land' is issued under section 101 of the *Conservation and Land Management Act 1984*. The licence issued is contingent upon compliance with several conditions.

This list of conditions has been included as **attachment 4**. Of note is that the Shire will need to prepare and operate in accordance with an approved Environmental Management Plan (EMP) to manage risks associated with waste from the WTS impacting the flora on Lot 510.

The DBCA was informed that the site was currently closed and there were no operations currently in place.



Based on this information the DBCA agreed to hold-off on requiring the application for the licence. However, if the WTS were to be re-opened, the Shire will need to engage a consultant to prepare a detailed EMP and supporting operational procedures that ensure on-going compliance with the licence conditions. The costs associated with these works will need to be factored into the project management framework.

Management of Bulky Waste Post Closure

Following closure of the WTS, residents have continued to express strong opinions in relation to their disappointment through the social media channels and through other communications to staff.

Since then, Council and Officers have made arrangements for:

- A green waste verge collection in November/ December 2023;
- City of Armadale tip passes for use between November 2023 and January 2024;
- Three green waste verge collections for 2024 in the months of April, July and October;
- Two green waste verge collections in 2025 in the months of April and October; and
- A bookable hard waste collection service with up to two free collections per annum, that commenced in June 2024, for two years with the option to extend for a further 1 year.

Following commencement of the bookable hard waste verge collection and illegal dumping service, along with the scheduled green waste verge collections, it is anticipated that more of residents will prefer the ease of not having to transport materials to the transfer station.

WTS Fleet Vehicle Management

The following fleet vehicles were in use, while the WTS was operational:

Item	Fleet Vehicle type	Make	Asset No.	Use at WTS
1	Loader	JCB	10000337	Loading waste in skips, moving and turning greenwaste, etc.
2	Forklift (with rotator)	Caterpillar	10000335	Lifting heavy items, unloading trucks, loading material into skips, etc.
3	8 x 5 Tandem Trailer	John Papas	10000328	Provided by the Shire as a service to residents through an online booking system to assist with transporting bulky waste to the WTS.
4	8 x 5 Tandem Trailer	John Papas	10000329	
5	8 x 5 Tandem Trailer	John Papas	10000330	
6	8 x 5 Tandem Trailer	John Papas	10000331	

All of the above fleet items were purchased in 2020 at the commencement of the WTS operations. The trailers are in use by the Shire's Parks and Gardens, Civils, Rangers and Emergency Services teams as required. Retaining the trailers has ensured that the business cases and additional budget was not required for purchase of new trailers of the same size in 2024/25.



The JCB loader and Caterpillar forklift are currently not being used by the Shire as they are surplus to the Shire's needs and are sitting idle and losing value. Therefore, if the Shire decides not to further investigate the option of re-opening the WTS, it is being recommended that the Shire sells these assets and returns the proceeds of the sale to the Light Plant and Fleet Acquisition Reserve. If the WTS was to remain operational, the loader and forklift would be due for replacement in 2027.

Options

Option 1

That Council:

1. NOTES the findings and recommendations from the following documents completed by Environmental Risk Consultants:
 - a. Summary of air monitoring works at **attachment 1**;
 - b. Preliminary and Detailed Site Investigation Executive Summary at **attachment 2**;
 - c. Concept Costings for Waste Transfer Station Options at **attachment 3**.
2. NOTES the Chief Executive Officer will report the findings of the Environmental Risk Consultants investigation to the Department of Water and Environmental Regulation for review and possible reclassification of the following sites under the *Contaminated Sites Act 2003*:
 - a. LOT 512 ON PLAN 53922 as shown on certificate of title LR3141/929 known as Lot 512 (40) Watkins Road, Mundijong WA 6123;
 - b. COCKBURN SOUND LOCATION 4396 as shown on certificate of title LR3111/72 known as Lot 4396 Watkins Road, Mundijong WA 6123;
 - c. LOT 510 ON PLAN 53922 as shown on certificate of title LR3141/927 known as Lot 510 Watkins Road, Mundijong WA 6123.
3. REQUESTS the Chief Executive Officer to commence project initiation to develop concept plans and costings for two options as following:
 - a. Redevelopment of the Watkins Road Waste and Recycling Transfer Station for the purposes of managing all the different waste streams previously managed at the site;
 - b. Redevelopment of the Watkins Road Waste and Recycling Transfer Station for the purposes of managing recyclable waste, green waste and operations of the Reuse Shop at the site.
4. REQUESTS the Chief Executive Officer to present the concept plans and costings for both options for redevelopment of Watkins Road Waste and Recycling Transfer Station to Council by August 2024.
5. REQUESTS the Chief Executive Officer to commence project initiation to investigate the best option to manage the following stockpiles at the Watkins Road Waste and Recycling Transfer Station with the intent to redevelop the site:
 - a. Stockpile 1 (Zone B) known to be containing mainly drainage waste.
 - b. Stockpile 2 (Zone C) known to be containing construction and demolition waste.
6. REQUESTS the Chief Executive Officer to present the findings of the investigations and management options for both Stockpiles 1 (Zone B) and 2 (Zone C) by November 2024.



7. REQUESTS the Chief Executive Officer to commence project initiation to investigate the best options to manage remediation (capping and site works) of the Department of Biodiversity, Conservation and Attractions site (Lot 4396 Watkins Road, Mundijong) used historically by the Shire for landfilling activity.
8. REQUESTS the Chief Executive Officer to present the findings of the investigations for remediation of the Department of Biodiversity, Conservation and Attractions site (Lot 4396 Watkins Road, Mundijong) used historically by the Shire for landfilling activity by November 2024.
9. NOTES the budget from 2024-25 will include a minimum of \$12,000 per annum for bi-annual groundwater sampling and testing as part of on-going monitoring of groundwater at the Watkins Road Waste and Recycling Transfer Station.

Option 2

That Council:

1. NOTES the findings and recommendations from the following documents completed by Environmental Risk Consultants:
 - a. Summary of air monitoring works at attachment 1.
 - b. Preliminary and Detailed Site Investigation Executive Summary at attachment 2.
 - c. Concept Costings for Waste Transfer Station Options at attachment 3.
 2. NOTES the Chief Executive Officer will report the findings of the Environmental Risk Consultants investigation to the Department of Water and Environmental Regulation for review and possible reclassification of the following sites under the *Contaminated Sites Act 2003*:
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 - b. COCKBURN SOUND LOCATION 4396 as shown on certificate of title LR3111/72 known as Lot 4396 Watkins Road, Mundijong WA 6123;
 - c. LOT 510 ON PLAN 53922 as shown on certificate of title LR3141/927 known as Lot 510 Watkins Road, Mundijong WA 6123.
 3. REQUESTS the Chief Executive Officer to commence project initiation to develop detail design plans to manage the remediation of the Watkins Road Waste and Recycling Transfer Station, with the aim of permanent closure of the site including options for the following stockpiles:
 - a. Stockpile 1 (Zone B) known to be containing mainly drainage waste.
 - b. Stockpile 2 (Zone C) known to be containing construction and demolition waste.
 4. REQUESTS the Chief Executive Officer to present the detailed design plans and costings for remediation works associated with closure of the Watkins Road Waste and Recycling Transfer Station including management options for Stockpile 1 (Zone B) and Stockpile 2 (Zone C) by October 2024.
 5. NOTES the following fleet assets will be disposed with proceeds of the sale to be returned to the Light Plant and Fleet Acquisition Reserve with budgets to be adjusted in future Quarterly Financial Reviews once the final sale value is known:
 - a. JCB loader (Asset no. 10000337); and
 - b. Caterpillar forklift (Asset no. 10000335).
-



6. NOTES the budget from 2024-25 will include a minimum of \$12,000 per annum for bi-annual groundwater sampling and testing as part of on-going monitoring of groundwater at the Watkins Road Waste and Recycling Transfer Station.

Option 1 is recommended.

Conclusion

The findings of the ERC report indicates that the contamination levels in the groundwater and soil and potential risks to public health can and should be managed through ongoing monitoring and effective soil capping and site management.

The costs to remediate the site regardless of the Site Option to be chosen are significant. Further detailed costings would be required following Council’s decision to either re-open the site at full or half capacity or close the site permanently.

Redevelopment costs are likely to be the highest to re-open the site and operate on the landfill area (Zone D) that will need to be appropriately capped and secured with a hardstand. However, this option also allows the Shire to provide all the required services while planning for growth.

There are also a number of risk implications associated with re-opening the facility, including further potential asbestos contamination of the site, environmental management across the entire facility and on-going safety and emergency management.

Option 1 recommends further consideration of the redevelopment costs through the Shire’s project management framework, while ensuring that public and environmental health risks are managed.

Attachments (available under separate cover)

- **10.2.4 - attachment 1** – Environmental Risk Consultants – Watkins Road Facility Air Monitoring Results Summary (IN24/41)
- **10.2.4 - attachment 2** - Environmental Risk Consultants – Watkins Road Facility Preliminary and Detailed Site Investigation – Executive Summary (IN24/11044)
- **10.2.4 - attachment 3** - Environmental Risk Consultants – Indicative costings – Waste Transfer Station site options (E24/6644)
- **10.2.4 – attachment 4** – DBCA – Licence to Enter Upon and Use Land – Conditions (E24/7169)

Alignment with our Council Plan 2023-2033

Liveable
4. Invest in facilities and amenities to meet current and future needs
5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment

Financial Implications

The estimated high-level costings for remediation of the WTS for three different site options have been included in the commentary. Further details are available in **attachment 3**. The costs will vary based on a number of different factors as has been discussed in the report.



More accurate costs of rehabilitation and redesign of the site will become available once concept plans and detail design works for the site are completed following Council direction.

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 & 2	Failure to implement recommendations of the ERC report, leading to increased public health and environmental risks, leading to ill health, environmental and/or reputational damage	Ensure that recommendations of the ERC report are implemented with on-going monitoring and appropriate capping of the areas used for landfilling.	Environment / Heritage	Possible	Moderate	MODERATE	Remediation of site prioritised in both options.
1 & 2	Increases in the annual Waste Fee to accommodate the site remediation and redesign consultancy works.	Add surplus funds from 2023/24 waste budget to reserve. Increase waste fee in 2024/25 to ensure additional funds are available for project works.	Financial	Almost Certain	Major	HIGH	Manage through project management framework and seek opportunities to reduce costs where possible.



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	Risk of future asbestos contamination when the site is re-opened to the public.	Develop a Site Management Plan and maintain an Asbestos Awareness Register	Social / Community Outcomes	Possible	Moderate	MODERATE	In case of contamination, handle in accordance with the site management plan.
2	Public backlash from community due to Council's decision to close the WTS.	Introduction of green and hard waste verge collection services	Social / Community Outcomes	Possible	Moderate	MODERATE	Organise additional services if required by the community
1 & 2	Management of WTS and associated costs results in delay of FOGO roll-out resulting in on-going lower material recovery and non-alliance with the State and the Shire's Waste Strategies.	FOGO roll-out currently not planned. Delay further if necessary and inform the Waste Authority.	Environment / Heritage	Almost Certain	Moderate	SIGNIFICANT	Note that the Shire's Waste Strategy direction on FOGO will not be able to be met.

Voting Requirements: Simple Majority

OCM166/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

1. NOTES the findings and recommendations from the following documents completed by Environmental Risk Consultants:

a. Summary of air monitoring works at attachment 1;



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 - c. Concept Costings for Waste Transfer Station Options at attachment 3.
2. NOTES the Chief Executive Officer will report the findings of the Environmental Risk Consultants investigation to the Department of Water and Environmental Regulation for review and possible reclassification of the following sites under the *Contaminated Sites Act 2003*:
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7. REQUESTS the Chief Executive Officer to commence project initiation to investigate the best options to manage remediation (capping and site works) of the Department of Biodiversity, Conservation and Attractions site (Lot 4396 Watkins Road, Mundijong) used historically by the Shire for landfilling activity.
8. REQUESTS the Chief Executive Officer to present the findings of the investigations for remediation of the Department of Biodiversity, Conservation and Attractions site (Lot 4396 Watkins Road, Mundijong) used historically by the Shire for landfilling activity by November 2024.
9. NOTES the budget from 2024-25 will include a minimum of \$12,000 per annum for bi-annual groundwater sampling and testing as part of on-going monitoring of groundwater at the Watkins Road Waste and Recycling Transfer Station.

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.2.5 – Development of Streetscapes and Parks and Gardens Maintenance Schedules and Green Spaces Community Engagement Outcomes Report (SJ4420)

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

Authority / Discretion

Information	For the Council to note.
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Report Purpose

The purpose of this report is for Council to note the Streetscapes and Parks and Gardens maintenance schedules and Green Spaces Community Engagement Outcomes Report.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 21 August 2023 - OCM185/08/23 - COUNCIL RESOLUTION

That Council:

1. *RECEIVES the Unconfirmed Minutes of the CEO Employment Committee Meeting held on 7 August 2023 (E23/10342).*
2. *ADOPTS CEO Employment Committee Resolution CEO009/08/23 and:*
 1. *AGREES to the Chief Executive Officer Key Performance Indicators as stated in 'Attachment 1: Proposed CEO Performance Criteria (KPIs) for 2023-24' as contained in CONFIDENTIAL attachment 1, noting that the CEO's AGREEMENT to Key Performance Indicator 2 is conditional, subject to the conditions stated in CONFIDENTIAL attachment 2.*
 2. *REQUESTS that the Shire President write to Mr Paul Martin, Chief Executive Officer, informing the Chief Executive Officer of Council's resolution.*
 3. *RESOLVES that the Key Performance Indicators agreed by Council and the CEO in CONFIDENTIAL attachment 1, including conditions set out in CONFIDENTIAL attachment 2 become publicly available in accordance with Regulation 21 of the Local Government (Model Code of Conduct) Regulations 2021.*

Background

The Shire of Serpentine Jarrahdale's (the Shire) community cares about its green spaces. The community consultation undertaken by the Shire to develop the Council Plan 2023 – 2033 identified that preserving and enhancing natural places was valued by the community to ensure a liveable community.



The Shire has more than 954ha of reserves and public open space, all of which requires maintenance. The Shire has developed a baseline of current levels of service for these spaces. Below is KPI #2 regarding the management and maintenance of Shire assets:

<p>Place A sustainable natural environment</p>	<p>Management and maintenance of Shire assets</p>	<p>2. Develop and implement maintenance schedules for the following asset classes - playgrounds, verges, facilities, park and gardens. These schedules must align with Council and community consultation outcomes, be clearly defined, and all relevant data for verges (urban) and parks and gardens must be systematically recorded in the OneComm system for easy tracking, reporting and evaluation.</p> <p><i>Responsibility - CEO, Director, Community Engagement and Director Infrastructure Services</i></p>
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Achieving this KPI will enable the Shire's Parks and Gardens maintenance teams to transition to undertaking maintenance activities in a proactive manner which will result in operational efficiencies in delivering services.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	5 February 2024
Elected Members in Attendance	President Coales, Cr Bishop, Cr Duggin, Cr Jerrett, Cr Mack

Budget Workshop 2

Meeting Date	15 May 2024
Elected Members in Attendance	President Coales, Cr Byas, Cr Duggin, Cr Jerrett, Cr Mack

Streetscapes and Parks and Gardens Maintenance Schedules

The Shire's own resources and external consultants completed the development of streetscapes maintenance schedules between September 2023 and March 2024 using the Shire's asset data. Following the completion of this work, schedules were migrated to the Shire's OneComm management system. The schedules were tested in the new environment and supervisory staff and works crews were trained in using the new system and implementation of the schedules. The implementation trials in a test environment have proven to be successful and the system is planned to go live on 17 June 2024.

Once implemented, it is anticipated that the new maintenance services delivery system will achieve operational efficiencies, better data management, real time customer service and improved asset management. The implementation of streetscapes maintenance schedules in OneComm environment is the first time the Shire trials this process and the success of this important first step will be used as guide assisting implementation of the same process for other asset classes in future years.

Community Engagement

The Green Spaces community engagement (Green Spaces) was developed and implemented to satisfy CEO KPI 2, specifically regarding the maintenance schedules for verges (urban) and parks and gardens.



The Green Spaces engagement was a survey-based community engagement, open from Monday, 11 March 2024 to Sunday, 14 April 2024. The survey was promoted and made available by the following tactics:

- Pop up events;
- Digital promotion;
- Traditional media;
- Printed materials;
- Emails;
- Staff attendance at smaller community meetings.

Community feedback and engagement outcomes are covered in the comment section of the report.

Statutory Environment

Nil.

Comment

Development of schedules

In line with the CEO KPI, the Shire Officers commenced the development of maintenance schedules for various asset categories, by gathering all relevant data and information based on current resource allocations.

Over the past 10 months, the following maintenance schedules have been developed:

- Streetscapes, Parks & Gardens (including urban verges);
- Playgrounds;
- Powerline Tree Pruning;
- Turf Maintenance
- Mowing;
- Natural Areas;
- Facilities Maintenance.

Streetscapes and Parks and Gardens (including urban verges) maintenance schedules were the starting point for the CEO's KPI. These were developed by cross checking Parks/Reserve names with Asset names/numbers, frequency of visits, time taken to perform the task and resources required, including labour and plant.

The remaining schedules from the above list have been developed to advance service levels and will be further refined in preparation for implementation in to OneComm in a staged approach over the coming years. These maintenance schedules are currently being implemented outside the OneComm system, except Facilities Maintenance schedules which are being partly implemented. All the mandatory legislative and safety compliance related facilities maintenance work plus several routine maintenance work including cleaning, Air Conditioning and pest control are being implemented outside the OneComm system.



It has not been possible to fully implement all of facilities maintenance schedules due to lack of resources and extended vacancies at senior positions in facilities team and Operations management at this time. It is anticipated the implementation of schedules for the remaining facilities maintenance activities will be progressed in the coming month(s).

Similar to the process undertaken for the Streetscapes and Parks and Gardens schedules, a community engagement process would be undertaken for each asset class to ensure alignment with Council and community expectations.

The development of the Streetscapes and Parks and Gardens (including urban verges) schedules and requirements for integration within the OneComm system was a complex task and required significant input and collaboration across the organisation. Service teams involved in the development and technical requirements for the different phases of the project included:

- Parks and Gardens;
- Operations;
- Business Systems;
- Finance;
- Payroll;
- Asset Management;
- Customer Service.

These baseline schedules for Streetscapes and Parks and Gardens, were used to inform the Green Spaces community engagement and the maintenance schedules implemented in the OneComm system.

Shire Officers have been implementing the verges (urban), and parks and gardens maintenance schedules using the iPad tablets for several months. Integration of the schedules within the financial module and asset data in OneComm has been a critical and complex part of this process improvement.

Implementation of maintenance schedules in OneComm

Following the development of the verges (urban), and parks and gardens maintenance schedules, there was extensive configuration and testing to ensure seamless integration of these two maintenance schedules within the OneComm (the Shire's enterprise asset management system) modules.

Development of schedules commenced in September 2023 and required collaboration across departments, specifically the Business Systems team working with Operations and Parks and Gardens teams, leveraging their expertise on streetscape elements. Financial and Payroll departments also provided valuable input, ensuring maintenance activities aligned with budgetary cost centres and staffing resources. This cross-functional approach ensures the new OneComm schedules are technically sound and that the integration touch points meet the internal requirements of all relevant internal service teams.

The development of the verges (urban), and parks and gardens maintenance schedules has been a significant achievement, and trialling of the schedules by Shire Officers in the test environment has been successful. At the time of writing the report, the verges (urban) and parks and gardens maintenance schedules were scheduled to go live and be operational in OneComm on Monday, 17 June 2024.



The implementation of verges (urban) and parks and gardens maintenance schedules in OneComm will serve as a central hub for managing streetscape maintenance. This will enhance transparency, optimise resource allocation, and ultimately contribute to the continued effort to centralise our asset management activities in OneComm.

Green Spaces Community Engagement

The purpose of the Green Spaces community engagement was to ascertain how the community feel the Shire is performing with the maintenance of green spaces in the Shire, with the aim to align future schedules to community feedback and expectations, as per the outcomes report.

There were 338 people who participated in the engagement, either online or hard copy. Respondents came from 11 of the Shire's 13 suburbs. The largest number of respondents were from Byford (55%), followed by Jarrahdale (14%), and Serpentine (8%).

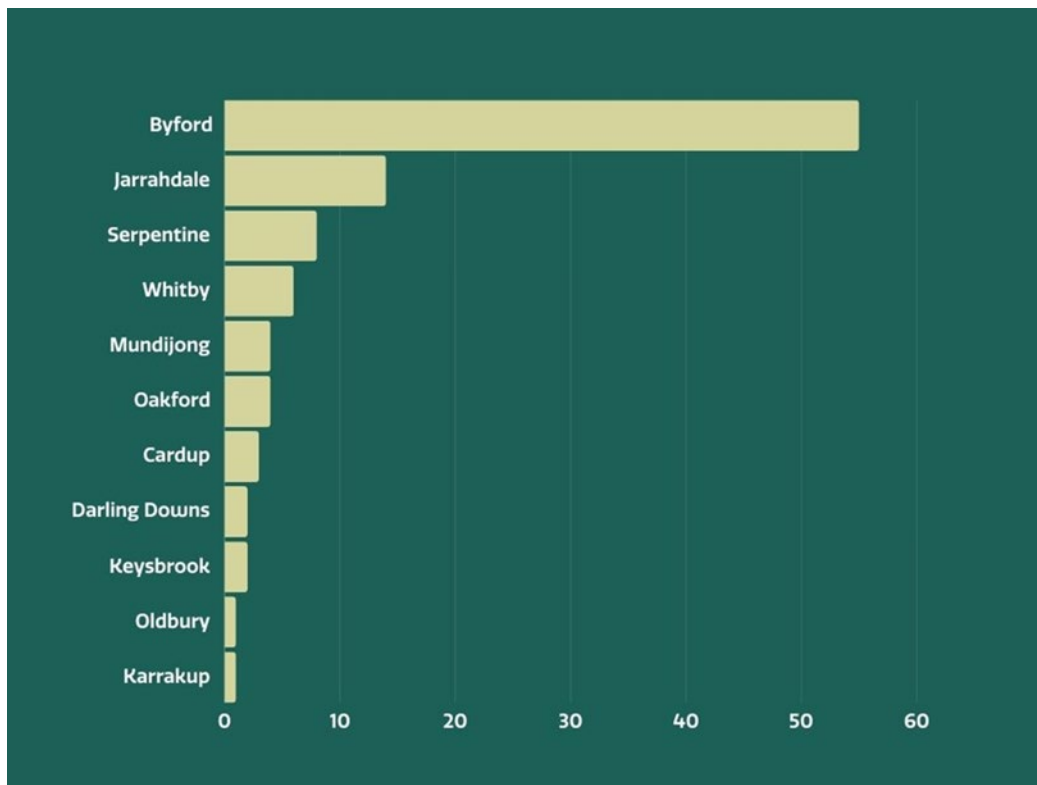


Figure 1 – Respondents via suburb

Respondents were asked to provide a free-text response, and provide multiple responses if desired, about the green spaces they visit. Of the 303 respondents who gave one or more examples of what green spaces they visit, 182 named parks and ovals, and 37 mentioned trails. Below is a summary of the most popular, but not all, of the responses:

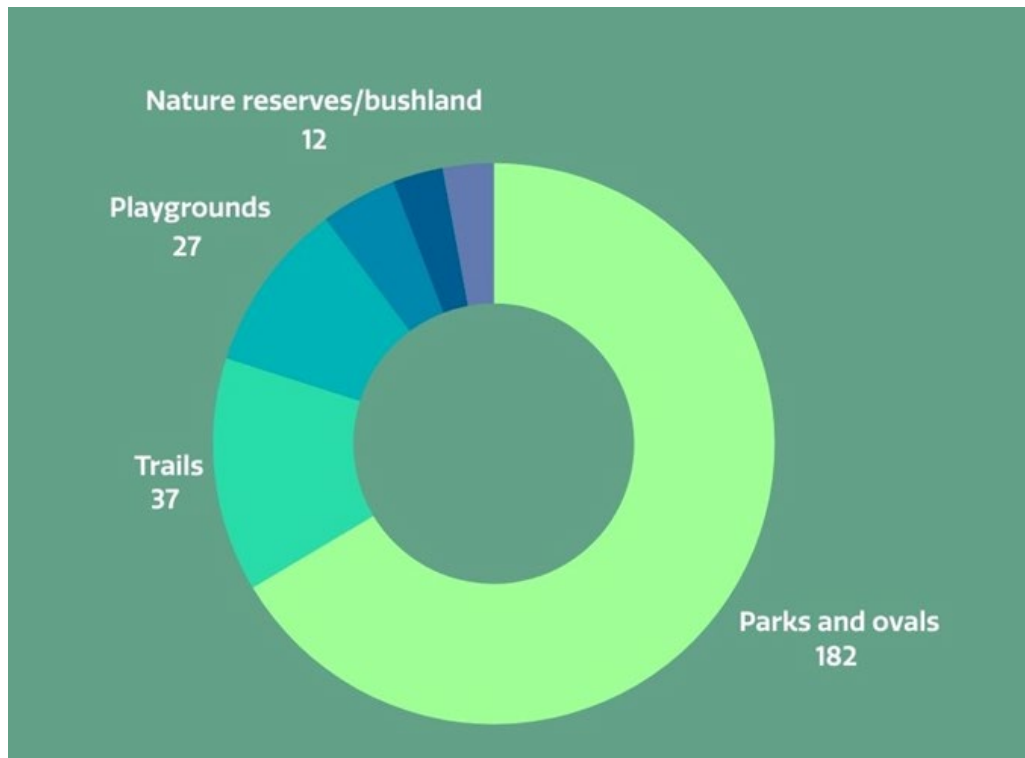


Figure 2 – Green spaces respondents visit

Using the Green Spaces survey Question 7 as a baseline, 37% strongly agree or agree that the current frequency of maintenance activities in the Shire’s managed green spaces to be adequate, with 23% responded as neutral and 40% responding with disagree or strongly disagree.

There is, however, room for improvement, with 79% of respondents to Question 8 saying that there are specific open spaces or amenities that require more attention or maintenance.

A number of key themes can be identified in the survey responses, including general maintenance, lack of public toilets, litter, rubbish, graffiti and lack of shade. The Green Spaces Community Engagement Outcomes Report is provided at **attachment 1**.

Following the community feedback, Shire Officers have identified quick win actions and long-term actions, as outlined below:

Quick Win actions	
Theme	Action
Maintenance schedules	Publish the ovals, parks and gardens maintenance schedules on the Shire’s website
Drink Fountain	Install a public drink fountain at Forrest Green, Jarrahdale
Playground equipment/Softfall	Broken playground equipment and Softfall to be repaired or replaced
Shade sails at playgrounds	New shade sails or renewal of existing shade sails at playgrounds where no shade exists or shade sails are broken
Cricket nets	Inspect and repair cricket nets at Mundijong Oval, Clem Kentish Reserve and Briggs Oval



Briggs Lower Oval	Continued investment in maintenance of Briggs Lower Oval
Long-term actions	
Footpath Accessibility	Develop a Footpath Forward Works Renewal Plan
Playground amenities and public toilet provision	Develop a Playground Renewal Plan to: <ul style="list-style-type: none"> • Increase diversity of play equipment provided for different ages at local playgrounds • Ensure all playgrounds have shade sails Identify opportunities for increased public toilet provision at public parks
Adventure playground	Continue the planning and feasibility of a Regional Playground
Planning for new parks and playgrounds	Ensure that the provision of new parks and playgrounds provide meaningful spaces for kids to play (not pocket parks)

The quick win actions and long-term actions have been used to inform the development of the 2024/2025 budget and the review of the Shire's Corporate Business Plan.

Options

Option 1

That Council:

1. NOTES the verges (urban) and parks and gardens maintenance schedules have been developed and implemented into the Shire's OneComm system and the utilisation of the OneComm system for these maintenance schedules are scheduled to go live on Monday, 17 June 2024;
2. NOTES the community engagement undertaken for the verges (urban) and parks and gardens maintenance schedules and RECEIVES the Green Spaces Community Engagement Outcomes Report as contained at **attachment 1**.

Option 2

That Council DOES NOT RECEIVE the update on the progress and achievements relating to the verges (urban) and parks and gardens maintenance schedules.

Option 1 is recommended.

Conclusion

The development of the schedules and requirements for integration within the OneComm system was a complex task and required significant input and collaboration across the organisation.

Over the past 12 months, maintenance schedules for verges (urban) and parks and gardens have been developed and has provided a baseline schedule for this asset class.



The verges (urban) and parks and gardens maintenance schedules have been implemented into the Shire’s OneComm system, and at the time of writing the report, they were scheduled to go live and be operational in OneComm on Monday, 17 June 2024.

The Shire undertook a Green Spaces community engagement to ascertain community perceptions about how the Shire is performing with the maintenance of green spaces in the Shire, with the aim to align future schedules to community feedback and expectations, as per the outcomes report.

This report summarises the significant work undertaken to develop the verges (urban) and parks and gardens maintenance schedules and the successful implementation of these schedules into the OneComm system.

Attachments (available under separate cover)

- **10.2.5 - attachment 1** – Green Spaces Community Engagement Outcomes Report (E24/4588)

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

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 significant risks associated with this option.						
2	If Council does not receive the Green Spaces Outcomes Report, participants may feel their feedback is not valued.	Presentation of the report to Elected Members at a workshop	Reputation	Possible	Minor	MODERATE	Option 1



Voting Requirements: Simple Majority

OCM167/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. NOTES the verges (urban) and parks and gardens maintenance schedules have been developed and implemented into the Shire's OneComm system and the utilisation of the OneComm system for these maintenance schedules are scheduled to go live on Monday, 17 June 2024;**
- 2. NOTES the community engagement undertaken for the verges (urban) and parks and gardens maintenance schedules and RECEIVES the Green Spaces Community Engagement Outcomes Report as contained at attachment 1.**

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



The Chief Executive Officer, Paul Martin, advised the meeting of an error in Option 2. Should Council want to choose Option 2, an extra \$10,000 has to be added to the contract value due to a variation being approved in April for extra fill on the site.

10.2.6 – Kingsbury Drive Black Spot Project Budget Amendment (SJ1299)	
Responsible Officer:	Manager Engineering
Senior Officer:	Director Infrastructure Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to provide Council with an update on the expenditure incurred up to 7 June 2024 on the Kingsbury Drive Black Spot project (SLK 7 to 9.1), advise of required additional funds to complete the project, and seek approval for a budget variation to complete this project.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 October 2023 – OCM257/10/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. AWARDS Tender RFT 05-2023 - Kingsbury Drive - Road Widening and Improvement to GMF Contractors Pty Ltd to the value of \$959,765.52, excluding GST as contained within CONFIDENTIAL attachment 1.*
- 2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 05/2023 - Kingsbury Drive - Road Widening and Improvement.*

Background

The construction of the Kingsbury Drive Black Spot Project, SLK 7 to 9.1 has been completed by the contractor engaged by the Shire. During the construction of the project, a number of additional minor works were identified as being essential for functionality of the project. The request for the budget variation is to increase the budget for the cost of these additional works and increasing the Shire's internal project management budget allocation to the project. The additional funding required relates to the increased amount of rock-pitching around the five newly installed headwalls by 63m², a further 250m² of sealing works, 120m of kerbing and additional project management hours.



Community / Stakeholder Consultation

Nil.

Statutory Environment

Budget Amendment - Local Government Act 1995

Section 6.8(1) of the *Local Government Act 1995* states:

6.8. Expenditure from municipal fund not included in annual budget

(1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Comment

The Kingsbury Drive Black Spot Project is a 100 per cent Federal Government funded project with an approved budget of \$1,034,000. The scope of this project is to seal and widen the road shoulders by 1.5m over a length of 2.1km to improve road safety.

The Shire engaged GMF Contractors Pty Ltd in October 2023 to undertake the construction works with a contract value of \$959,765.52, excluding GST. The contracted works were completed in June 2024.

During construction, a number of latent conditions were identified on site which impacted the construction delivery time and scope of works resulting in additional funding being required. This included the presence of rock under several sections of the road that required widening. The removal of rock would have been costly, and as such, Officers did not consider excavation of rock as a viable option. This, however, meant that the V-drain swales could not be constructed to the design specification, and instead, installing 120m of kerbing is proposed along this section of the road as an alternate cost-efficient option to address the drainage requirements. The cost of this variation will be \$15,000.

An additional 63m² of rock pitching to the culvert headwalls was required to address the drainage requirements resulting from erosion of the new fill material placed on the batters following the first major rainfall. The additional rock pitching was a variation to the contract and this variation was approved as force majeure due to the noticeable erosion caused to the road verge by the first major rain in the season. The scale of erosion would have increased substantially with more rain events requiring major repair works if immediate action was not taken to increase the extent of rock pitching.

Whilst preparing the base for the shoulder widening and sealing, it was also identified in one section of the road that the existing seals had previously been placed at 3 differing levels. A change to the design was also required to cut out and remove the existing uneven seal areas, so the new sealed surface could tie in with the higher road surface and provide a safe and seamless transition. In order to address this issue, an additional 250m long x 1.0m wide section of the road required sealing to replace the section removed.



The cost of these variations are as follows:

- Rock pitching \$26,000;
- Sealing \$3,500.

Shire Officers have submitted a cost variation application for the amount of \$26,000 for the rock pitching works to Main Roads Western Australia (MRWA). The justification for the variation has been confirmed with MRWA following the submission of the variation application and it is anticipated that this variation will be approved in the coming weeks.

The funding allocated to Shire’s internal project management cost in the budget was underestimated. The identification of the above issues, redesigning, coordination with the contractor and implementation of changes to the design required significant additional Officer time which resulted in the Shire internal project management costs to exceed the allocated budget with a \$139,040 overspend. The changes to the design did not result in any additional contractor time delay claim and the project was still able to be completed within the contract timeframe.

The additional costs to the project including the capital work variations and the internal project management costs that were not budgeted for are estimated to be \$183,540.

The breakdown of these costs is shown in the table below.

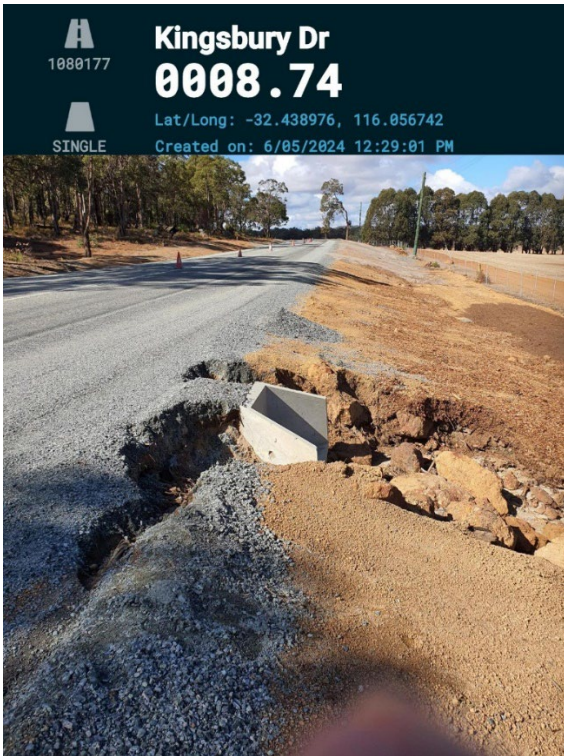
Description	Reference	Cost
Additional Rock-Pitching	Image 1	\$26,000
Additional Sealing	Image 2	\$3,500
Additional Kerbing	Image 3	\$15,000
Internal Shire project management cost increase		\$139,040
Total		\$183,540

Table 1 – Additional Cost for remaining works

Below is a set of photographs identifying the two latent issues and water erosion required to be addressed.



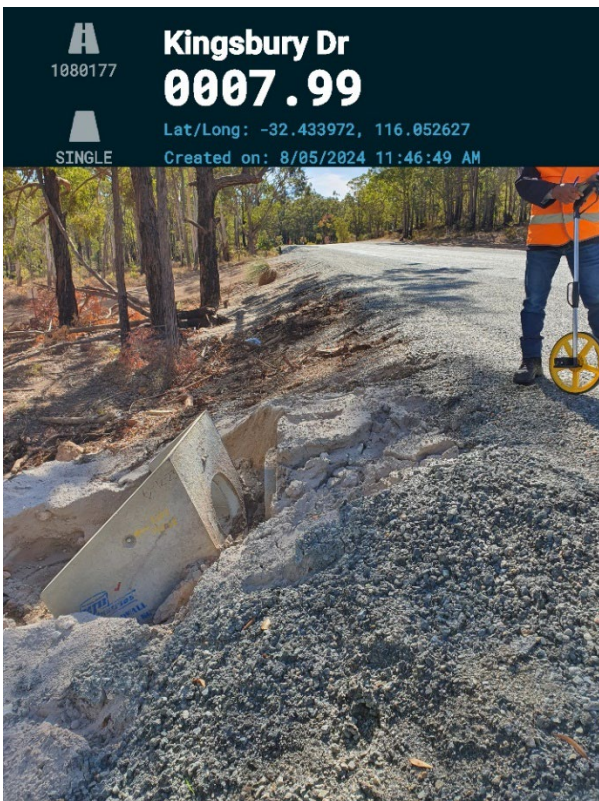
Image 1 - Additional rock-pitching undertaken:



Before



After



Before



After



Image 2 - Additional seal required, due to unevenness of the existing pavement:



Image 3 - Rock in the swale location, with proposed kerb line in red:



Based on the above additional works and cost break down, a budget variation to increase the project budget by \$183,540 is required to close out this project.



Following an assessment of the delivery of this project, the below issues have been identified as lessons learnt and these will be used to improve efficiencies in delivering similar future road projects:

- Ensure adequate internal Shire costs are allowed for in the budget prior to awarding a contract and proceeding to construction phase;
- Undertake pavement coring tests to better understand the material composition and thickness of the existing pavement to ensure accuracy of the design. This will minimise potential variations during the construction phase. It should be noted that this is in line with industry best practice and a process improvement as part of the project planning and design, and this will require additional pavement testing budgets 1-2 years in advance of construction phase.

As identified within the financial implications section of the report, a number of other capital civil infrastructure projects have been delivered under budget as part of the 2023/2024 capital projects budget, affording the required budget amounts to support this budget variation. Accordingly, it is recommended that the required budget variation for Kingsbury Drive Project be funded from the underspend in these road projects, as detailed below.

Options

Option 1

That Council APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-80412-6600-0000	Increase Expenditure	Kingsbury Drive - Capital Purchases	183,540	
6400-80456-6600-0000	Decrease Expenditure	Jarrahdale Road Rehabilitation - Capital Purchases		98,817
6400-80403-4808-0000	Increase Income	Larsen Road (SLK 0.2- SLK1.64) - Grants - Main Roads		73,485
6400-80457-6600-0000	Decrease Expenditure	Clondyke Park Footpath Replacement		11,238
Reason: Utilise savings for other capital projects completed underbudget to fund overspend on Kingsbury Drive				



Option 2

That Council:

1. NOTES the overspend on the Kingsbury Drive Black Spot Project.
2. APPROVES the contract variation to GMF Contractors Pty Ltd from \$959,765.52 to \$999,265.52 including GST.

Option 1 is recommended.

Conclusion

To complete the Kingsbury Drive Black Spot Project to an acceptable standard and close out the project, a total additional budget allocation of \$183,540 is required. It is recommended that this budget variation amount be sourced from a range of other completed 2023/2024 civil infrastructure projects as listed in the Financial Implications section of this report.

Attachments (available under separate cover)

- **10.2.6. – attachment 1** – Kingsbury Drive – location plan (IN24/13216)

Alignment with our Council Plan 2023-2033

Thriving	Ensure sustainable and optimal use of Shire resources and finances
Liveable	Improve maintenance and investment in roads and paths

Financial Implications

The proposed project budget increase of \$183,540 will require a formal budget variation.

Officers have identified that the following completed projects have sufficient underspends to cover the proposed budget variation.

Account Number	Type	Account Description	Debit \$	Credit \$
6400-80412-6600-0000	Increase Expenditure	Kingsbury Drive - Capital Purchases	183,540	
6400-80456-6600-0000	Decrease Expenditure	Jarrahdale Road Rehabilitation - Capital Purchases		98,817
6400-80403-4808-0000	Increase Income	Larsen Road (SLK 0.2- SLK1.64) - Grants - Main Roads		73,485
6400-80457-6600-0000	Decrease Expenditure	Clondyke Park Footpath Replacement		11,238



Account Number	Type	Account Description	Debit \$	Credit \$
Reason: Utilise savings for other capital projects completed underbudget to fund overspend on Kingsbury Drive				

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	The project will be incomplete, and the road condition will be unsafe, which could potentially further deteriorate. -Return funds and penalised by MRWA -Damage to Shire's reputation	-Urgent works related to safety have been completed. -Requested extension to MRWA -Investigating other resources to cover contractors' expenses	Social Community Outcomes /	Possible	Moderate	MODERATE	Nil



Voting Requirements: Absolute Majority (s 6.8(1) of the *Local Government Act 1995*)

OCM168/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin , seconded Cr Mazzini

That Council APPROVES the following budget variation:

Account Number	Type	Account Description	Debit \$	Credit \$
6400-80412-6600-0000	Increase Expenditure	Kingsbury Drive - Capital Purchases	183,540	
6400-80456-6600-0000	Decrease Expenditure	Jarrahdale Road Rehabilitation - Capital Purchases		98,817
6400-80403-4808-0000	Increase Income	Larsen Road (SLK 0.2 - SLK1.64) - Grants - Main Roads		73,485
6400-80457-6600-0000	Decrease Expenditure	Clondyke Park Footpath Replacement		11,238

Reason: Utilise savings for other capital projects completed underbudget to fund overspend on Kingsbury Drive

CARRIED UNANIMOUSLY 5/0



10.3 Corporate Services reports:

10.3.1 - Confirmation of Payment of Creditors - May 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 May 2024 to 31 May 2024 is provided in **attachment 1**.

Options

Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 May 2024 to 31 May 2024, totalling \$8,303,613.29

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 01 May 2024 to 31 May 2024, totalling \$8,303,613.29

Option 1 is recommended.

Conclusion

Nil.

Attachments (available under separate cover)

- **10.3.1 - attachment 1** - List of Creditors Accounts Paid and Submitted to Council for the period ending 31 May 2024 (E24/7599)
- **10.3.1 - attachment 2** - Westpac Purchasing Card Report - 29 March 2024 to 28 April 2024 - Redacted (E24/7600)
- **10.3.1 - attachment 3** - Fuel Purchasing Cards Report - 01 April 2024 to 30 April 2024 - Redacted (E24/7601)

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 May 2024 to 31 May 2024 totalled \$8,303,613.29.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

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

Voting Requirements: Simple Majority

OCM169/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 01 May 2024 to 31 May 2024 totalling \$8,303,613.29 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.3.2 - Monthly Financial Report – April 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 30 April 2024.

Relevant Previous Decisions of Council

<p><i>Special Council Meeting – 31 July 2023 – SCM016/07/23 - COUNCIL RESOLUTION – extract</i></p> <p>7. <i>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:</i></p> <p><i>a) ≥ 10% of the amended budget and ≥ \$10,000 of the amended budget; or</i></p> <p><i>b) ≥ \$150,000 of the amended budget</i></p> <p><i>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).</i></p>
--

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 30 April 2024.

The municipal surplus as at 30 April 2024 is \$8,403,930 which is favourable, compared to a budgeted amount of \$6,490,410. 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 \$326,438 primarily due to:

- Higher than anticipated interest received on Municipal Term Deposits - \$82,200.
- Higher than anticipated interest received on Reserve Term Deposits - \$127,234.
- Interest on overdue rate higher than anticipated - \$106,085.

Other Revenue

Favourable permanent variance of \$115,809 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%.

Operating Expenses

Employee Costs

Favourable permanent variance of \$1,040,565 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 \$330,095. 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 \$447,885 to cover vacancies in budgeted positions.
- Favourable timing variance of \$300,528 (\$251,640 funded by grant and \$48,888 funded by Municipal) for Bush Fire Mitigation, works scheduled over the coming months.
- Favourable timing variance in Materials in Parks and Garden, Community Activation, Engineering and Plant & Fleet - \$386,481.
- Favourable timing variance in Legal expense - \$134,113.

Utility Charges

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

Depreciation

Unfavourable permanent variance of \$3,229,706 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%.

Capital Expenditure

Unfavourable variance of \$31,179 primarily due to:

- 80361 - Whitby Falls Trail Path - Overspent due to Officers contributing more time than anticipated - \$26,705
- 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 - \$15,806



- 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 - \$14,058.
- 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 \$38,812.
- 80289 - Karnup Rd & Yangedi Rd intersection: Refund of the final 50% retention to the contractors after the 12-month defects period has ended - \$14,963.
- 80458 - Adonis Street, Mundijong, Footpath - 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 -\$79,557.
- 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 - \$45,191.
- 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 - \$55,071.
- 80500 - Richardson Street, Mundijong, Footpath – 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 - \$45,480.

The following project is currently tracking under budget due to timing of project delivery:

- 80202 - Drainage Renewal - \$40,387.
- 80201 - Gravel Resheet - \$51,964

Financing Activities

Proceeds from new Borrowings

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

Transfer from Reserve

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



Repayment of new Borrowings

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

Payment for principal portion of lease liabilities

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

Transfer to Reserve

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

Options

Option 1

That Council RECEIVES the Monthly Financial Report for April 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 April 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)

- **10.3.2 - attachment 1** – Monthly Financial Report – April 2024 (E24/7287)

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



- Invest in community recreation and support local clubs and groups to increase opportunities for participation

Financial Implications

As at 30 April 2024, the Shire’s respective cash position was as follows:

Municipal Fund: \$7,278,188.01
 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 April 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

OCM170/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council RECEIVES the Monthly Financial Report for April 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 7:57pm) 5/0



10.3.3 - OneComm Project: Phase 3 Project Status Report (SJ2352)

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

Authority / Discretion

Information	For the Council / Committee to approve/note.
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Report Purpose

This report provides Council with the scope variations, revised implementation strategy and progress of OneComm Phase 3 Project.

Relevant Previous Decisions of Council

*Ordinary Council Meeting – 16 October 2023 – OCM261/10/23– COUNCIL DECISION / Officer Recommendation – **extract***

That Council:

1. *AGREES to the scope and the phased implementation strategy of OneComm Phase 3.*

*Ordinary Council Meeting – 19 September 2022 – OCM234/09/22– COUNCIL DECISION / Officer Recommendation – **extract***

That Council:

1. *APPROVES the deferral of OneComm Phase 3 and the Investment Prioritisation and Optimisation module;*
2. *NOTES the revised Long-Term Financial Plan OneComm implementation financial projections for the 2024-2025 Financial Years as listed under the financial implications section of this report; and*
3. *REFER the One Comm management software contract renegotiation to the Audit Risk and Governance Committee for the Audit Risk and Governance Committee to draft a policy direction to bring back to Council before end 2022, that places an expenditure limit on the One Comm project spending per financial year as a percentage of Rates income.*

*Ordinary Council Meeting – 15 November 2021 – OCM322/11/21– COUNCIL DECISION / Officer Recommendation – **extract***

This report seeks Council to:

1. *APPROVE the revised scope and extending the duration of Phase 3 through to June 2024;*
2. *APPROVE the introduction of OneComm Phase 2.8 to implement Project Lifecycle Management and Investment Prioritisation and Optimisation;*



3. *APPROVE the creation of the ICT Reserve for (\$250,000) the purpose to provide for the Shire's ICT requirements; and*
4. *NOTE the revised Long-Term Financial Plan OneComm implementation financial projections for the 2021-2022, 2022-2023 and 2023-2024 Financial Years as listed under the financial implications section of this report.*

*Ordinary Council Meeting – 17 May 2021 – OCM127/05/21 – COUNCIL DECISION / Officer Recommendation – **extract***

That Council REQUESTS that the Chief Executive Officer:

1. *List for consideration in the 2021/2022 budget the employment of a Project Management Officer and associated consultation funds to facilitate the implementation of a project management office.*
2. *Provide a report detailing a revised OneComm implementation timetable and associated costs to Council for consideration.*

*Ordinary Council Meeting – 14 December 2020 – OCM402/12-20 – COUNCIL DECISION / Officer Recommendation – **extract***

1. *NOTES the progress of the OneComm Project – Phase 2;*
2. *NOTES the progress of the OneComm Project – Phase 2.5; and*
3. *NOTES the OneComm systems efficiency baseline on the efficiencies and improvements, tangible and intangible, to Council gained over the 2020/2021 Financial Year.*

*Ordinary Council Meeting – 15 June 2020 – OCM164/06/20 – COUNCIL DECISION / Officer Recommendation – **extract***

1. *NOTES the completion of the OneComm Project – Phase 1;*
2. *NOTES the progress of the OneComm Project – Phase 2;*
3. *APPROVES the implementation of the Online Customer Request Management as Phase 2.5 to commence in September 2020 and implement in April 2021;*
4. *APPROVES deferring the implementation of OneComm Phase 3 by 12 months to commence in September 2021 to allow the City of South Perth to proceed ahead of the Shire;*
5. *APPROVES deferring the implementation of OneComm Phase 4 by 12 months to commence in September 2022 to allow the City of South Perth to proceed ahead of the Shire;*
6. *APPROVES deferring the Strategic Asset Management implementation to Phase 4, the 2022-2023 financial year; and*
7. *APPROVE deferring funding allocation for 'new scope items' and issues until the 2022 2023 financial year at a cost of \$460,000.*

*Ordinary Council Meeting – 25 September 2018 – OCM107/09/18 – COUNCIL DECISION / Officer Recommendation - **extract***

That Council:

1. *Approves the adoption of the Integrated Enterprise Resource Planning Strategy;*



2. *Approves the supplier, TechnologyOne, as the sole supplier of Australian Local Government Authority Integrated Enterprise Resource Planning System under Local Government (Functions & General) Regulations 1996 11(2);*
3. *Agrees to enter into a contract with TechnologyOne to purchase their Enterprise Resource Planning System, called OneCouncil, with final contract subject to Chief Executive Officer and Shire President approval;*
4. *Approves the adoption of the pre-configured business processes inherent in the TechnologyOne OneCouncil solution for implementation at the Shire of Serpentine Jarrahdale;*
5. *Approves the implementation of the TechnologyOne OneCouncil solution using Cloud technology (Option 1); and*
6. *Approves, pursuant to section 6.8 of the Local Government Act 1995, the schedule of variations to the 2018/19 Budget as presented below, resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2019:*

Background

To date, the OneComm project team has successfully implemented the following:

- Phase 1 - Finance, Human Resources, Purchasing, Payroll, Safety and Financial Asset Registers;
- Phase 2 - Business Intelligence, Corporate Performance Planning, Asset Management for Operating Works, e-Recruitment and Enterprise Budgeting;
- Phase 2.5 - Online Customer Request Management;
- Phase 2.8 - Project Lifecycle Management, Enterprise Content Management – Connected Content and Contracts Management; and
- OneComm Consolidation Phase, which includes the Bush Fire Brigades Volunteers Online Portal.

Phase 3 commenced in September 2023 and includes the implementation of the following modules:

- Property, Rating, Enterprise Content Management, Enterprise Cash Receipting, Investment Prioritisation and Optimisation and Regulatory and Compliance Management.

In summary the Shire has completed five (5) of the six (6) planned OneComm Phases as per the following:



This report will provide an update on the progress of the OneComm Project Phase 3 with a revised scope and implementation schedule.

Community / Stakeholder Consultation

The revised scope and implementation milestones for OneComm were developed in consultation with the Shire's Executive Management Team, Technology One and was supported by information provided by other Local Government Authorities (LGA) that have partnerships with the Shire.

Statutory Environment

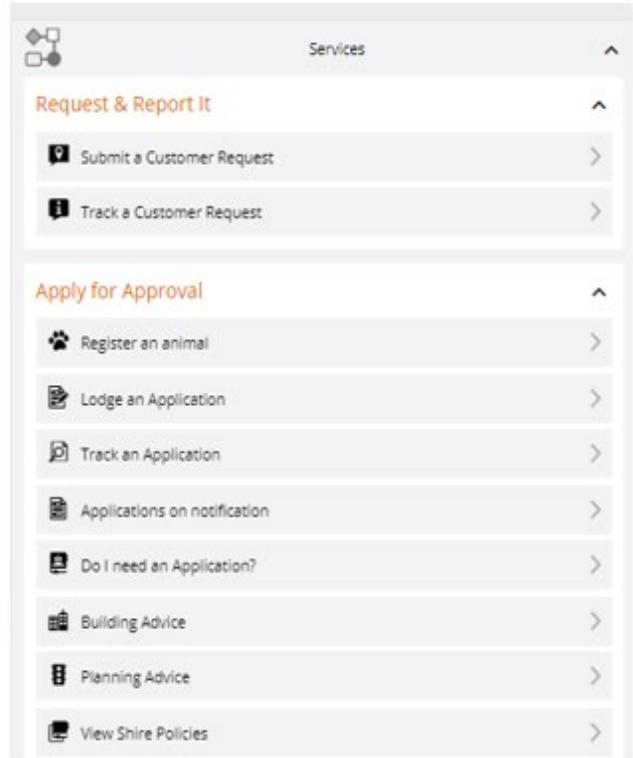
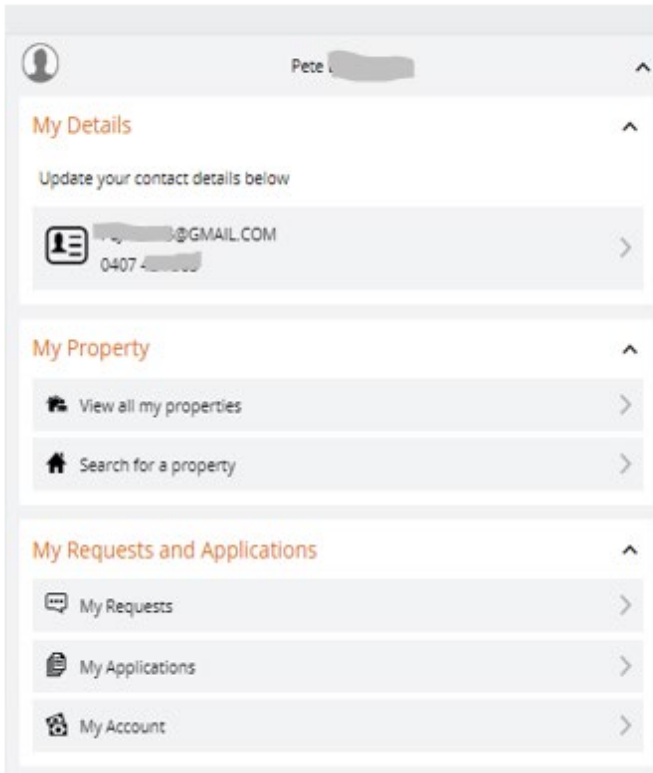
The *State Records Act 2000* which governs the record keeping for all State and Local Government organisations in Western Australia.

The State Records Commission of Western Australia - Standard 8 – Managing Digital Information.

Comment

OneComm Phase 3 is the largest phase in terms of effort and scope as:

- All staff will be impacted with the implementation of a new Enterprise Records Management solution;
- A new system for managing the Shire's properties, planning, regulatory and compliance functions;
- A new system for managing Rates; and
- Residents will have access to a range of new Online e-services, via the Shire's web site, for registering building and development applications, registering and renewing animal licences, online payments and updating personal details. A sample Customer Online Portal is shown below:



To date the following has been completed as scheduled:

Date	Module	Status
November 2023	Upgrade OneComm to version V2023B	Completed on time
February 2024	OneComm Phase 3 technical training	Completed on time

The OneComm Phase 3 technical training commenced in October 2023 and completed in February 2024. This activity required the OneComm Project team to attend extensive training from TechnologyOne in the use and configuration of all OneComm Phase 3 Modules.

The implementation of the following modules are in progress:

Date	Module	Status
March 2024	Asset Scheduled Maintenance (Streetscapes)	In progress. Rescheduled to 17 June 2024
August 2024	Online Building and Development Applications	In progress. Rescheduled to October 2024
August 2024	Enterprise Cash Receipting	In progress. Rescheduled to October 2024

From January 2024 to May 2024, the OneComm Asset Module was configured and tested to allow the Asset Scheduled Maintenance for Streetscapes to be implemented on 17th June 2024. This achievement addresses the Chief Executive Officer Key Performance Indicator 2.



During March 2024 and April 2024, extensive consultation across the Development Services Directorate was undertaken. This consultation took the form of numerous interactive workshops to review the Development Services business processes with the aim of determining the Shire's specific requirements for process automation. The business processes reviewed, and stakeholders consulted are summarised in the table below:

Business Processes Reviewed	Key Stakeholders Consulted
Provide a Quote to the Customer prior to lodgement an application	Strategic Planning, Building Services and Statutory Planning
How to Create an Application	Strategic Planning, Building Services and Statutory Planning
Subdivision Referral from WAPC	Strategic Planning
Request a Pre-lodgement Meeting	Strategic Planning Statutory Planning
Request for Written Planning Advice	Statutory Planning
Development Application	Statutory Planning
Subdivision Referral from WAPC	Strategic Planning
Building Permit - Certified (Form BA1)	Building Services
Building Permit - Uncertified (Form BA2)	Building Services
Extend of Time - Building or Demolition Permit (Form BA22)	Building Services
Extend of Time - Occupancy Permit or Building Approval Certificate (Form BA23)	Building Services
Occupancy Permit (Form BA9)	Building Services
Demolition Permit (Form BA5)	Building Services
Notice of Cessation (Form BA8)	Building Services



Business Processes Reviewed	Key Stakeholders Consulted
Amend a Building Permit or Builder's Details (Form BA19)	Building Services
Notice of Completion (Form BA7)	Building Services
Building Approval Certificate (Form BA13)	Building Services
Register a swimming pool or spa	Building Services
Archival Search - Request for Building Plans	Building Services
Application to Construct or Install an Apparatus for the Treatment of Sewage	Environmental Health
Construct, Extend or Alter a Public Building	Environmental Health
Vary a Certificate of Approval for a Public Building	Environmental Health
Operate an Aquatic Facility	Environmental Health
Mosquito Management	Environmental Health
Operate a Food Business	Environmental Health
Development Approval Extension of Time	Statutory Planning
Certificate of Approval for a Strata Plan (Form 15A)	Statutory Planning
Certificate of Endorsement for a Strata Plan (Form 15C)	Statutory Planning
Development Approval - Further Information (WA)	Statutory Planning
Subdivision Clearance	Strategic Planning
Event Application	Public Events
Planning Scheme Amendment	Strategic Planning



Business Processes Reviewed	Key Stakeholders Consulted
Local Structure Plans	Strategic Planning
Local Development Plans	Strategic Planning
Crossover Application	Building Services Engineering Services

The outcome from these workshops is a blueprint for the OneComm team for configuration and test of the Online Building and Development Applications module. The configuration and testing of the Online Building and Development Applications module will continue to September 2024 when there will be another round of consultation through a formal user acceptance testing process with key stakeholders in readiness for an internal launch. The external launch of the customer Portal is scheduled for late January 2025 to allow staff to become familiar with the new system prior to receiving online building and development applications via the Shire's web site. These achievements address the Chief Executive Officer Key Performance Indicator 1.

Consultation for the implementation of the Enterprise Cash Receipting module also occurred from March 2024 to May 2024 with Customer Service and the Finance Team. The Enterprise Cash Receipting module will allow customers to pay for a Development or Building Application online via the Shire's web site.

The following modules have either been re-scheduled or added to the scope of implementation:

Date	Module	Status
October 2024	Infringements & Pool Inspections	Re-scheduled to April 2025
November 2024	Upgrade OneComm to version 2024B	On schedule
November 2024	Cemeteries	Re-scheduled to May 2025
N/A	Sundry Debtors	<u>New</u> . Scheduled July 2025
April 2025	Waste Management	Re-scheduled to October 2025
N/A	Upgrade OneComm to V2025B	<u>New</u> . Schedule November 2025
N/A	Asset Scheduled Maintenance (Other Asset Types)	<u>New</u> . Schedule February 2026
February 2025	Enterprise Content Management	Re-scheduled to June 2026
July 2025	Rates (** depending on readiness)	Re-scheduled to July 2026



The following modules have been removed from the scope of the OneComm Phase 3 implementation:

Module	Status
Investment Prioritisation and Optimisation	Deferred to Phase 4 completion.
Animal Registrations / Renewals	May not be required as the WA State Government is establishing a State-Wide Animal Register. If this does not occur, then the module will be added back to the scope of Phase 3.
Minutes and Agenda Management	Not required as this module does not fully meet the Shire's requirements. Other Councils have attempted to implement this module without success. The Shire is planning to implement an alternate solution. The implementation of this module will be re-assessed in the future to determine suitability.

The key reasons for re-scheduling and re-scoping the implementation of the OneComm Phase 3 are:

- Staff turnover. The Shire's most experienced OneComm Business Systems Analyst resigned in March 2024. This reduced the capacity of the OneComm team by 33 per cent and resulted in the re-scheduling of the OneComm Phase 3 timetable to accommodate a reduced capacity. Whilst recruitment of a replacement Business Systems Analyst is underway, it will take considerable time for the replacement to be trained and productive in the technical aspects of OneComm. As a result, the implementation of most modules has been re-scheduled by at least 3 months to accommodate for a reduced human resource capacity. In addition, it is likely that over the next 2 years staff turnover will continue due to the nature of the job market;
- To date, no other Western Australian Local Government has implemented the OneComm Rating module despite concerted attempts to do so over the past 2-3 years. As the original project strategy required the Shire to copy another LGA's configuration the Shire will need to defer the implementation of the Rating Module until another Local Government has successfully implemented the Rates module. Discussions with the Cities of Mandurah, South Perth and Canning in mid-2023 previously indicated that they would complete the implementation of the Rating Modules in late 2023 and/or early 2024. But from recent discussions with these LGA's it appears unlikely that this will occur without a LGA accepting the risk that Rates notices may not be 100% accurate at time of publishing. Therefore, it is proposed to re-schedule the implementation of the Rating module until July 2026 to allow time for at least one other Local Government to successfully implement the Rating module over the next 12 months. This approach will reduce risk and cost to the Shire;
- The implementation of Enterprise Content Management (ECM) module involves the migration of the Shire's entire physical and electronic records and documents collection which stands at over 2 million records. The migration of this data is a significant amount of work and coupled with the fact that the City of South Perth and the City of Canning are yet to implement this module, the ECM module is proposed to be re-scheduled until June 2026; and



- Initial underestimations of the Property & Rating and Enterprise Content Management implementation scope and timelines were widespread. Officers research indicates that similar local governments, including the City of Canning, South Perth, and Mandurah, all underestimated the project's scope. None have successfully completed both systems within three years and with varying level of functionality configured, even those who began implementation before us are still ongoing. For instance, Mandurah has rolled out ECM to users but is struggling to finalise document migration. Canning and South Perth haven't begun user rollout for ECM. This experience highlights the inherent complexities of these modules, particularly P&R's unique challenges for WA rates, which necessitates ongoing development by the software vendor and highlights even the software vendor underestimated effort in development and rollout.

Post completion of OneComm Phase 3 it is proposed to add another phase to the overall project implementation – OneComm Phase 4. OneComm Phase 4 would commence in July 2026 for a period of 12 months. The scope of the OneComm Phase 4 would be:

- Involve close collaboration with all departments. We will conduct workshops to facilitate a thorough review of all migrated and remaining data and ensure its successful migration to OneComm. This collaborative approach guarantees a complete data transfer and eliminates the need to uphold and maintain legacy systems on outdated unsupported hardware and software platforms;
- Once data migration workshops and data migration work is complete, de-commissioning the legacy IT systems, SynergySoft and Content Manager, that OneComm has replaced will commence. This includes cancelling contracts, creating backups of databases, securely decommissioning and disposing of “on premise” IT Servers/databases, this will eliminate approx. \$120,000 in annual subscription costs, a further saving will be made on the reduced on-premise infrastructure;
- Implementation of the OneComm Investment Prioritisation and Optimisation Module. The implementation of this module has been delayed as we have no example of any other local government using the software successfully. This module will enhance the Shire’s long-term infrastructure planning processes with a broader, more integrated approach to capital planning and delivery;
- Consolidation of all the OneComm modules implemented. The rationale is to allow a period of consolidation of the OneComm modules that have been implemented to date to drive out greater efficiencies, particularly with new versions of OneComm being released bi-annually. This will involve consultation with the Shire’s Executives, Managers/Staff and will also factor in any feedback from external stakeholders/community regarding ongoing improvements to customer facing e-Services;
- In this phase there will be an exit of the following positions in the implementation team.
 - Project Manager
 - Change Manager
 - Solution Architect
 - Business Systems Analyst

It is essential to provide proper knowledge transfer to the remaining business as usual staff; and



- As an added benefit, the successful completion of Phase 3 allows us to strategically reduce the project implementation team size over the last six months of Phase 4, leading to a reduction in overall project costs during the final year.

Options

Option 1

That Council:

- NOTES the progress of the Chief Executive Officer Key Performance Indicators 1;
- NOTES the OneComm Project Status Report;
- AGREES to the scope variations and revised implementation strategy for the OneComm Project, as follows:

Date	Phase	Module(s)
June 2024	Phase 3	Asset Scheduled Maintenance (Streetscapes)
October 2024 (Internal) January 2025 (External)	Phase 3	Online Building Applications and Development Applications
October 2024	Phase 3	Enterprise Cash Receipting
November 2024	Phase 3	Upgrade OneComm to version 2024B
April 2025	Phase 3	Infringements and Pool Inspections
May 2025	Phase 3	Cemeteries
July 2025	Phase 3	Sundry Debtors
October 2025	Phase 3	Waste Management
November 2025	Phase 3	Upgrade OneComm to V2025B
February 2026	Phase 3	Asset Scheduled Maintenance (Other Asset Types)



Date	Phase	Module(s)
June 2026	Phase 3	Enterprise Content Management
July 2026	Phase 3	Rates (subject to the module aligning with Western Australian legislation)
TBA	Phase 3	Animal Registrations / Renewals (subject to implementation of the State Government's centralised registration system)
July 2026 to June 2027	Phase 4	Complete data migration, Legacy IT Systems Decommissioning, knowledge transfer, Investment Prioritisation and Optimisation and OneComm Consolidation.

4. NOTES the revised Long-Term Financial Plan (LTFP) OneComm implementation financial projections for the 2024-2025, 2025-2026 and 2026-2027 Financial Years as listed under the financial implications section of this report.
5. NOTES the required amendment of the LTFP to increase funding for the OneComm project in 2024/25 from \$875,000 to \$1,055,000 and to include an amount of \$1,130,000 in 2025/26 and \$383,000 in 2026/27 as part of the 2024/25 Budget process.

Option 2

That Council

1. NOTES the progress of the Chief Executive Officer Key Performance Indicators 1 and 2;
2. NOTES the OneComm Project Status Report; and
3. DOES NOT AGREE to the scope variations and the revised implementation strategy of the OneComm Project.

Option 1 is recommended.

Conclusion

The Shire's ability to collaborate with external partners and other Local Governments has contributed to successful implementation of the 5 completed Phases of the OneComm Project. The Shire has now established Memorandum of Understandings with a dozen LGA's and many are interested in fostering similar collaborations to leverage the Shire's project artefacts and expertise.

As other LGA's look to the Shire as a model of successful implementations, it reflects recognition of the Shire's achievements and a desire to learn from its experiences and best practices to drive positive change within their own organisations.

This strategy has assisted the OneComm Project in delivering significant improvements and efficiencies to the Shire's overall administration and customer service. Therefore, it is important to continue the OneComm transformational journey and to continue investing in the modernisation and automation of the Shire's administration and customer facing e-services. The Shire can now leverage advanced analytics and business intelligence capabilities which provides valuable insights into our data, enabling better decision-making and strategic planning.



By harnessing the power of data analytics, the Shire can identify trends, uncover patterns, and gain a deeper understanding of business operations and customer needs. In addition, the Shire has introduced streamlined workflows, and improved usability, leading to a better overall user experience for employees, customers, and stakeholders. Furthermore, OneComm has allowed the Shire to implement the necessary controls, auditing mechanisms, and compliance features to meet regulatory obligations and maintain data privacy and information security standards.

Whilst the OneComm Phase 3 journey has commenced it is critical to the success of this Phase that adequate time is given to the technical staff allocated to the OneComm Project.

With staff turnover at the commencement of this Phase, and the fact that other Councils are yet to implement the Rates module and the Enterprise Content Management module, Officers believe the best option is to span Phase 3 over a longer period of time than initially considered to address these circumstances. This will create distance between the City of South Perth's Rating Module implementation and the Shires implementation of the same module. By continuing the collaboration strategy with other LGA's the Shire will reduce risk and allow us to move forward knowing that that the Rating Module is fully compliant with the Western Australian Local Government Act.

The introduction of OneComm Phase 4 extends the OneComm journey and enhances this investment. This phase will consolidate all the modules implemented, decommission legacy IT systems and implement the Investment Prioritisation and Optimisation module. This will provide a further opportunity for the Shire to enhance OneComm to drive out greater efficiencies as new features are created.

Extending the overall duration of Phase 3 and introducing Phase 4 will require additional consulting support from Technology One and the following project roles to be extended through to January 2027:

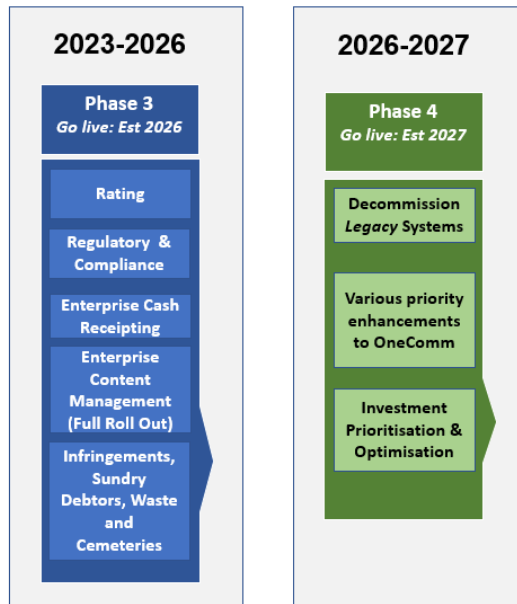
- Change Manager;
- Solutions Architect – Reduced to 1 day a week from January - June 2027;
- ICT Trainer;
- Business Systems Analyst; and
- Project Manager - Reduced to 1 day a week from January - June 2027.

The revised scope and schedule of the OneComm implementation approach will

- Allow sufficient time for another Local Government to implement the Rating and Enterprise Content Management modules to minimise the Shire's implementation risks and costs;
- Provide additional time to fully test the system prior to each go-live to ensure that the new module solution meets business needs;
- Provides extra time to train employees, increasing staff productivity during the initial use of the OneComm module; and
- Ensure that the OneComm modules are fully embedded into the operation of the Shire.



In summary the revised scope and schedule of the OneComm Phases are:



Attachments (available under separate cover)

Nil.

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
4. Ensure sustainable and optimal use of Shire resources and finances
Liveable
2. Improve maintenance and investment in roads and paths
3. Preserve and enhance our natural places, parks, trails and reserves
Connected
2. Contribute to a well-connected, accessible and health community
3. Empower the community to engage with the Shire and collaborate on matters that are important to them



Financial Implications

The Long-Term Financial Plan implications will be an increase in OneComm project implementation costs for the following financial years:

- 2024/2025 Financial Year: Increase funding for the OneComm project from \$875,000 to \$1,055,000
- 2025/2026 Financial Year: Include \$1.130 million as part of the 2025/2026 Budget process; and
- 2026/2027 Financial Year: Include \$383,000 as part of the 2026/2027 Budget process.

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	OneComm project benefits will be realised.	Project Management Plan, Change Management Plan, Benefits Management Plan, Memorandum of Understanding with various LGA's.	Financial	Likely	Moderate	MODERATE	



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	
2	<ul style="list-style-type: none"> Risks and additional costs associated with implementing the Rates module which currently does not fully align with WA legislation. Proceeding without sufficient human resource capacity and most likely partially implementing modules (i.e., implement without full functionality). In addition, it would result in future re-work and possible re-implementation of some modules. 	Implementation of a review period.	Organisational Performance	Possible	Major	HIGH	

Voting Requirements: Simple Majority

OCM171/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- NOTES** the progress of the Chief Executive Officer Key Performance Indicators 1;
- NOTES** the OneComm Project Status Report;
- AGREES** to the scope variations and revised implementation strategy for the OneComm Project, as follows:

Date	Phase	Module(s)
June 2024	Phase 3	Asset Scheduled Maintenance (Streetscapes)



Date	Phase	Module(s)
October 2024 (Internal) January 2025 (External)	Phase 3	Online Building Applications and Development Applications
October 2024	Phase 3	Enterprise Cash Receipting
November 2024	Phase 3	Upgrade OneComm to version 2024B
April 2025	Phase 3	Infringements and Pool Inspections
May 2025	Phase 3	Cemeteries
July 2025	Phase 3	Sundry Debtors
October 2025	Phase 3	Waste Management
November 2025	Phase 3	Upgrade OneComm to V2025B
February 2026	Phase 3	Asset Scheduled Maintenance (Other Asset Types)
June 2026	Phase 3	Enterprise Content Management
July 2026	Phase 3	Rates (subject to the module aligning with Western Australian legislation)
TBA	Phase 3	Animal Registrations / Renewals (subject to implementation of the State Government's centralised registration system)
July 2026 to June 2027	Phase 4	Complete data migration, Legacy IT Systems De-commissioning, knowledge transfer, Investment Prioritisation and Optimisation and OneComm Consolidation.

4. NOTES the revised Long-Term Financial Plan (LTFP) OneComm implementation financial projections for the 2024-2025, 2025-2026 and 2026-2027 Financial Years as listed under the financial implications section of this report.
5. NOTES the required amendment of the LTFP to increase funding for the OneComm project in 2024/25 from \$875,000 to \$1,055,000 and to include an amount of \$1,130,000 in 2025/26 and \$383,000 in 2026/27 as part of the 2024/25 Budget process.

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.3.4 - ICT Structure and Resource Review (SJ2352)

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

Authority / Discretion

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.
Information	For the Council / Committee to approve / note.

Report Purpose

This report identifies a critical staffing gap within the ICT Department.

Relevant Previous Decisions of Council

Audit, Risk and Governance Committee meeting 28 August 2023- Audit Risk and Governance Committee RESOLUTION 016/08/23

The Audit, Risk and Governance Committee RECOMMENDS that Council:

1. *RECEIVES the ICT General Controls Audit Report contained in CONFIDENTIAL attachment 1;*
2. *NOTES the Management Comment as the response provided in this report, including actions that will be implemented subject to provision of funding;*
3. *REQUESTS that the Chief Executive Officer present a report to Council considering additional actions.*
4. *REQUESTS that the Chief Executive Officer review if the ICT department is adequately staffed and resourced to implement the findings of the audit.*
5. *NOTES that the results of the ICT Audit highlight a need for additional resources to ensure that the Shire's ICT services provide a secure environment.*
6. *REQUESTS that the Strategic Risk Register be updated to include the risks, actions and controls from this audit.*

Background

As requested by the Audit Risk and Governance Committee a recent review of the ICT department's structure, resources and projects, conducted by the newly appointed Manager, identified a critical staffing shortfall and time to complete several major projects. The current team lacks the capacity to effectively manage ongoing business needs, including maintenance while simultaneously undertaking several major projects.



It's important to note that this staffing review aligns with the recommendations outlined in the council's endorsed ICT Strategic Plan section 4.1 page 10-12 refer **CONFIDENTIAL attachment 2**, which calls for a review and restructure of the ICT department. The previous ICT manager started work on this but did not complete it before their departure. A presentation regarding the ICT structure and resourcing review was presented on May 6th Policy Concept Forum Meeting refer **CONFIDENTIAL attachment 1**.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	06 May 2024
Elected Members in Attendance	President Coales, Cr Bishop, Cr Duggin, Cr Jerrett, Cr Mack

Statutory Environment

Nil.

Comment

Current major ICT projects:

OneComm Phase 3 and 4 (CEO KPI 1): This phase will retire our current end of life (No longer developed) SynergySoft ERP and Content Manager. This crucial and most comprehensive part of the project involves implementing a new Property and Rating and Electronic Content Management System while migrating from existing systems SynergySoft and Content Manager.

Highlights of Phase 3

Property & Rating

- 24/7 online service and portals for ratepayers, builders, developers, and local businesses
- Application submission management (building, planning, health)
 - Streamlined Application Management
 - Tackles the growing application volume
 - Aiding the housing crisis by allowing faster processing of applications.
 - Empowers the building department by minimising application fee refunds through increased efficiency
- Property and Land Management
- Billing and Debtors
- Names and addresses
- Enterprise cash receipting
- Rates billing and management
- Enforcement and Infringement
- Mobility apps in the field for inspections and infringements
- Embedded mapping (Intramaps)



Electronic Content Management

- Integrated electronic document management across the OneComm ERP
- Integration into Microsoft
- Automated document profiling for easy registration
- Retention and disposal management
- Easy to find and share documents

CEO KPI 2: Implementation of operations Maintenance Schedules: This added high-priority project is running concurrently with OneComm Phase 3.

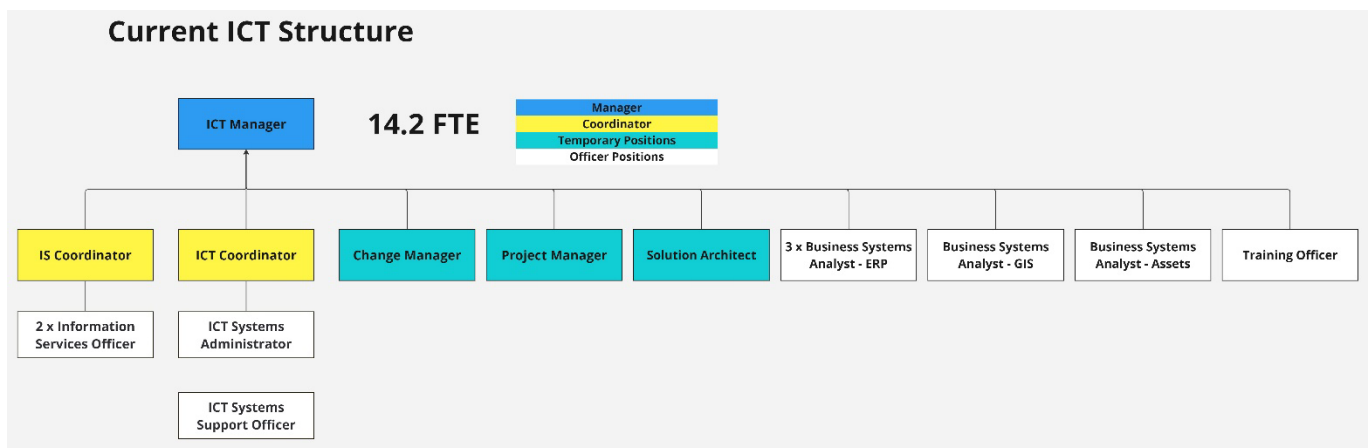
- Automatically schedule and generate work based on maintenance strategies
- Increase asset utilisation and reduce downtime
- Consolidate maintenance and inspection work by location, work type or zone
- Meet statutory inspection and maintenance requirements

ICT Security Audit Findings Rectification ARG SJ2895: Implementing the required findings is essential to strengthen network security and cybersecurity maturity level.

Supporting the restructure and resourcing will ensure the successful execution of the above mandated projects and in turn will:

- Benefit rate payers and business owners by bringing our services online and bring more transparency to the community over the work we do through online modules.
- Complete the critical ICT security audit findings rectification work, strengthening our cyber security maturity.
- Deliver a successful OneComm ERP implementation.
- Prevent service disruptions and enhance overall network security and user productivity.
- Position the ICT department for long-term success in supporting council users and community needs.

Current Structure





Issues with current structure and resourcing

Business Systems

- Business Systems Coordinator position is missing putting further pressure on Manager ICT.
- Existing Business System staff have started the largest phase of the ERP implementation. This leaves no one for business as usual (Requests and maintenance for existing Business Systems and first 2 ERP phases currently live).
- Implementations running in parallel, Phase 3 / 4 (CEO KPI 1) and CEO KPI 2 without required resource in place.

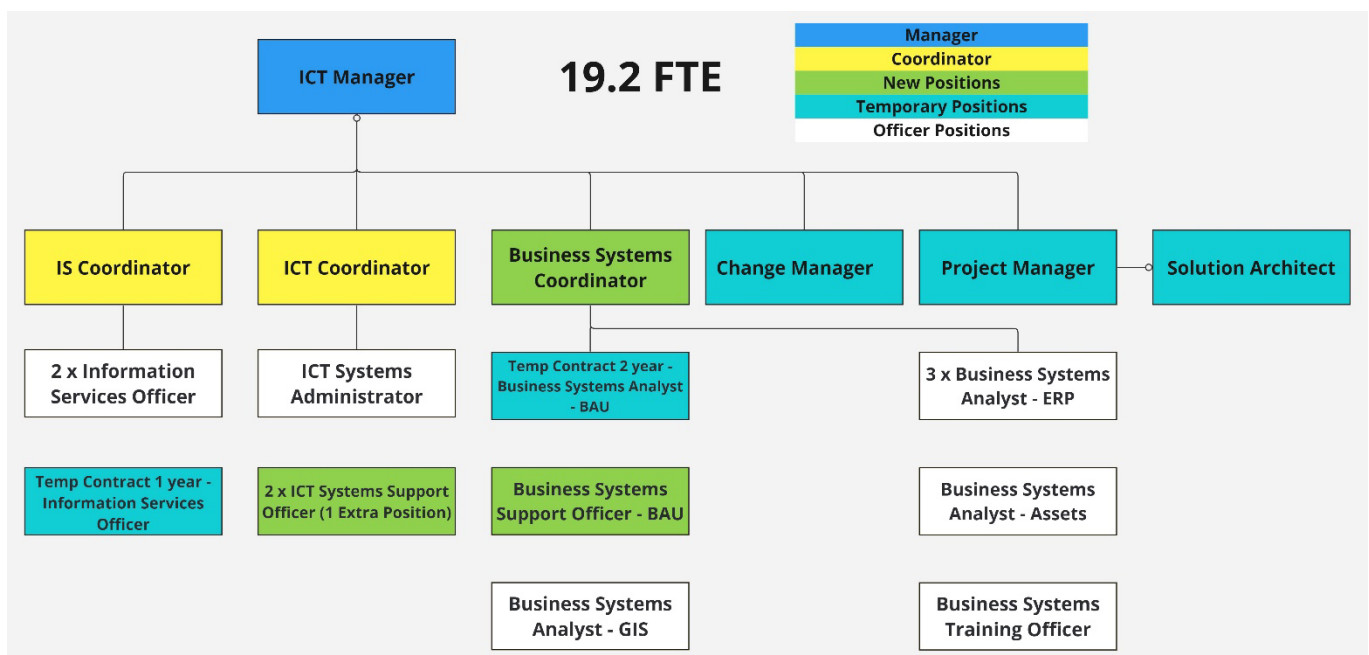
ICT

- To many 1st level Service Desk tasks completed by ICT Coordinator and Systems Administrator
- Examples of work not being done is ICT Audit rectification: cyber security work and ICT projects in general like windows 11 rollout, moving to cloud solutions and removing our on premise foot print,
- More support and maintenance is required for increasing number of staff and end point devices (Laptops, tablets, phones) as we grow as a Shire.

Information Services

- No resource to perform business as usual while a new Electronic Document Management System is implemented and migration from the old system has been finalised. (Part of Phase 3 and 4)

Required temporary structure until completion of OneComm Implementation (January 2027)



Business Systems Coordinator – Permanent full time

- The current structure struggles to manage the growing complexity and workload of our



business systems. Adding a dedicated Coordinator will improve efficiency, focus, and effectiveness.

- We lack a dedicated lead to manage business system projects and support effectively, including scoping, budgeting, timelines, and communication with stakeholders.
- All local governments have a Coordinator, ensuring best practices and efficient work and resource allocation.

Business Systems Analyst (Cover business as usual) – 2-year contract

- Current Business Systems Analysts have moved on to Phase 3 of the ERP implementation.
- Coverage is essential for requests and maintenance for existing Business Systems and first 2 ERP phases currently live.
- We need to ensure business analyst resources on the OneComm project are not interrupted with business as usual to ensure a successful ERP implementation.

Business Systems Support Officer – Permanent full time

- Coverage of level 1 requests and maintenance for existing Business Systems so Business Systems Analyst time is not taken up by low level support.
- The Shire continues to suffer with staff turnover, onboarding and offboarding of users is a time consuming task.

Information Services Officer – 12-month contract

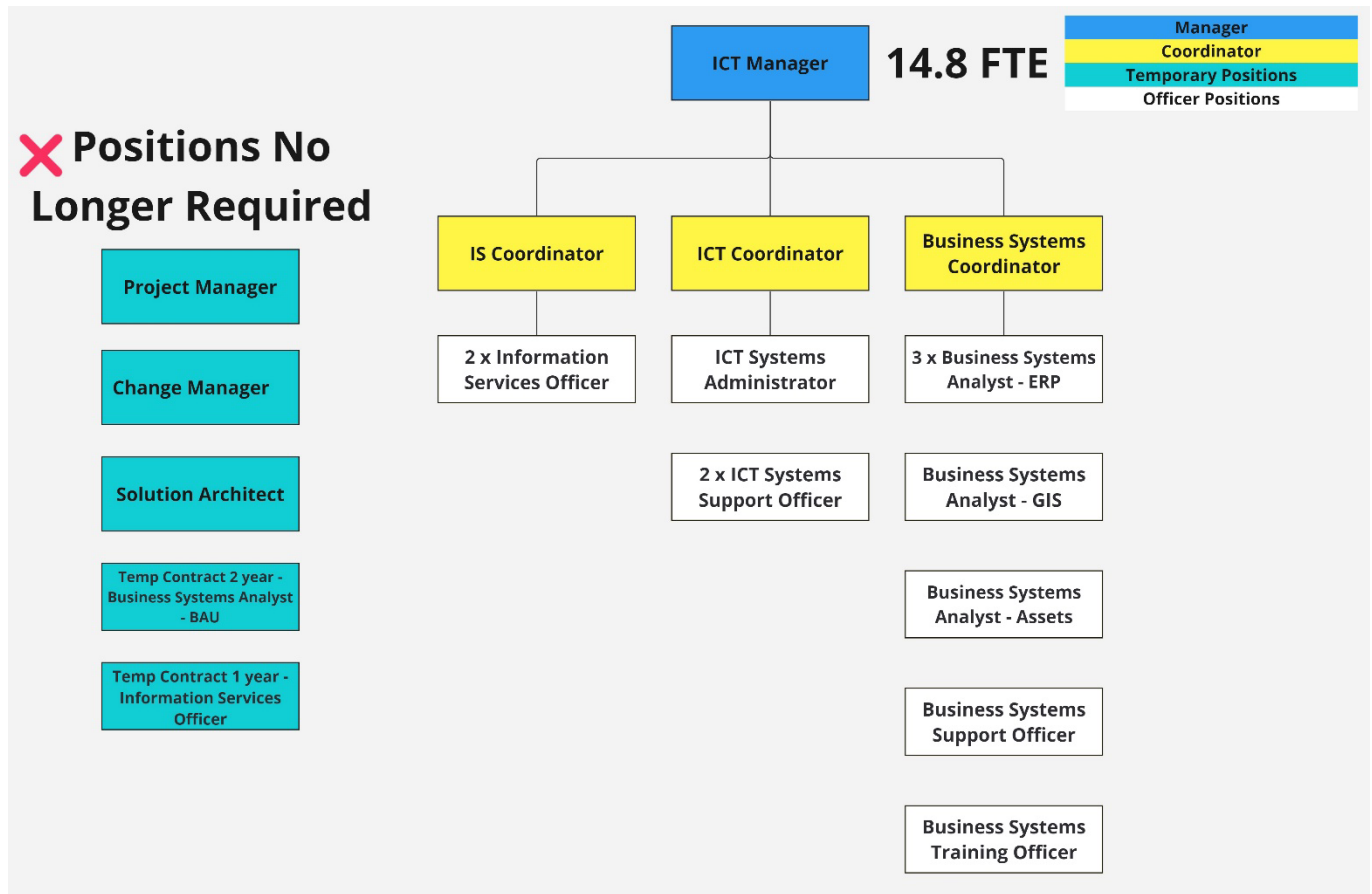
- Phase 3 includes a new Electronic Document Management System implementation (ECM) and migration from the old system Content Manager (CM). This will cause significant impact on Information Services and require an Officer to service business as usual while an existing Information Services Officer is put on the implementation full time.

ICT Systems Support Officer – Permanent full time

- Requests continually increase since the first full time ICT Support Officer was employed, five years ago.
- Tablets and phones have not been managed well, a resource is needed to help. Proper management is essential for the increasing field workers with devices.
- Coordinator and Systems Administrator complete support Officer level tasks as there are too many requests for 1 FTE Support Officer, effecting project work timelines i.e., Audit rectification work including cyber security.
- When the ICT Officer is on RDO, leave or sick, extra strain is put on the ICT Administrator and Coordinator, further effecting project work timelines



Structure post OneComm implementation



While there will be a temporary increase in salary and wages associated with the proposed additional resources and departmental restructure, this investment is crucial for the successful completion of the above projects and ongoing ICT support. Following the completion of OneComm Phase 3 and 4, salary and wage expenses will decrease significantly.

As mentioned previously, this staffing review aligns with the recommendations outlined in the council's endorsed ICT Strategic Plan, which calls for a review and restructure of the ICT department.

Options

Option 1

That Council:

1. ENDORSES the ICT Structure and Resource Review.
2. REQUESTS Chief Executive Officer to submit Business cases for the following positions for the 2024-2025 budget.
 - Business Systems Coordinator
 - Business Systems Support Officer
 - ICT Support Officer
 - Business Systems Analyst – BAU (2 year Contract)



- Information Services Officer – BAU (1 year Contract)

Option 2

That Council

1. DOES NOT support the ICT Structure and Resource Review

Option 1 is recommended.

Conclusion

Supporting this business case will.

- Benefit rate payers and business owners by bringing our services online and bring more transparency to the community over the work we do through online modules.
- Complete the critical ICT security audit findings rectification work, strengthening our cyber security maturity.
- Deliver a successful OneComm ERP implementation.
- Prevent service disruptions and enhance overall network security and user productivity.
- Position the ICT department for long-term success in supporting council users and community needs.

Attachments (available under separate cover)

- **10.3.4 – CONFIDENTIAL - attachment 1** – ICT - Restructure and Resource Plan Presentation (E24/6815)
- **10.3.4 – CONFIDENTIAL - attachment 2** - Strategic ICT Plan 2022-2025 (E22/5804)

Alignment with our Council Plan 2023-2033

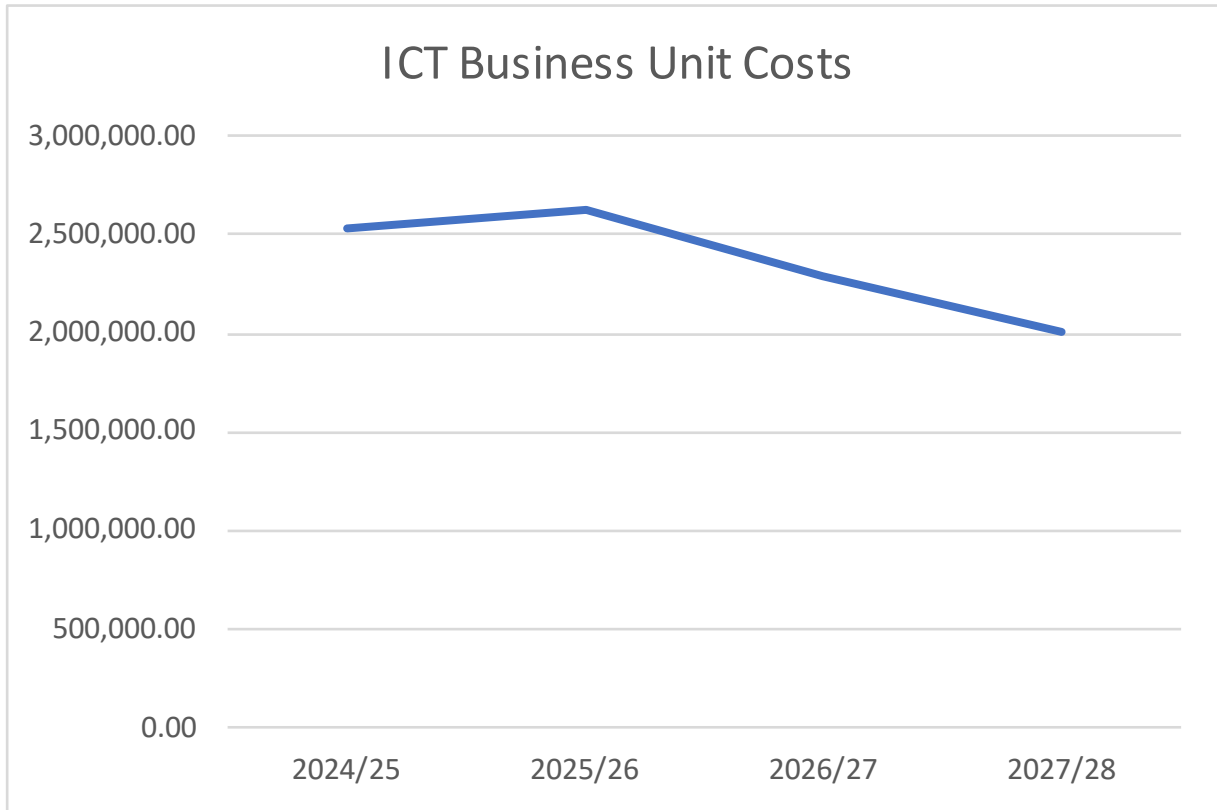
Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
4. Ensure sustainable and optimal use of Shire resources and finances
Liveable
2. Improve maintenance and investment in roads and paths
3. Preserve and enhance our natural places, parks, trails and reserves
4. Invest in facilities and amenities to meet current and future needs
5. Increase our capacity to reduce, recover and recycle waste to improve sustainability and reduce impacts on the environment
Connected



3. Empower the community to engage with the Shire and collaborate on matters that are important to them

Financial Implications

The below chart represents all positions in ICT.





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 does accept the Officer recommendation Option 1. Due to market conditions, we may not be able to recruit to the required level of expertise. Additional training and development may be required to get the resources up to the level needed to deliver.	Additional training and development.	Organisational Performance	Unlikely	Minor	LOW	Additional training and development.
2	Council does not accept the Officer recommendation Option 1 resulting in uncertainty with ICT future direction.	The existing 2022 - 2025 ICT strategic Plan would continue to be used as guide, however not adhering to the strategy will impact ICT's ability to implement current projects, support current systems and users including retaining a low cyber security maturity level.	Organisational Performance	Possible	Major	SIGNIFICANT	Heavy use of external consultants may need to be used.



Voting Requirements: Simple Majority

OCM172/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, Seconded Cr Mazzini

That Council:

- 1. ENDORSES the ICT Structure and Resource Review.**
- 2. REQUESTS Chief Executive Officer to submit Business cases for the following positions for the 2024-2025 budget.**
 - Business Systems Coordinator**
 - Business Systems Support Officer**
 - ICT Support Officer**
 - Business Systems Analyst – BAU (2 year Contract)**
 - Information Services Officer – BAU (1 year Contract)**

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.3.5 - Proposed Shire of Serpentine Jarrahdale Cat Amendment Local Law 2024 (SJ1066)

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 to enable Council to consider the advertising of the proposed *Shire of Serpentine Jarrahdale Cat Amendment Local Law 2024*. If supported, the proposed local law will be progressed according to regulatory requirements.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 May 2024 - OCM136/05/24 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *NOTES the letter from the Joint Standing Committee on Delegated Legislation.*
2. *RESOLVES to undertake to the Joint Standing Committee on Delegated Legislation that it will amend the Shire of Serpentine Jarrahdale Cat Local Law 2023 within 6 months to:*
 - *Correct the outdated reference in clause 1.5 to the Veterinary Surgeons Act 1960.*
 - *Correct the two typographical errors in clause 3.3(2).*
 - *Delete clause 3.7(1)(b).*
 - *In item 3 of Schedule 2, amend the reference to clause 2.2(2), to clause 2.2(1).*
3. *RESOLVES not to enforce the Cat Local Law 2023 to the contrary before it is amended in accordance with the undertakings.*
4. *RESOLVES to make all consequential amendments arising from the undertakings.*
5. *PUBLISH, where the Cat Local Law 2023 is made publicly available by the Shire, whether in hard copy or electronic form, a copy of the undertaking.*
6. *REQUESTS the Chief Executive Officer prepare a letter to the Joint Standing Committee on Delegated Legislation advising of the Council resolution, for the Shire President's signature.*
7. *REQUESTS the Chief Executive Officer prepare an Amendment Cat Local Law in accordance with section 3.12 of the Local Government Act 1995, to give effect to JSCDL undertakings.*



Ordinary Council Meeting – 16 October 2023 - OCM252/10/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *CONSIDERS the submissions.*
2. *In accordance with section 3.12(4) of the Local Government Act 1995, MAKES the Shire of Serpentine-Jarrahdale Cat Local Law 2023.*
3. *In accordance with s3.12(5) of the Local Government Act 1995, REQUESTS the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
4. *After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, REQUESTS the Chief Executive Officer to give local public notice:*
 - a. *Stating the title of the local law;*
 - b. *Detailing the purpose and effect of the local law as follows:*
 - i. *The purpose of the Local Law is to provide a current and relevant statutory environment, with up to date and relevant management and enforcement processes in respect to the keeping and control of cats and cat facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general community.*
 - ii. *The effect of this Local Law is to provide clarity and consistency with current legislation, and is considered to meet the current and future needs, and the expectations of the community, and for the residents in the Shire, as well as Shire staff, and is consistent with contemporary local laws with similar purposes across Western Australia.*
 - c. *Specifying the day on which it comes into operation, which is 14 days after the date of its publication in the Government Gazette; and*
 - d. *Advising that copies of the local law may be inspected or obtained from the Shire office.*
5. *Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions, REQUESTS that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*
6. *REQUESTS that the Chief Executive Officer, in accordance with section 6.19 of the Local Government Act 1995, gives local public notice of its intention to impose the following new fees starting 14 days after the date of publication of the Local Law in the Government Gazette:*

<i>Ranger Services Dog and cat registration/license fees</i>	<i>Fee</i>
<i>(CURRENT) Application to keep more than two dogs</i>	<i>\$90</i>
<i>(NEW) Application to keep more than two dogs or 2 to 6 cats</i>	<i>\$90</i>

<i>Ranger Services Dog and cat registration/license fees</i>	<i>Fee</i>
<i>(CURRENT) Dogs kept in approved kennel establishment licensed under section 27 of the Act, where not otherwise registered – annual fee</i>	<i>\$200</i>



(NEW) Annual license fee – Kennel or Cattery	\$200
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Ordinary Council Meeting – 20 March 2023 - OCM052/03/23 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. In accordance with section 3.12 of the Local Government Act 1995, AUTHORISE the Chief Executive Officer to give public notice stating that:
 - a. It is proposed to make a Cat Local Law 2023 as per attachment 1, and a summary of its purpose and effect; being:
 - i. The purpose of the Local Law is to provide a current and relevant statutory environment, with up to date and relevant management and enforcement processes in respect to the keeping and control of cats and cat facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general community.
 - ii. The effect of this Local Law is to provide clarity and consistency with current legislation, and is considered to meet the current and future needs, and the expectations of the community, and for the residents in the Shire, as well as Shire staff, and is consistent with contemporary local laws with similar purposes across Western Australia.
 - b. The proposed Local Law may be inspected at the Shire offices during normal opening times.
 - c. Submissions regarding the proposed Local Law may be made to the Shire within a period of not less than six weeks after the notice is given.
2. In accordance with section 3.12(3)(b) of the Act, as soon as the notice is given, REQUESTS the Chief Executive Officer to give a copy of the Local Law to the Minister for Local Government.
3. In accordance with section 3.12(3)(c) of the Act, NOTES a copy of the proposed Local Law be supplied to any person requesting it.
4. NOTES that any submissions received will be presented to Council for consideration following the conclusion of the period stated in the notice.

Background

On 23 February 2024, the Shire of Serpentine Jarrahdale Cat Local Law 2023 was published in the Government Gazette and took effect on 8 March 2024.

Once a local law is gazetted, it is referred to the Joint Standing Committee on Delegated Legislation (JSCDL) for consideration. The JSCDL scrutinises the local law and can seek a written undertaking from the local government to amend or repeal the instrument.

The JSCDL wrote to the Shire on 17 April 2024 regarding the Shire of Serpentine Jarrahdale Cat Local Law 2023 and at the 20 May 2024 Ordinary Council Meeting, Council resolved to amend the Shire of Serpentine Jarrahdale Cat Local Law 2023 within 6 months to:

- Correct the outdated reference in clause 1.5 to the Veterinary Surgeons Act 1960.
- Correct the two typographical errors in clause 3.3(2).



- Delete clause 3.7(1)(b).
- In item 3 of Schedule 2, amend the reference to clause 2.2(2), to clause 2.2(1).

In order to give effect to this resolution, Officers have prepared a proposed *Cat Amendment Local Law 2024* for Council to consider advertising as the first step in the process to make a local law in accordance with s 3.12 of the *Local Government Act 1995*.

Community / Stakeholder Consultation

Policy Concept Forum

Nil.

Statutory Environment

A local government may make local laws using the process set out in section 3.12 of the *Local Government Act 1995*. A local government may make local laws relating to cats as detailed in Section 79 of the *Cat Act 2011*.

Section 3.12 of the Act establishes the procedure for making local laws. This procedure requires the local government to give local public notice stating:

- *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
- *a copy of the proposed local law may be inspected or obtained at any place specified in the notice;*
- *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given. As soon as the notice is given, the local government must give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

Following the notice period, any submissions received are presented to Council who may then, by Absolute Majority, consider formally making the local law.

Comment

The proposed *Cat Amendment Local Law 2024* as contained in **attachment 1** has been drafted to amend the *Shire of Serpentine Jarrahdale Cat Local Law 2023* (refer **attachment 2**) as requested by the JSCDL as follows:

Proposed amendments to the <i>Shire of Serpentine Jarrahdale Cat Local Law 2023</i>:	Council's undertaking to the JSCDL addressed by the amendment:
<p>In clause 1.5, delete the definition of 'Veterinarian' and replace it with -</p> <p>'Veterinarian' has the meaning given to it in the <i>Veterinary Practice Act 2021</i>.'</p>	<p>Correct the outdated reference in clause 1.5 to the <i>Veterinary Surgeons Act 1960</i>.</p>



Proposed amendments to the <i>Shire of Serpentine Jarrahdale Cat Local Law 2023</i>:	Council's undertaking to the JSCDL addressed by the amendment:
In clause 3.3(2), insert the word 'The' before the word 'Shire' and insert the word 'the' after the word 'where'.	Correct the two typographical errors in clause 3.3(2).
Delete clause 3.7 (1) and insert: (1) Every permit is issued subject to the following conditions: (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act, and conditions detailed within this Local Law; (b) the permit holder will provide adequate space for the exercise of the cats; (c) the premises shall be maintained in good order and in a clean and sanitary condition; and (d) those conditions contained in Schedule 1.	Delete clause 3.7(1)(b).
In Item 3 of schedule 2, delete 'clause 2.2(2)' and replace it with 'clause 2.2(1)'.	In item 3 of Schedule 2, amend the reference to clause 2.2(2), to clause 2.2(1).
In clause 1.5, delete the definition for 'effective control'. Delete clause 2.2(1), and insert: (1) A cat shall not be in a cat prohibited area at any time.	Make all consequential amendments arising from the undertakings.

For convenience, a tracked changes version of the *Shire of Serpentine Jarrahdale Cat Local Law 2023* to demonstrate the above amendments has been prepared as contained within **attachment 3**.



Options

Option 1

That Council:

1. In accordance with section 3.12 of the *Local Government Act 1995*, AUTHORISE the Chief Executive Officer to give public notice stating that:
 - a. It is proposed to make a *Cat Amendment Local Law 2024* as per **attachment 1**, and a summary of its purpose and effect; being:
 - i. The purpose of the *Cat Amendment Local Law 2024* is to:
 1. Amend clause 1.5 by updating the definition of 'Veterinarian'
 2. Delete clause 3.7(1)(b) to remove the requirement for permit holders to keep each cat contained on the premises and amend clauses 1.5 and 2.2(1) to remove the reference to 'effective control'
 3. Amend typographical errors in clause 3.3(2) and amend the clause reference errors in Item 3 of Schedule 2.
 - ii. The effect of *Cat Amendment Local Law 2024* is to:
 1. Reference the correct definition of 'Veterinarian' as per the *Veterinary Practice Act 2021*
 2. Ensure the local law does not place inconsistent or unauthorised conditions on cats being in public land beyond those provided in the *Cat Act 2011*
 3. Provide clarity in clause 3.3(2) and ensure proper operation of Item 3 in Schedule 2.
 - b. The proposed Local Law may be inspected at the Shire offices during normal opening times.
 - c. Submissions regarding the proposed Local Law may be made to the Shire within a period of six weeks after the notice is given.
2. In accordance with section 3.12(3)(b) of the Act, as soon as the notice is given, REQUESTS the Chief Executive Officer to give a copy of the Local Law to the Minister for Local Government.
3. In accordance with section 3.12(3)(c) of the Act, NOTES a copy of the proposed Local Law be supplied to any person requesting it.
4. NOTES that any submissions received will be presented to Council for consideration following the conclusion of the period stated in the notice.

Option 2

That Council resolves NOT to advertise the proposed *Cat Amendment Local Law 2024*.

Option 1 is recommended.

Conclusion

The undertaking of a *Cat Amendment Local Law 2024* will ensure the *Cat Local Law 2023* is consistent and within the powers of the *Cat Act 2011*.



Attachments (available under separate cover)

- **10.3.5 - attachment 1** – Proposed Shire of Serpentine Jarrahdale Cat Amendment Local Law 2024 (E24/7481)
- **10.3.5 - attachment 2** – Cat Local Law 2023 (E24/2680)
- **10.3.5 - attachment 3** – Cat Local Law 2023 with tracked changes (E24/7482)

Alignment with our Council Plan 2023-2033

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

The cost will involve advertising and gazettal of the Local Law in accordance with legislation. This can be accommodated within existing budget provisions.

Risk Implications

Risk has been assessed on the Officer Options:

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 may be a reputational risk associated with removing the requirement to confine cats.	Nuisance Cat provisions under the local law.	Organisational Performance	Unlikely	Minor	LOW	Nil.
2	The local law may be disallowed by the Legislative Council.	Nil.	Organisational Performance	Almost	Moderate	HIGH	Nil.



Voting Requirements: Simple Majority

OCM173/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

1. In accordance with section 3.12 of the *Local Government Act 1995*, AUTHORISE the Chief Executive Officer to give public notice stating that:
 - a. It is proposed to make a *Cat Amendment Local Law 2024* as per attachment 1, and a summary of its purpose and effect; being:
 - i. The purpose of the *Cat Amendment Local Law 2024* is to:
 1. Amend clause 1.5 by updating the definition of 'Veterinarian'
 2. Delete clause 3.7(1)(b) to remove the requirement for permit holders to keep each cat contained on the premises and amend clauses 1.5 and 2.2(1) to remove the reference to 'effective control'
 3. Amend typographical errors in clause 3.3(2) and amend the clause reference errors in Item 3 of Schedule 2.
 - ii. The effect of *Cat Amendment Local Law 2024* is to:
 1. Reference the correct definition of 'Veterinarian' as per the *Veterinary Practice Act 2021*
 2. Ensure the local law does not place inconsistent or unauthorised conditions on cats being in public land beyond those provided in the *Cat Act 2011*
 3. Provide clarity in clause 3.3(2) and ensure proper operation of Item 3 in Schedule 2.
 - b. The proposed Local Law may be inspected at the Shire offices during normal opening times.
 - c. Submissions regarding the proposed Local Law may be made to the Shire within a period of six weeks after the notice is given.
2. In accordance with section 3.12(3)(b) of the Act, as soon as the notice is given, REQUESTS the Chief Executive Officer to give a copy of the Local Law to the Minister for Local Government.
3. In accordance with section 3.12(3)(c) of the Act, NOTES a copy of the proposed Local Law be supplied to any person requesting it.
4. NOTES that any submissions received will be presented to Council for consideration following the conclusion of the period stated in the notice.

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.3.6 - Consideration of new Council Policy 1.1.15 - Election Invalidity Complaints (SJ526)

Responsible Officer:	Director Corporate Services
Senior Officer:	Manager Corporate Performance
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 enable Council to consider adopting a policy to provide a decision-making framework for determining when Council would support initiating or joining an invalidity complaint under s 4.80 of the *Local Government Act 1995* (the Act).

Relevant Previous Decisions of Council

Ordinary Council Meeting – 17 April 2023 – OCM065/04/03 – COUNCIL RESOLUTION / Councillor Recommendation
That Council REQUESTS that the Chief Executive Officer prepare a policy for Council's consideration by 30 June 2024 regarding the validity of elections under Part 4, Division 10 of the Local Government Act 1995.

Background

At the April 2023 Ordinary Council Meeting, Council resolved to request that a policy regarding the validity of elections under Part 4, Division 10 of the *Local Government Act 1995* was prepared for Council's consideration.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Invalidity Complaints

Sections 4.80, 4.81, 4.82 and 4.83 of the *Local Government Act 1995* state the following:

- 4.80. Complaints about result of election**
- (1) *A person who is dissatisfied with the result of an election or with the way in which an election was conducted may make an invalidity complaint.*
 - (2) *In this Division —*
invalidity complaint means a complaint —



- (a) *that the election is invalid; or*
- (b) *that another person should be declared elected; or*
- (c) *that the term of office of a councillor should be longer or shorter than the term determined by the returning officer; or*
- (d) *that a declaration made under Schedule 4.1A clause 19 or Schedule 4.1B clause 1(5) by the returning officer should be changed.*

4.81. *Complaints to go to Court of Disputed Returns*

- (1) *An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.*
- (2) *Regulations may provide for the way in which an invalidity complaint can be made to a Court of Disputed Returns, the way in which the court can deal with it and the declarations and orders that the court can make.*
- (3) *If the court declares the election to have been invalid —*
 - (a) *the election is null and void; and*
 - (b) *any office of member filled at the election is vacant; and*
 - (ba) *any declaration made under Schedule 4.1A clause 19 or Schedule 4.1B clause 1(5) by the returning officer is of no effect; and*
 - (bb) *any office of member filled under Schedule 4.1A or 4.1B by a candidate in the election is vacant; and*
 - (c) *the court is to fix a day for holding any poll needed for a fresh election; and*
 - (d) *the returning officer is to prepare for, conduct and ascertain and declare the result of the fresh election.*
- (4) *If the court declares that a person (candidate A) ought to have been elected in place of another person (candidate B) —*
 - (a) *candidate B is not to act as a member of the council; and*
 - (b) *candidate A is to be regarded as having been elected; and*
 - (c) *notice of candidate A's election is to be published in accordance with regulations.*
- (5) *If the court declares that a declaration under Schedule 4.1A clause 19 or Schedule 4.1B clause 1(5) (the original declaration) should be changed —*
 - (a) *the court may make a declaration to replace the original declaration; and*
 - (b) *if the court makes a declaration under paragraph (a), the declaration —*
 - (i) *is to be regarded as a declaration under Schedule 4.1A clause 19 or Schedule 4.1B clause 1(5) (as the case requires); and*
 - (ii) *must be published in accordance with regulations;*

and



- (c) *the court may otherwise make any orders that the court thinks fit, including (without limitation) any of the following —*
- (i) *an order that a person who has been elected to the council under Schedule 4.1A or 4.1B is not to act as a member of the council;*
 - (ii) *an order that a person is to be regarded as having been elected to the council under Schedule 4.1A or 4.1B;*
 - (iii) *an order that Schedule 4.1A or 4.1B be applied or reapplied, with any modifications specified in the order, in relation to a vacancy.*

4.82. *No appeal*

There is no appeal from a decision of a Court of Disputed Returns.

4.83. *Validity of election*

An election is not invalid because of —

- (a) *a failure to do something in connection with the election within the time, or for the period or before the date allowed or required under this Act, so long as the failure does not affect the result of the election; or*
- (b) *an irregularity or defect in the appointment or authorisation of an electoral officer; or*
- (c) *a formal omission, irregularity or defect in a document, declaration, publication or other thing that a person has made, issued or done in good faith.*

Policy Adoption

Section 2.7 of the *Local Government Act 1995* provides that the role of Council is to 'determine the local government's policies'. The amendment, adoption or rescindment of any Council Policy must therefore be resolved by Council.

Comment

The proposed policy sets out the circumstances where Council could consider initiating a legal challenge to an election result. The circumstances set out in the policy are:

1. the reputation of the organisation is at risk; and
2. the action is considered to support the good government of persons in the district; and
3. an Electoral Offence has or is suspected to have occurred in the election; and
4. that the Electoral Offence is believed to have impacted the outcome of the election; and
5. the Council has received and noted independent legal advice regarding the matter.

The insertion of 'and' in the five circumstances mean that all five circumstances need to have occurred. This is because the determination of the local government to launch a legal challenge into its own election result is a significant act that risk the separation of powers and is open to misapplication.

The list of electoral offences in the Act are contained in Part 4 Division 11 and include, but are not limited to:

- bribery



- printing unauthorised electoral material
- printing or distributing material intended to deceive an elector
- canvassing within 6m of a polling place
- interfering with a ballot box, ballot paper or impersonating an elector

The policy goes on to provide a framework for how an invalidity complaint is to be pursued in the courts. These provisions are consistent with the need for the local government to be apolitical, acting in the general interests of the community rather than any one individual and in accordance with legal practitioner ethics and standards.

Options

Option 1

That Council **ADOPTS** Council Policy 1.1.15 - Election Invalidity Complaints as contained within **attachment 1**.

Option 2

That Council **DOES NOT ADOPT** a Council Policy on Election Invalidity Complaints.

Option 3

That Council:

1. **APPROVES** Council Policy 1.1.15 - Election Invalidity Complaints as contained within **attachment 1** for community engagement for a period of six weeks
2. **REQUESTS** the Chief Executive Officer present the outcome of the community engagement and the policy for Council's consideration at a future Council meeting.

Option 4

That Council **ADOPTS** Council Policy 1.1.15 - Election Invalidity Complaints as contained within Attachment 1 with the following amendments:

[Amendments to be specified by the Councillor moving the motion]

Option 1 is recommended.

Conclusion

The attached draft policy is presented for Council's consideration as per the resolved request.

Attachments (available under separate cover)

- **10.3.6 - attachment 1** – draft Council Policy 1.1.15 - Election Invalidity Complaints (E24/7522)

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:

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	
1-4	There are no significant risks associated with the Officer options.						

Voting Requirements: Simple Majority

OCM174/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council ADOPTS Council Policy 1.1.15 - Election Invalidity Complaints as contained within attachment 1.

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.4 Community Engagement reports:

10.4.1 - 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 12 March 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 12 March 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 12 March 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 12 March 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 12 March 2024 are provided to Council.

Attachments (available under separate cover)

- **10.4.1 - attachment 1** – Local Emergency Management Committee Meeting Minutes – 12 March 2024 (E24/3998)

Alignment with our Council Plan 2023-

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

OCM175/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council RECEIVES the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee Meeting held on 12 March 2024 as contained in attachment 1.

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.4.2 - Jarrahdale Oval Detailed Design - Budget Variation (SJ4436)

Responsible Officer:	Jarrahdale Trail Coordinator
Senior Officer:	Director Community Engagement
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is to request that Council:

- Recognises the Community Trail Planning Grants from the Department of Local Government, Sport and Cultural Industries (DLGSC); and
- Approves a budget variation for the development of the Jarrahdale Oval Detailed Design.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 September 2022 – OCM218/09/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council ENDORSES the Jarrahdale Oval Recreation Space and Trail Head Master Plan, subject to the modifications required to accommodate emergency helicopter operations from the site.

Background

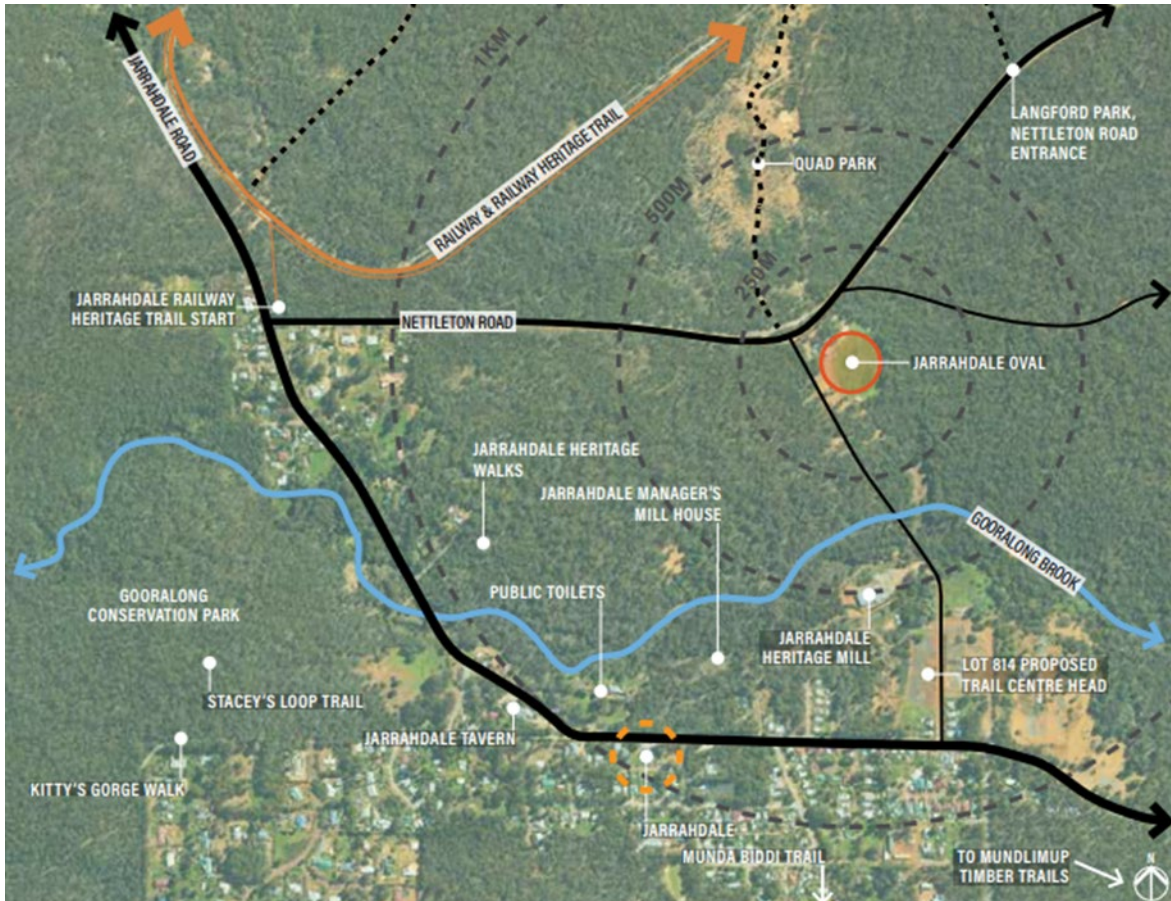
The Shire is working to establish Jarrahdale as a trail town and tourism destination by leveraging its existing network of trails. The Jarrahdale Trail Town Business Case (**attachment 1**) highlights the uniqueness of the equine trails in the area and identifies the opportunity to develop a high-quality equine trail as a key step towards achieving Trail Town status.

The *WA Strategic Trails Blueprint 2022-2027* defines a trail town as “A population centre which has been assessed and accredited as a destination for its trails offering [including] through the provision of high-quality trail-user related facilities and services (including accommodation).”

A recommendation from the Jarrahdale Trail Town Business Case was to develop Jarrahdale Oval. In the 2021/2022 budget, funding was allocated to develop a Masterplan for the site, and this was completed by UDLA at a cost of \$28,200. In September 2022 Council endorsed the Jarrahdale Oval Recreation Space Trails Head Master Plan, as contained at **attachment 2**.



The masterplan outlines the benefits the Jarrahdale Oval (the Oval) could bring to the overall planning of Jarrahdale as a trail destination, through its positioning at a cross-section and trailhead function, thus allowing for the provision of needed amenities for a broad range of trail users and visitors, and through the potential for a dog friendly trail experience, events, and activation activities.



The image above illustrates the strategic location of Jarrahdale Oval within the town and relation to other trails.

Comment

The development of Jarrahdale Oval is intrinsically connected to the new Jarrahdale Horse Trails, set to be constructed by the Department of Biodiversity, Conservation, and Attractions (DBCA) by 2025-2026 with \$1,153,620 (excluding GST) funding secured through the Peel Regional Trails Program.

The new horse trails are expected to increase traffic and demand for purpose-built areas for horse trail users, including improved parking and equine access. Additionally, the realignment of the popular Munda Biddi Trail through Langford Park and upgrade to the mountain bike trails in Langford Park will contribute to a significant increase in visitors to the area.

Following the endorsement of the Jarrahdale Oval Recreation Space Trails Head Master Plan, the next stage is to develop the Detailed Design.

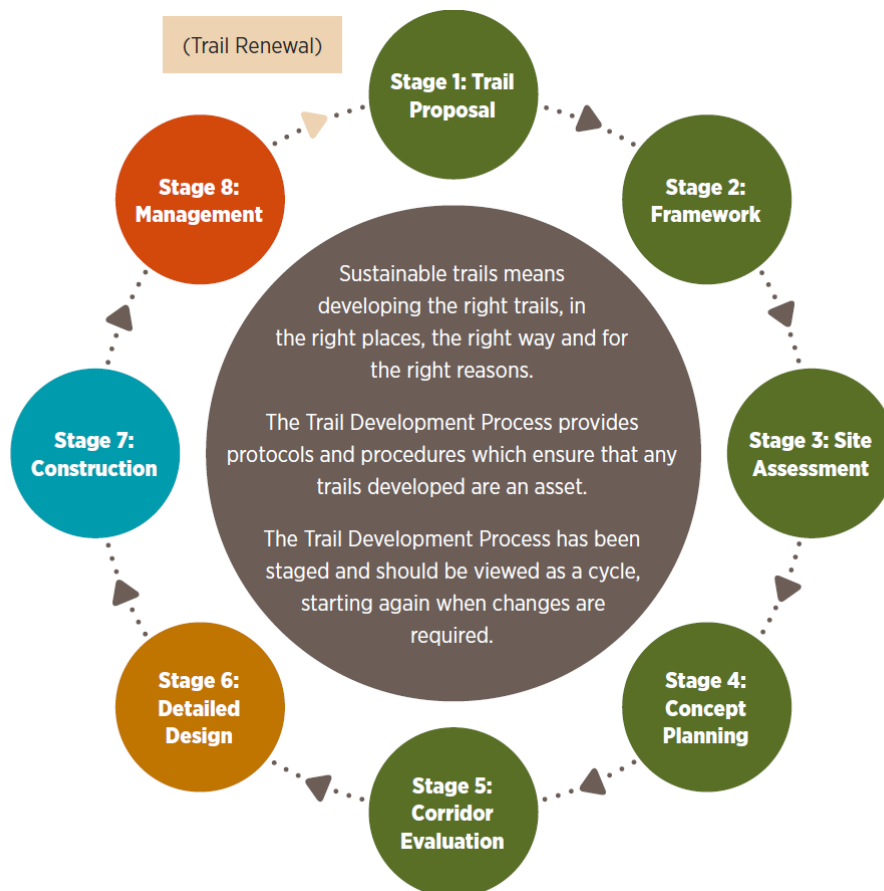
The development of Jarrahdale Oval will bring the facility to standard, including features such as:

- Wayfinding (maps to help visitors navigate, choose trails, understand distances)



- Educational information (how to seek assistance in emergencies, be safe on the trail)
- Water fountains
- Picnic areas
- Parking (including for horse floats)
- Infrastructure to support events

The Shire applied for a \$50,000 Community Trail Planning Grant via the Department of Local Government, Sport and Cultural Industries to advance to the Detailed Design stage, in accordance with DBCA's 8 Stages Trail Development process.



On 17 May 2024, the Shire was advised that it was successful in receiving the \$50,000 grant, which requires a matching contribution of \$50,000. The Shire's contribution is covered in the Financial Implications section of this report.

Options

Option 1

That Council:

1. ACCEPTS the successful Community Trail Planning Grants of \$50,000 from the Department of Local Government, Sport and Cultural Industries for the Detailed Design Development of the Jarrahdale Oval Trails Head.
2. APPROVES a budget variation of \$50,000 for the Detailed Design Development of the Jarrahdale Oval Trails Head:



Account Number	Type	Account Description	Debit \$	Credit \$
4500-15020-6230-0000	Increase Expenditure	Jarrahdale Oval Trails Head Detailed Design Development - Consultancy	100,000	
4500-15020-4132-0000	Increase Revenue	Jarrahdale Oval Trails Head Detailed Design Development – Grant – Operating - DLGSC		50,000
4000-15016-6610-0000	Decrease Expenditure	Bridal Development Concept Plan – Carryforward expenditure		50,000
Reason: Grant funding of \$50,000 has been received for the Detailed Design Development of the Jarrahdale Oval Trails Head. A matching \$50,000, to be funded from the Bridal Development Concept Plan, is covered within the scope of the funded project.				

Option 2

That Council:

1. DOES NOT ACCEPT the Community Trail Planning Grants of \$50,000 from the Department of Local Government, Sport and Cultural Industries for the Detailed Design Development of the Jarrahdale Oval Trails Head.
2. REQUESTS the Chief Executive Officer informs the Department of Local Government, Sport and Cultural Industries of Council's decision not to accept the grant.

Option 1 is recommended.

Conclusion

At the September 2022 Ordinary Council Meeting, Councillors endorsed the Jarrahdale Oval Recreation Space Trails Head Master Plan, as recommended in the Jarrahdale Trail Town Business Case. As per DBCA's 8 Steps Trail Development Process, the next stage is the Detailed Design for Jarrahdale Oval.

Supporting the development of the Jarrahdale Oval Detailed Design would strategically strengthen the future funding application for the construction stage of the Oval, as the facility has been identified as a critical tourism infrastructure, complementary to the new Jarrahdale Horse Trails.

The cohesive development of Jarrahdale Oval and the new Jarrahdale Horse Trails will support the Shire in its endeavours to become an accredited Trails Town.

Attachments (available under separate cover)

- **10.4.2 - attachment 1** – Jarrahdale Trail Town Business Case (E21/9994)
- **10.4.2 - attachment 2** – Jarrahdale Oval Recreation Space and Trail Head Master Plan (IN22/22147)



Alignment with our Council Plan 2023-2033

Thriving
3. Strengthen and grow the local tourism industry
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
1. Invest in community recreation and support local clubs and groups to increase opportunities for participation
2. Contribute to a well-connected, accessible and health community

Financial Implications

The grant funding of \$50,000 received for the Detailed Design Development of the Jarrahdale Oval Trails Head requires a matching \$50,000 contribution from the Shire. The Shire's \$50,000 contribution is proposed to be funded from the \$50,000 Bridal Development Concept Plan project.

The scope of the Bridal Development Concept Plan will now be delivered through the new Jarrahdale Horse Trails project, set to be constructed by the Department of Biodiversity, Conservation through the \$1,153,620 (excluding GST) funding secured through the Peel Regional Trails Program.

Account Number	Type	Account Description	Debit \$	Credit \$
4500-15020-6230-0000	Increase Expenditure	Jarrahdale Oval Trails Head Detailed Design Development - Consultancy	100,000	
4500-15020-4132-0000	Increase Revenue	Jarrahdale Oval Trails Head Detailed Design Development – Grant – Operating - DLGSC		50,000
4000-15016-6610-0000	Decrease Expenditure	Bridal Development Concept Plan – Carryforward expenditure		50,000



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 significant risks associated with this option.						
2	If Council does not accept the grant the Detailed Design stage will not be progressed for Jarrahdale Oval, which will result in a time delay to realise the ultimate vision for the Oval.	Development of Jarrahdale Oval Recreation Space and Trail Head Master Plan in accordance with DBCA's 8 Steps Trail Development Process. The next step is detailed design.	Organisational Performance	Unlikely	Minor	LOW	Option 1



Voting Requirements: Absolute Majority (s 6.8(1) of the *Local Government Act 1995*)

OCM176/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved President Coales , seconded Cr Duggin

That Council:

- 1. ACCEPTS** the successful Community Trail Planning Grants of \$50,000 from the Department of Local Government, Sport and Cultural Industries for the Detailed Design Development of the Jarrahdale Oval Trails Head.
- 2. APPROVES** a budget variation of \$50,000 for the Detailed Design Development of the Jarrahdale Oval Trails Head:

Account Number	Type	Account Description	Debit \$	Credit \$
4500-15020-6230-0000	Increase Expenditure	Jarrahdale Oval Trails Head Detailed Design Development - Consultancy	100,000	
4500-15020-4132-0000	Increase Revenue	Jarrahdale Oval Trails Head Detailed Design Development – Grant – Operating - DLGSC		50,000
4000-15016-6610-0000	Decrease Expenditure	Bridal Development Concept Plan – Carryforward expenditure		50,000

Reason: Grant funding of \$50,000 has been received for the Detailed Design Development of the Jarrahdale Oval Trails Head. A matching \$50,000, to be funded from the Bridal Development Concept Plan, is covered within the scope of the funded project.

CARRIED UNANIMOUSLY 5/0



10.5 Executive Services reports:

10.5.1 - The Identification of Opportunities and Recommendations for Innovative Staff Working Arrangements (SJ514-11)	
Responsible Officer:	Manager People Development and Wellbeing
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to consider the specific items and recommendations of the Discussion Paper - The Identification of Opportunities and Recommendations for Innovative Staff Working Arrangements.

Relevant Previous Decisions of Council

Nil.

Background

This discussion paper addresses the identification of opportunities and recommendations for innovative staff working arrangements and provides options and recommendations for Council consideration.

This discussion paper outlines examples of where the Shire is already operating innovatively, research on innovative workplaces, findings from workshops and surveys on the new needs of staff and opportunities for innovative staff working arrangements.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	22 April 2024
Elected Members Attendance	in President Coales, Cr Bishop, Cr Byas, Cr Duggin, Cr Jerrett, Cr Mack, Cr Mazzini

**Comment**

The Shire of Serpentine Jarrahdale, as a growth local government with a relatively small rate base, is required to be innovative to meet community needs and expectations. Post COVID the Shire has been in a state of transition and has adjusted and implemented new workplace policies to both attract and retain staff and to adapt to the demands from current and prospective employees for new ways of working.

Over the past 2 years, the Shire has improved its flexible working benefits. The result of this has been the attraction of many new employees specifically for the ability to be able to integrate their work and home lives. Many other Local Governments are now implementing similar benefits to retain staff.

The challenge for the Shire in a post COVID environment is to continue to be able to attract and retain staff who challenge the status quo and want to try new and innovative approaches to dealing with organisational and community challenges. Without this, the Shire risks stagnating.

Given the Shire's growth rate and lean financial resources, it requires staff that are innovative and adaptive to change. The Shire has already taken steps towards being innovative and is at the leading edge in some areas, though the challenge is how to continue to encourage an innovative workforce into the future.

This discussion paper outlines examples of where the Shire is already operating innovatively, research on innovative workplaces, findings from workshops and surveys on the new needs of staff and opportunities for innovative staff working arrangements.

Several recommendations have been put forward including attracting more young people into the workforce, committing to working from home arrangements for the foreseeable future and exploring opportunities for a presence in Byford both now and into the future through co-working spaces, customer service presence and library for Council consideration.

Based on the matters presented in the Discussion Paper, the following recommendations have been identified:

Recommendation 1

As part of the 2024/25 FY program, establishes an Apprentice and Traineeship program designed to bring more young people into the organisation.

Recommendation 2

Review the timeline for the upgrade of Office Accommodation and Council Chambers and present a report to Council with a view to bringing forward redevelopment/refurbishment of the Administration Office with the aim of:

1. Creating more collaborative spaces
2. Providing hot desks for employees working on flexible working arrangements for two days per week or more
3. Improving the physical work environment to give a clean, modern and consistent theme across the work areas
4. Relocating Council Chambers for the next 2 years and repurposing the space to meet short term accommodation needs

Recommendation 3

Takes no further action in the consideration of co-working spaces at this time.



Recommendation 4

Present a report to Council for consideration as soon as possible, assessing options and providing recommendations (both short and longer term) for the establishment of a Shire presence in Byford to accommodate the following:

- Customer Service Centre
- Office space for Shire staff (noting that the main Office Space and Council Chambers will remain in Mundijong).
- Potentially a Coworking space/innovation hub

Options

Option 1

That Council:

1. RECEIVES the discussion paper “The Identification of Opportunities and Recommendations for Innovative Staff Working Arrangements” provided at **attachment 1**.
2. REQUESTS the Chief Executive Officer implement the following recommendations, subject to funding allocations in the 2024/25 Budget:

- **Recommendation 1**

As part of the 2024/25 FY program, establishes an Apprentice and Traineeship program designed to bring more young people into the organisation.

- **Recommendation 2**

Review the timeline for the upgrade of Office Accommodation and Council Chambers and present a report to Council with a view to bringing forward redevelopment/refurbishment of the Administration Office with the aim of:

1. Creating more collaborative spaces
2. Providing hot desks for employees working on flexible working arrangements for two days per week or more
3. Improving the physical work environment to give a clean, modern and consistent theme across the work areas.
4. Relocating Council Chambers for the next 2 years and repurposing the space to meet short term accommodation needs.

- **Recommendation 3**

Takes no further action in the consideration of co-working spaces at this time.

- **Recommendation 4**

Present a report to Council for consideration as soon as possible, assessing options and providing recommendations (both short and longer term) for the establishment of a Shire presence in Byford to accommodate the following:

- Customer Service Centre
- Office space for Shire staff (noting that the main Office Space and Council Chambers will remain in Mundijong).



- Potentially a Coworking space/innovation hub

Option 2

That Council:

1. RECEIVES the discussion paper “The Identification of Opportunities and Recommendations for Innovative Staff Working Arrangements” provided at **attachment 1** and takes NO FURTHER ACTION at this time.

Option 1 is recommended.

Conclusion

The Discussion Paper and identified recommendations provides a strategic approach to employee engagement and innovative ways of working through a modern and collaborative office environment while also addressing options to manage the accommodation needs for future growth. These recommendations are aimed at ensuring the Shire is able to meet current and future growth, attracting both young and experience innovative employees through a modern and collaborate work spaces while also meeting the growing need for a greater customer service and employee presence in Byford.

Attachments (available under separate cover)

- **10.5.1 - attachment 1** – Discussion Paper - The Identification of Opportunities and Recommendations for Innovative Staff Working Arrangements (E24/7508)

Alignment with our Council Plan 2023-2033

Thriving
1. Plan for the sustainable growth of the Shire of Serpentine Jarrahdale
4. Ensure sustainable and optimal use of Shire resources and finances
Liveable
4. Invest in facilities and amenities to meet current and future needs

Financial Implications

This paper has been produced internally. The costs of implementing any recommendations will be consulted independently.



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 current risks associated with option 1.						
2	There will be insufficient workspace to accommodate staff both in the immediate and longer term future. This would result in the inability to hire additional staff leading to reduced productivity.	The flexible work arrangements do not sufficient control the risk.	Organisational Performance	Likely	Moderate	SIGNIFICANT	Option 1



Voting Requirements: Simple Majority

OCM177/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

1. **RECEIVES** the discussion paper “The Identification of Opportunities and Recommendations for Innovative Staff Working Arrangements” provided at attachment 1.
2. **REQUESTS** the Chief Executive Officer implement the following recommendations, subject to funding allocations in the 2024/25 Budget:
 - **Recommendation 1**
As part of the 2024/25 FY program, establishes an Apprentice and Traineeship program designed to bring more young people into the organisation.
 - **Recommendation 2**
Review the timeline for the upgrade of Office Accommodation and Council Chambers and present a report to Council with a view to bringing forward redevelopment/refurbishment of the Administration Office with the aim of:
 1. Creating more collaborative spaces
 2. Providing hot desks for employees working on flexible working arrangements for two days per week or more.
 3. Improving the physical work environment to give a clean, modern and consistent theme across the work areas.
 4. Relocating Council Chambers for the next 2 years and repurposing the space to meet short term accommodation needs.
 - **Recommendation 3**
Takes no further action in the consideration of co-working spaces at this time.
 - **Recommendation 4**
Present a report to Council for consideration as soon as possible, assessing options and providing recommendations (both short and longer term) for the establishment of a Shire presence in Byford to accommodate the following:
 - Customer Service Centre
 - Office space for Shire staff (noting that the main Office Space and Council Chambers will remain in Mundijong)
 - Potentially a Coworking space/innovation hub

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



10.5.2 - Discussion Paper - The identification of opportunities and recommendations for innovative revenue raising initiatives (SJ514-11)

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

Authority / Discretion

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 presents Council with a Discussion Paper on the identification of opportunities and recommendations for innovative revenue raising initiatives.

Relevant Previous Decisions of Council

Nil.

Background

Nil.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	27 May 2024
Elected Members in Attendance	President Coales, Cr Bishop, Cr Duggin, Cr Jerrett, Cr Mack

Statutory Environment

There is legislation regarding how local government raises revenue. This would need to be considered as Council explored any option future.

Comment

Preparing this discussion paper has identified that opportunities for local government to raise revenue aside from Rates has been significantly researched for many years by many organisations at a State, National and International level.

The overriding outcome identified was that there is no one size fits all or magic strategic which can be easily deployed to raise additional revenue. Each initiative comes with its own set of pros and cons.



Furthermore, each initiative deployed should be reflective of the environmental context of the local government. For the Shire of Serpentine Jarrahdale this is a fast growing local government transforming from a rural local government to a metropolitan local government in which there is significant transport infrastructure being constructed.

This other major issue for the Council to consider is the capacity of the organisation to be able to deliver upon implementing additional resource intensive initiatives. The organisation is delivering a significant capital and organisational development program over the coming 2-3 years which will impact on the ability to successfully deliver other capital projects.

To this end, following exploring of a range of income generating opportunities, the discussion paper recommends that Council:

1. Resolves to continue to acquire opportunistic and/or strategic land parcels with a view to banking the land to sell or develop once the current Council-endorsed priorities have been completed.
2. Agrees to the following timeline for considering/identifying opportunities for commercial leases in the Shire:

Year 1-3

- Review the Shire's leases to ensure compliance and currency and appropriate management system and processes are in place.
- Establish and implement schedules and service agreements for facilities maintenance within OneComm for Shire facilities and leases.

Year 3+

Investigate opportunities for commercial leases within the Shire and present to Council for consideration.

Options

Option 1

That Council:

1. RECEIVES the Discussion Paper titled "The identification of opportunities and recommendations for innovative revenue raising initiatives" at **attachment 1**.
2. ADOPTS the Recommendations of the Discussion Paper as follows:
 - RESOLVES to continue to acquire opportunistic and/or strategic land parcels with a view to banking the land to sell or develop once the current Council-endorsed priorities have been completed.
 - AGREES to the following timeline for considering/identifying opportunities for commercial leases in the Shire:

Year 1-3

- Review the Shire's leases to ensure compliance and currency and appropriate management system and processes are in place.
- Establish and implement schedules and service agreements for facilities maintenance within OneComm for Shire facilities and leases.



Year 3+

- Investigate opportunities for commercial leases within the Shire and present to Council for consideration.

Option 2

That Council RECEIVES the Discussion Paper titled “The identification of opportunities and recommendations for innovative revenue raising initiatives” at **attachment 1**.

Option 1 is recommended.

Conclusion

Officers are very supportive of progressing with additional revenue raising initiatives the suit the Shire. However, at this point time the organisation needs to complete other strategic projects to provide much needed organisational capacity.

In preparation for this the purchase of more land by the Shire and the updating and compliance of all leases and facilities schedules will ensure the organisation is well placed in 2-3 years to commence implementing these initiatives.

Attachments (available under separate cover)

- **10.5.2 - attachment 1** – Discussion Paper titled “The identification of opportunities and recommendations for innovative revenue raising initiatives” (E24/7436)

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:

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	Will not address the need for the Shire to respond to the urgent need for community infrastructure due to hyper growth.	System improvements, Council Plan, Corporate Business Plan and Informing Strategies	Financial	Possible	Moderate	SIGNIFICANT	



Voting Requirements: Simple Majority

OCM178/06/24

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mazzini

That Council:

- 1. RECEIVES** the Discussion Paper titled “The identification of opportunities and recommendations for innovative revenue raising initiatives” at attachment 1.
- 2. ADOPTS** the Recommendations of the Discussion Paper as follows:
 - **RESOLVES** to continue to acquire opportunistic and/or strategic land parcels with a view to banking the land to sell or develop once the current Council-endorsed priorities have been completed.
 - **AGREES** to the following timeline for considering/identifying opportunities for commercial leases in the Shire:
 - Year 1-3**
 - Review the Shire’s leases to ensure compliance and currency and appropriate management system and processes are in place.
 - Establish and implement schedules and service agreements for facilities maintenance within OneComm for Shire facilities and leases.
 - Year 3+**
 - Investigate opportunities for commercial leases within the Shire and present to Council for consideration.

CARRIED UNANIMOUSLY (en bloc at 7:57pm) 5/0



Continued

Ordinary Council Meeting Minutes Monday, 17 June 2024

10.6 Confidential reports:

Nil.



11. Urgent business:

The Presiding Member, President Coales, in accordance with clause 3.12 of the *Standing Orders Local Law 2002 (as Amended)* had approved this item being considered as Urgent Business prior to the meeting. The report was distributed to Councillors and published on the Shire's website on Friday, 14 June 2024.

11.1 – Byford Pump Track Feasibility Study and the Repurpose of the 2021 Election Commitment – Byford Recreational Projects (SJ4122)	
Responsible Officer:	Manager Community Activation
Senior Officer:	Director Community Engagement
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

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

The purpose of this report is for Council to:

- Receive the Byford Pump Track Feasibility Study;
- Note the response from the Minister for Sport and Recreation, Hon David Templeman MLA, regarding repurposing the 2021 Election Commitment of \$1.34 million from a Splash Park in Byford to the construction of a Bike Pump Track in Byford; and
- Authorise the Chief Executive Officer to negotiate and execute a Financial Assistance Agreement that repurposes the \$1.34 million Splash Park funding commitment to a Byford Pump Track.

Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 17 October 2022 - OCM258/10/22 - COUNCIL RESOLUTION / Officer Recommendation</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>AUTHORISES the Chief Executive Officer to write to the Department of Local Government, Sports and Cultural Industries to formally seek in-principle agreement to repurpose the Financial Assistance Agreement for the Splash Park project in Byford towards construction of a Bike Pump Track, subject to a Feasibility Report being prepared.</i> 2. <i>REQUESTS that the Chief Executive Officer to undertake a Feasibility Report for a Bike Pump Track, inclusive of:</i> <ul style="list-style-type: none"> • <i>scale definition.</i>
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- *site investigations and analysis.*
- *opinion of probable costs.*

3. *AUTHORISES a budget amendment as per the below table to fund these works:*

<i>Account Number</i>	<i>Type</i>	<i>Account Description</i>	<i>Debit</i>	<i>Account Number</i>
<i>1400-NEW-6230-0000</i>	<i>Increase Expenditure</i>	<i>Pump Track Feasibility – External Contractor</i>	<i>50,000</i>	
<i>5300-17300-4101-0000</i>	<i>Decrease Income</i>	<i>General Purpose – Financial Assistance Grants – Roads</i>		<i>50,000</i>

Reason: Funds required for Pump Track Feasibility, with increase in expenditure to be offset by higher than anticipated revenue from the 2022/23 Financial Assistance Grants.

4. *REQUESTS the Chief Executive Officer to present a report back to Council inclusive of:*
- a. the response from the Department of Local Government, Sports and Cultural Industries regarding point 1.*
 - b. the Bike Pump Track Feasibility Report for consideration.*

Background

At the October 2022 Ordinary Council Meeting, Council considered matters impacting upon the ability to deliver a Splash Park project within the State Government’s \$1.34 million funding commitment. Primarily, that only half of the original estimated project costs were committed to the project; that the funding bodies preference to see the facilities located in the Byford Town Centre resulted in additional challenges, such as site access and preparation costs; and that these factors required extended timelines for delivery which would exceed tolerances for project completion.

Preliminary feedback from the Department Local Government, Sport and Cultural Industries to the Shire, indicated that repurposing the funds to an alternative recreational project may be considered, but funding would need to meet the following criteria:

- Location needs to be in Byford.
- The facility needs to target the similar age range to the Splash Park.
- Alternate project needs to be constructed and operational by the time of the next State Government election.
- The project budget needs to be no greater than \$1.34m (including Shire on costs) unless additional funds are committed by the Shire.

Council requested the Chief Executive Officer undertake a Feasibility Report for a Byford Pump Track. This Feasibility Report would allow for informed consideration by Council to repurposing the funding. The Feasibility Report was to be inclusive of:

- scale definition.
- site investigations and analysis.
- opinion of probable costs.



Council further resolved that the Chief Executive Officer present a report back to Council inclusive of the Pump Track Feasibility Report and response from the Department Local Government, Sport and Cultural Industries regarding repurposing of the funding.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	2 October 2023
Elected Members in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Duggin, Cr Mack, Cr Strautins

The Byford Pump Track Feasibility Study was sent to Elected Members via email on Monday, 25 March 2024, simultaneously advising that a formal request had been sent to the Minister for Sport and Recreation, Hon David Templeman MLA, in accordance with the October 2022 Council Resolution.

Member for Darling Range

Ongoing consultation with Mr Hugh Jones MLA, Member for Darling Range, has occurred throughout the development of the Feasibility Study.

Minister for Sport and Recreation / Department Local Government, Sport and Cultural Industries

A letter was sent to the Minister for Sport and Recreation, Hon David Templeman MLA, in March 2024, with a copy of the Byford Pump Track Feasibility Study, as contained at **attachment 1**. The letter requested a response pertaining to the repurposing of the \$1.34 million Splash Park funding commitment to a Byford Pump Track.

The Minister's response, as contained at **attachment 2**, was received on Tuesday, 11 June 2024, and confirms the Shire can utilise the \$1.34 million funding commitment to deliver a Pump Track in Byford.

Correspondence has also been maintained by Officers with the Department Local Government, Sport and Cultural Industries (DLGSC) throughout the Feasibility Study process, including formal quarterly updates.

A meeting was held with the DLGSC on Thursday, 13 June 2024, following receipt of the Minister's letter, clarifying next steps, such as the development of a Financial Assistance Agreement (FAA).

Byford Pump Track Feasibility Study Consultation

A variety of consultation methods were implemented to obtain community feedback on the level of community interest for a Byford Pump Track. Consultation also sought feedback as to the level of amenity and expectations of the community for a project of this nature.

- A community survey was available between 28 June and 11 July 2023, on the Shire's Your Say SJ platform.
- 1,000 letters were delivered to addresses within two streets of the four key sites identified for Pump Track investigations, being:
 - Woodland Grove
 - Briggs Park
 - Percy Park and Veterans Park



- Bill Hicks Reserve
- An in-person community consultation workshop was held at the Briggs Youth Space in October 2023.
- Briggs Precinct User Group consultation, with opportunities to provide feedback face-to-face, via phone, or via survey.
- Internal consultation via Steering Group meetings. This included consultation with Emergency Services departments to determine available options for egress in and out of the Briggs Precinct area.

The Pump Track Feasibility Study details the consultation outcomes and how it has been incorporated into the Concept Designs. A summary of the engagement outcomes is provided below:

- 286 people responded.
- 76% of respondents were supportive of a pump track in Byford.
- 75% indicated they would use the pump track.
- The most popular location for a pump track was at Briggs Park, receiving 35% of votes. This was significantly more popular than any other location, with the next popular being Percy's Park (including Veteran's Park) with 16% of votes.
- 23% of residents who completed the consultation voted for "other site", however the only nominated alternative site was bushland along Wilaring Street in the Scarp as a singular comment and did not adequately demonstrate suitability for overall requirements. As a result, no alternative Byford site was given further consideration.

The final concept design options contained in the Feasibility Study for Briggs Precinct have not been shared with user groups or the general public to date, pending Council's determination towards next stages of the project. The options presented address feedback received to date in varying degrees, described in further detail in the Comments section of this report. Further, ongoing communication with site user groups will be required in next stages of the project, informed by outcomes of this report.

Statutory Environment

Nil.

Comment

Byford Pump Track Feasibility Study – Concept Design Options

A Pump Track is a 1-3 metre wide track that can be used for bicycle, skateboard, in-line skates and scooters, with riders practicing skills on a series of features, such as berms and rollers placed in quick succession. 'Pump' refers to the action made by riders pushing down with their arms and legs to manoeuvre the bike or board over features to maintain momentum without pedalling or pushing off the ground.

Conditions outlined by the State Government in October 2022 (as outlined above) formed the project mandate for the Pump Track Feasibility Study, in line with the Shire's Project Management Framework. Common Ground Trails were engaged to conduct the Feasibility Study, with the final report outlining three concept options for the Briggs Precinct location identified in Image 1.





Image 1: Briggs Park Byford Pump Track - Assessment Area (Number 13) and Site Features (Numbers 1 – 12).


A summary of Officer comments against the three concept options provided, is as follows:

Concept Design Option (Byford Pump Track Feasibility Study – attachment 1)	Officer Comment
<p><u>Concept 1</u> Ultimate Concept Plan</p>	<ul style="list-style-type: none"> • Concept 1 demonstrates a Pump Track concept design that incorporates the scope and scale of amenity preferred by respondents expected to utilise the facilities from process the consultation. • Concept 1 does not meet requirements of current Briggs Park User Groups in the immediate term, as it proposes eliminating the entry and access point to Briggs Lower Oval from Gordin Ave. • The Opinion of Probable Costs for this Concept Plan exceeds the \$1.34 million funding commitment and whilst adjustments could be made to reduce costs, this would dually compromise the level of amenity requested by the community. • Officers explored the viability of incorporating an alternative access point to Briggs Lower Oval (retaining 2 x points of access) as part of the Pump



Concept Design Option (Byford Pump Track Feasibility Study – attachment 1)	Officer Comment
	<p>Track Project. No option was identified that could be achieved within budget or timeframes.</p>
<p><u>Option 2</u> 2 Stage Concept Plan</p> 	<ul style="list-style-type: none">• Delivering the Ultimate Concept (described in Option 1 above) in 2 stages, is an alternative option that would eventually deliver the same design/level of amenity for a Pump Track facility in Byford.• Delivery of Stage 1 will retain the current access road to Lower Oval from Gordin Way, essential for current user groups of Briggs Precinct until an alternative means of egress could be identified and delivered.• The delivery of Stage 1 remains within the \$1.34 million funding commitment and would result in a staged approach to realising the ultimate vision for the project.• A staged approach will allow for the Masterplan process that is currently underway for Briggs Precinct, to be finalised. This Masterplan process may identify alternative egress opportunities to maintain/improve traffic movements and access before delivery of elements identified for Stage 2 of the Pump Track.• Risks associated with pedestrians, vehicles and bikes intersecting and sharing the space have been identified with this option. Risk mitigating solutions have also been identified, as described in subsequent sections of this report.



Concept Design Option (Byford Pump Track Feasibility Study – attachment 1)	Officer Comment
<p><u>Option 3</u> Road Inclusion Concept Plan</p> 	<ul style="list-style-type: none"> • This option considered the viability of a Pump Track design that included realignment of the access road to Lower Oval. • This option could not meet the timeframe for delivery due to the need to remove existing trees to accommodate the realigned road (clearance approvals). • A large portion of the budget in this option would be spent on infrastructure/road and not a Pump Track specifically, increasing the risk of dissatisfaction from Pump Track users based on community consultation outcomes. • The Pump Track design is not as comprehensive and does not include as much amenity as the Ultimate design, with no future ability to expand or improve as it would be constrained by the access road.

Project Mandate Outcomes

The Byford Pump Track Feasibility Study identified:

- Community support for a Pump Track in Byford.
- Briggs Precinct as a suitable site that can accommodate a Pump Track.
- Three Concept Options addressing community feedback and consultation processes, with one option (Option 2, Stage 1) being within the \$1.34 million funding commitment. Timeframes for delivery/construction will be negotiated with the Department through the Financial Assistant Agreement.

As a result of these outcomes, a letter was sent to the Minister for Sport and Recreation, Hon David Templeman MLA, requesting a response to repurposing the funding, with the response confirming that the \$1.34 million funding commitment can be used to deliver a Pump Track in Byford.

Council is now requested to provide direction for the next stages of the project.

Byford Pump Track - Project Progression

The Opinion of Probable Costs for Option 2, Stage 1 of the Byford Pump Track Project, is \$1,275,000, including Shire overheads.

A summary of current scope inclusions and exclusions are outlined below for Option 2, Stage 1:



Stage 1 inclusions (1,345 sqm footprint)	Stage 1 exclusions (1,375 sq m Stage 2 footprint)
Main Pump Track (intermediate and advanced)	Beginner track
Jump Line (intermediate and advanced - inc. main platform area)	Pump Plaza (ledges, rails, freestyle tricks) with return line
Vegetated Drainage Basin	Primary Arrival and Gathering area (inc. large shelter drinking fountain, rubbish bins, bike rack and tools)
Smaller informal gathering areas (2 x small shelters; 1 x picnic setting)	Carpark and carpark lighting.
Detail design and further site investigations	Pedestrian/vehicle interface works.
Construction Preliminaries (inc. traffic management, mobilisation of equipment)	Lighting of the Pump Track facility and CCTV
Demolition and site works (for footprint area only)	Connectivity to current Pavilion and Skate Park areas (retaining wall, signage, footpath)
	No toilet amenity or improvement to existing toilet amenity.

The DGLSC has advise that the Shire's project management costs would not be included within a Funding Assistance Agreement. This means that \$305,770 of the Opinion of Probable Cost estimates can be allocated to items that are excluded from the scope (subject to Tender outcomes and price). The allocation of Shire project management costs is also recommended to be allocated by Council in order to deliver the project.

Of particular importance, the management of traffic and pedestrians within the site needs careful consideration during the detail design and construction phase. The current access road as indicated in Image 2 as "existing service road", remains operational in this Option for the short to medium term until an alternative point of egress for Briggs Precinct can be identified and delivered. In order to address the interface between pedestrians, vehicles and bike riders, Officers recommend including these interface works as part of the deliverables for the Option 2, Stage 1 Pump Track project.

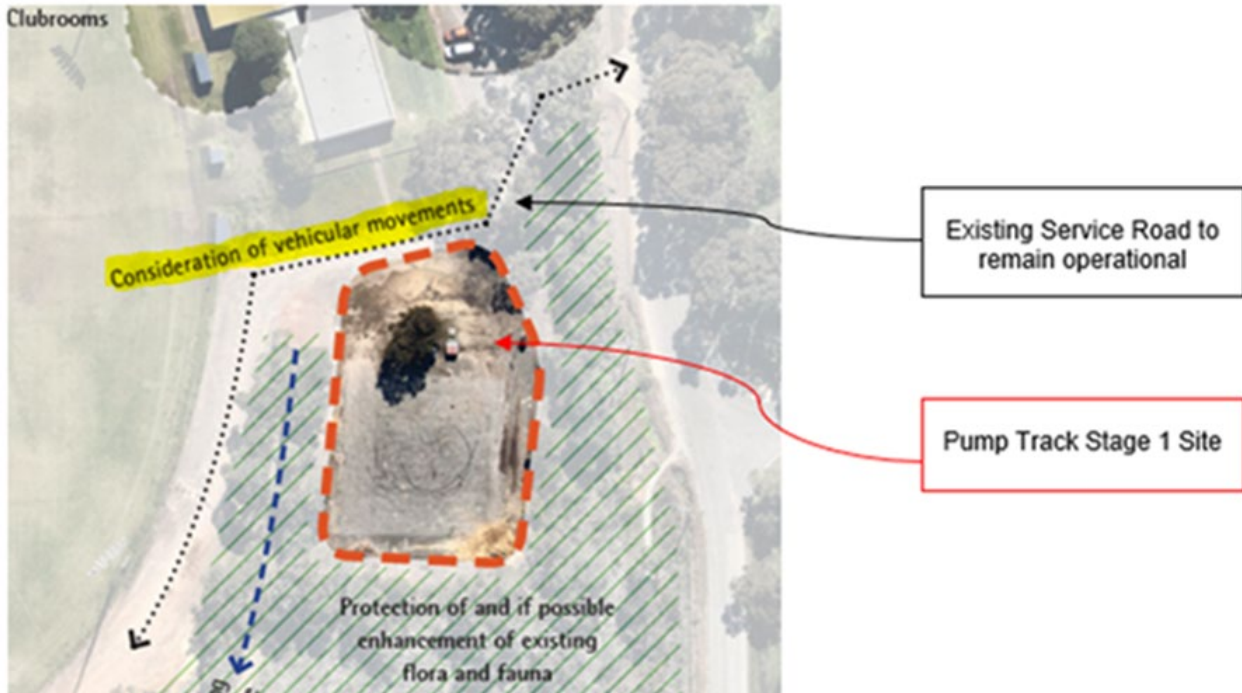


Image 2: Project site location and surrounds

In addition to the pedestrian/vehicle/rider interface works, the following items are also recommended to be included in the scope, budget permitting. These items are listed in priority order, with the ability to deliver these being subject to prices received through the Tender process. These items would be requested to be priced separately to allow for due consideration per item:

- Carpark and carpark lighting.
- Lighting of the Pump Track facility and CCTV.
- Connectivity to the current Pavilion.
- Toilet amenity or improvement to existing toilet amenity.

A timeline has been developed for the next phase of the project. This timeline and proposed milestones was discussed with the DLGSC on Thursday, 13 June 2024, with in-principle support provided for incorporation into the Financial Assistance Agreement, if project progression is supported by Council.

	Key Milestones	Timeframe	Months	Proposed Instalments	FAA
1	Procurement - Public Tender Process	July to October 2024	4 months	On execution of the agreement (\$570,000)	
2	Detailed Design and Consultation Period	November to March 2025	5 months	On approval of the final design, prior to construction (\$720,000)	



	Key Milestones	Timeframe	Months	Proposed Instalments	FAA
3	Construction Period	March to August 2025	5 months		
4	Practical Completion and Contractors minimum 3 months Establishment Period to Handover to Shire	August to October 2025	3 months	On receipt of acquittal (\$50,000)	
5	Defects – Liability Period 12months	August 2026	12 months		
	Total	\$1,340,000			

Factors outside of Officer's control, such as Tender responses and availability of Contractors, may cause some deviation from these milestones, whereby adjustments may be required, if necessary and where agreed collaboratively with the Department.

Options

Option 1

That Council:

1. RECEIVES the Byford Pump Track Feasibility Study as contained at **attachment 1**.
2. NOTES correspondence received from the Minister for Sport and Recreation, as contained at **attachment 2**.
3. APPROVES to proceed with the detailed design and construction of a Byford Pump Track in accordance with Option 2, Stage 1 of the Feasibility Study and APPROVES the following additional scope items be included in the project, subject to available budget in the following priority order:
 - Pedestrian, rider and vehicle interface for the service road.
 - Carpark and carpark lighting.
 - Lighting of the Pump Track facility and CCTV.
 - Connectivity to the current Pavilion.
 - Toilet amenity or improvement to existing toilet amenity.
4. AUTHORISES the Chief Executive Officer to negotiate and execute a Financial Assistance Agreement that repurposes the \$1.34 million Splash Park funding commitment to a Byford Pump Track.
5. APPROVES the following budget variation:



Account Number	Type	Account Description	Debit \$	Credit \$
6600-80520-6600-000	Increase Expenditure	Byford Pump Track – Capital Expenditure	1,340,000	
6600-80520-4825-000	Increase Income	Byford Pump Track – Grant – Capital – DLGSC		1,340,000
Reason: Budget Variation to recognise DLGSC funding – \$198,000 municipal funds will be required as part of the 2024/25 Annual Budget for project management.				

Option 2

That Council:

1. RECEIVES the Byford Pump Track Feasibility Study as contained at **attachment 1**.
2. NOTES correspondence received from the Minister for Sport and Recreation, as contained at **attachment 2**.
3. REQUESTS the Chief Executive Officer write to the Department Local Government, Sport and Cultural Industries and Mr Hugh Jones MLA, Member for Darling Range, advising that the Shire **DECLINES** to proceed with the implementation of a Recreational Project in Byford with the \$1.34 million election commitment.

Option 1 is recommended.

Conclusion

The Byford Pump Track Feasibility Study has identified there is community support for a Pump Track in Byford. Briggs Park has been identified as a site that can accommodate a Pump Track, with Option 2, Stage 1 contained within the Feasibility Study deliverable within the \$1.34 million funding commitment of the State Government.

The Minister for Sport and Recreation, Hon David Templeman MLA, has confirmed the funding commitment may be repurposed for a Byford Pump Track and Council is requested to provide further direction pertaining to project progression.

Attachments (available under separate cover)

- **11.1 - attachment 1** – Byford Pump Track Feasibility Study (E23/17270)
- **11.1 - attachment 2** – Response from Minister for Sport and Recreation – Repurpose of the 2021 Election Commitment – Byford Recreational Projects (IN24/13204)

Alignment with our Council Plan 2023-2033

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



Liveable

- 4. Invest in facilities and amenities to meet current and future needs

Financial Implications

Option 1

Shire project management costs must be met by the Shire. These costs are anticipated to be \$244,800, with a portion of this already allocated in the current financial year.

- 2023/2024 - \$46,800
- 2024/2025 - \$198,000

Option 2

The Shire does not need to allocate project management costs to deliver this project, estimated at \$198,000 for the 24/25 Financial Year.

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	Tender pricing comes in exceeding the \$1.34 million for Option 2, Stage 1 of the Byford Pump Track Feasibility Report.	Detailed Byford Pump Track Feasibility Report with multiple options. Contingency allowances. Additional scope items listed in priority order for budget consideration.	Financial	Possible	Minor	MODERATE	Nil



1	Briggs Precinct Users dissatisfied with Concept Design and investment into a Pump Track, leading to delays in project timeframes or requirement for additional budget to address concerns.	Staged Concept Option allows for current access points to be maintained which was the major concern of user groups.	Reputation	Possible	Minor	MODERATE	Detailed Comms Plan for remaining stages of the project to be developed.
1	Pump Track Respondents (community survey) dissatisfied with the design as budget constraints limit the construction elements to Stage 1 items only.	Ability to expand the Pump Track footprint in the long term is maintained, following the Briggs Precinct Masterplan process.	Reputation	Possible	Minor	MODERATE	Detailed Comms Plan for remaining stages of the project to be developed and implemented.
2	Declining the Financial Assistance Agreement impacts Shire's advocacy efforts for State Government funding towards other community infrastructure projects in future election cycles.	Nil	Strategic Stakeholder Relationships	Possible	Minor	MODERATE	
2	Declining the Financial Assistance Agreement leads to the Shire not being able to deliver a community facility	Nil	Social Community Outcomes /	Likely	Minor	MODERATE	



	supported by residents.						
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Voting Requirements: Absolute Majority (s6.8 of the *Local Government Act 1995*)

OCM179/06/24

COUNCIL RESOLUTION / Officer recommendation

Moved Cr Duggin , seconded Cr Mazzini

That Council:

- 1. RECEIVES the Byford Pump Track Feasibility Study as contained at attachment 1.**
- 2. NOTES correspondence received from the Minister for Sport and Recreation, as contained at attachment 2.**
- 3. APPROVES to proceed with the detailed design and construction of a Byford Pump Track in accordance with Option 2, Stage 1 of the Feasibility Study and APPROVES the following additional scope items be included in the project, subject to available budget in the following priority order:**
 - Pedestrian, rider and vehicle interface for the service road.
 - Carpark and carpark lighting.
 - Lighting of the Pump Track facility and CCTV.
 - Connectivity to the current Pavilion.
 - Toilet amenity or improvement to existing toilet amenity.
- 4. AUTHORISES the Chief Executive Officer to negotiate and execute a Financial Assistance Agreement that repurposes the \$1.34 million Splash Park funding commitment to a Byford Pump Track.**
- 5. APPROVES the following budget variation:**

Account Number	Type	Account Description	Debit \$	Credit \$
6600-80520-6600-000	Increase Expenditure	Byford Pump Track – Capital Expenditure	1,340,000	
6600-80520-4825-000	Increase Income	Byford Pump Track – Grant – Capital – DLGSC		1,340,000

Reason: Budget Variation to recognise DLGSC funding – \$198,000 municipal funds will be required as part of the 2024/25 Annual Budget for project management.

CARRIED UNANIMOUSLY 5/0



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 8:36pm.

Officers assisting the meeting stopped the recording of the meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on
15 July 2024

.....Presiding Member – Tricia Duggin

15/7/2024

.....Date