

Supplementary Information

Ordinary Council Meeting

Tuesday 26 May 2026

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Urgent Business - Item 13.1 - Access To Roe Estate Subdivision - Blackboy Way, Morley

Applicant/Proponent:	Tomahawk Property on behalf of Anglican Schools Commission (Inc.)
Owner:	State of WA, vested to the Anglican Schools Commission (Inc.)
Responsible Branch:	Infrastructure and Assets
Responsible Directorate:	Transport and Buildings
Authority/Discretion:	Executive/Strategic Quasi-Judicial
Voting Requirement:	Simple Majority Required.
Attachments:	Refer to attachments
Refer:	Item: 10.1.2 OCM: 20.01.2026 Item: 10.1.1 OCM: 28.01.2025
Officer Declaration:	<i>The officers involved in drafting and reviewing this report do not have any interests to disclose in the item.</i>

This item does not contain any information that is considered confidential in accordance with Section 5.23 of the Local Government Act 1995.

SUMMARY

Council resolved in January 2025 to support the road dedication of Crown Reserve 41129 subject to provision of a left-in-left-out vehicle access arrangement between Reserve 41129 and Beechboro Road North.

During detailed engineering design and subdivision implementation, the applicant subsequently requested that Council reconsider this aspect of its previous resolution and support removal of the contemplated left-in-left-out arrangement.

The request is based on a number of planning, engineering and implementation considerations, including:

- the completion of the road dedication process;
- the absence of a specific WAPC subdivision condition requiring the left-in-left-out treatment;
- updated engineering and traffic considerations associated with the proposed intersection treatment; and
- potential legal and technical risks associated with requiring the infrastructure outcome in the current circumstances.

This report is therefore presented to Council to reconsider its January 2025 resolution regarding the previously contemplated left-in-left-out arrangement at Beechboro Road North.

OFFICER'S RECOMMENDATION

That Council:

1. **Notes the updated engineering assessment and subdivision implementation considerations associated with the Roe Estate subdivision and the proposed Blackboy Way / Beechboro Road North, road connection.**
2. **Notes that Lots 500 and 501 on Deposited Plan 432340 have been dedicated as public road following completion of the relevant State road dedication processes.**

3. **Notes that the subdivision approval issued by the Western Australian Planning Commission does not contain a specific condition requiring construction of a left-in-left-out arrangement at Beechboro Road North.**
4. **Resolves not to further pursue the previously requested left-in-left-out vehicle access arrangement between Reserve 41129 and Beechboro Road North contained within Council's January 2025 resolution relating to the road dedication of Crown Reserve 41129.**

BACKGROUND

Crown Reserve 41129 (Blackboy Way Reserve) was a Class C reserve vested to the Anglican Schools Commission, Inc. for the purpose of 'parking and public utilities'. The reserve was previously used by the John Septimus Roe Anglican Community School (JSRACS) and historically functioned as the primary pick-up and drop-off area associated with the operation of the school, with access provided from Beechboro Road North.

Between 2023 and 2026, the JSRACS site has been progressing through the planning system for residential redevelopment following closure of the school at the end of the 2022 school year. This included amendment of City of Swan Local Planning Scheme No. 17, the "Roe Estate" structure plan, and recent subdivision approvals.

Council resolved in January 2025 to support the road dedication of Crown Reserve 41129 pursuant to section 56 of the Land Administration Act 1997, subject to provision of vehicle access from Reserve 41129 to Beechboro Road North in a left-in-left-out arrangement.

Subsequently, the Western Australian Planning Commission approved subdivision application WAPC Ref: 201744 on 17 March 2026. The subdivision approval included conditions relating to engineering design, road construction and subdivision implementation, however, did not include a specific condition requiring construction of a left-in-left-out arrangement at Beechboro Road North.

In April 2026, Lots 500 and 501 on Deposited Plan 432340 were dedicated as public road following completion of the relevant State road dedication processes administered through DPLH and Landgate.

Stages 1 and 2 of the Roe Estate subdivision have since progressed, with Stage 3 engineering drawings submitted to the City in February and April 2026 for assessment and approval.

The submitted Stage 3 engineering drawings do not include the Blackboy Way / Beechboro Road North connection and left-in-left-out arrangement. As this proposal differs from Council's January 2025 resolution, the matter is presented to Council for reconsideration of its previous position.

A copy of the intersection proposal as submitted by the proponent is shown in Figure 1 below.

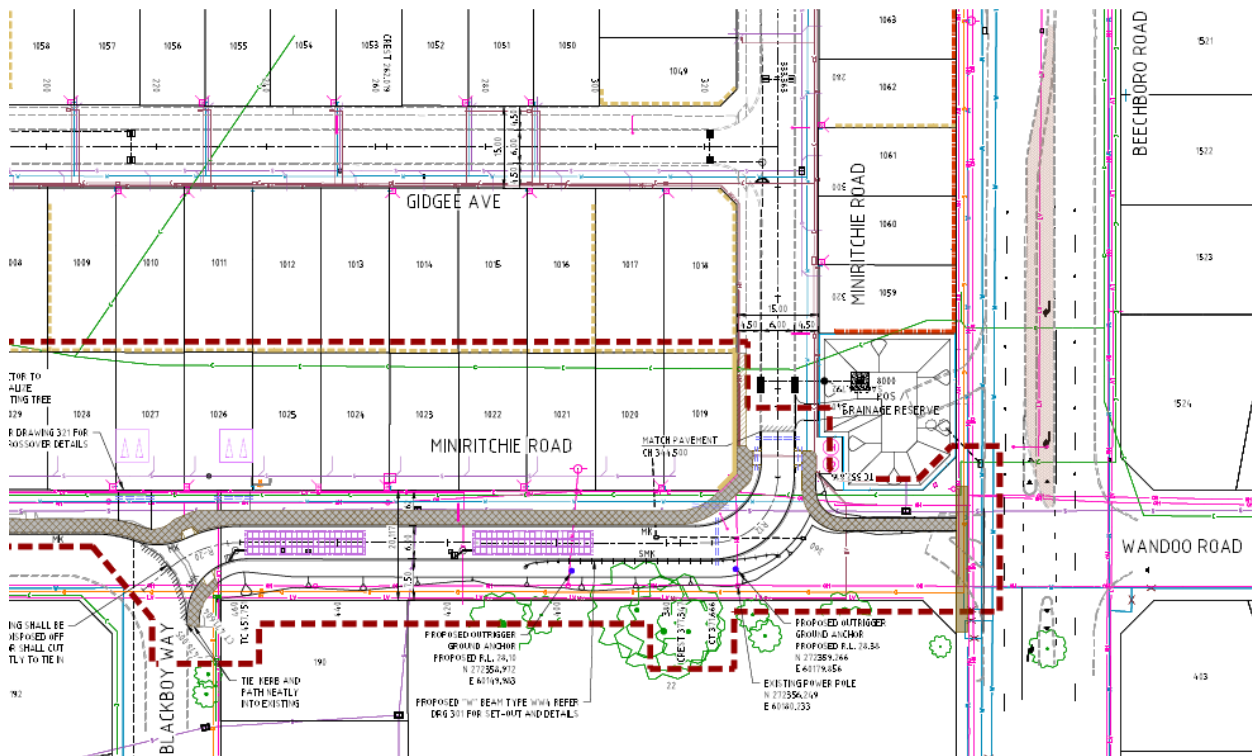


Figure 1: Proposal of Intersection Closure of Beechboro Road North – Blackboy Way Reserve as Submitted by Tomahawk Properties

EXTERNAL CONSULTATION

No public consultation has been undertaken for the Stage 3 design works.

OFFICER'S COMMENTS

Council's resolution in January 2025 conditionally approved the road dedication of Crown Reserve 41129 pursuant to section 56 of the Land Administration Act 1997, subject to the provision of vehicle access from Reserve 41129 to Beechboro Road North in a left-in-left-out arrangement.

The provision of the left-in-left-out arrangement was supported at the time based on broader strategic traffic and access considerations associated with the future operation of the local road network and the anticipated residential redevelopment of the former school site.

Since Council's determination in January 2025, the subdivision and road dedication processes have materially progressed. In April 2026, Lots 500 and 501 on Deposited Plan 432340 were dedicated as public road following completion of the relevant State processes administered through DPLH and Landgate.

While Council's previous position contemplated provision of a left-in-left-out arrangement in association with the road dedication process, the completed dedication has altered the practical and procedural context in which the matter is now being considered.

In addition, the subdivision approval issued by the Western Australian Planning Commission does not contain a specific condition requiring construction of the left-in-left-out arrangement at Beechboro Road North. Accordingly, the matter primarily remains one associated with detailed engineering design, subdivision implementation and Council's previous position, rather than a specific statutory subdivision requirement.

Prior to Council's January 2025 resolution, discussions occurred between the City of Bayswater and Tomahawk Property, facilitated through the proponent's legal representatives, regarding the proposed access arrangement. During those discussions, the proponent expressed concerns regarding the engineering practicality, safety implications and infrastructure costs associated with the proposed left-in-left-out treatment.

Further engineering assessment of the proposed intersection treatment has identified a number of design, operational and infrastructure considerations relevant to the practicality and appropriateness of pursuing the previously contemplated left-in-left-out arrangement, including:

- The submitted Traffic Impact Assessment prepared on behalf of the developer indicates that post-development peak hour vehicle movements are significantly reduced from the former school use, decreasing from approximately 290 vehicles per hour to 84 vehicles per hour despite a marginal increase in overall daily traffic movements.
- The contemplated left-in-left-out connection at Blackboy Way / Beechboro Road North may introduce potential road safety concerns associated with vehicles attempting to cross Beechboro Road North from Wandoo Road, increasing the risk of right-angle vehicle conflicts.
- Construction of the left-in-left-out arrangement may require relocation or modification of existing Western Power infrastructure, including overhead power poles situated in proximity to the proposed intersection.
- The existing median configuration on Beechboro Road North may not adequately accommodate turning movements for larger vehicles servicing the area, potentially increasing the risk of vehicle conflict.

It is acknowledged that Council's January 2025 resolution reflected broader strategic and community considerations regarding local road connectivity and traffic distribution associated with the Roe Estate subdivision.

The January 2025 resolution sought to influence a future design outcome through the road dedication process. Subsequent progression of the subdivision and road dedication processes has clarified the practical and statutory limitations associated with implementing the previously contemplated left-in-left-out arrangement through that mechanism.

As the road dedication process is now complete, the matter is primarily one of subdivision implementation, engineering design and approval processes associated with works within the road reserve.

Subsequent progression of the subdivision approvals, completion of the road dedication process, and detailed engineering review have resulted in a materially different implementation context than that which existed at the time of Council's earlier determination.

LEGISLATIVE COMPLIANCE

The proposed intersection modification works at Beechboro Road North have been assessed based on the following legislation, standards and guidance;

- Section 56 of the *Land Administration Act 1997*
- Regulation 8 of the *Land Administration Regulations 1998*
- *Local Government Act 1995*
- *Work Health and Safety Act 2020*

There are two components to this approval:

- Clearance of relevant conditions of the subdivision approval issued by the WAPC under the *Planning and Development Act 2005*, and
- Civil engineering design and approval to undertake works within the City's road reserve.

The City is not the authority responsible for clearing road design conditions of the subdivision approval, as the new residential lots are located within the City of Swan. The City of Swan is the clearing authority in consultation with the City. The applicant may approach the WAPC to clear this condition if the City refuses.

RISK MANAGEMENT CONSIDERATION

The table below shows the level of risk for each impact category, if the officer's recommendation is not adopted by the Council.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Medium
Reputation and Stakeholders	Medium	Medium
Service Delivery	Medium	Medium
Environment	Low	Medium
Governance and Compliance	Low	Medium
Strategic Risk	SR01 - Inability to plan, provide and support socially connected, healthy and safe neighbourhoods. SR02 - Failure to strategically plan, deliver and maintain infrastructure and assets.	

Should Council resolve to maintain its previous position requiring the left-in-left-out arrangement, there is potential for the matter to be subject to review or appeal processes, including through the State Administrative Tribunal. Relevant considerations in any such review may include consistency with the subdivision approval framework and the technical justification for the proposed intersection treatment.

FINANCIAL IMPLICATIONS

Should Council resolve to maintain its previous position requiring the left-in-left-out arrangement, and the matter is subject to review or appeal processes, including through the State Administrative Tribunal, there would likely be costs associated with legal representation, technical review and administration of the matter.

Should Council support the officer's recommendation, the City will still need to monitor future traffic conditions within the surrounding local road network and consider whether any future local traffic management treatments are warranted as development of the Roe Estate subdivision progresses.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Council Plan 2025 – 2035, the following applies:

Key Result Area: Social
 Outcome 1.1 A Connected and Inclusive Community
 Objective 1.1.2 Facilitate connections and access to services for all community.

Objective 1.1.3 Build strong relationships, social connections and inclusive participation with our diverse community.

Key Result Area: Social

Outcome 1.2: A Safe and Resilient Community

Objective 1.2.1: Facilitate a safe environment

Key Result Area: Built

Outcome 2.1 A Connected and Accessible City

Objective 2.1.1 Plan for connected, accessible and safe roads, pathways and places.

Key Result Area: Built

Outcome 2.2 Built Infrastructure that Meets Current and Future Community Needs

Objective 2.2.1 Improve the amenity of our public spaces and streetscapes.

Objective 2.2.3 Plan, build and maintain current and future assets.

CONCLUSION

On balance, it is considered appropriate that Council reconsider its January 2025 position regarding the previously contemplated left-in-left-out arrangement at Beechboro Road North.

The earlier Council resolution reflected community concerns and broader strategic traffic and access considerations associated with the redevelopment of the former school site. However, subsequent traffic modelling and engineering assessment have not identified a clear operational requirement for the intersection treatment arising directly from development-generated traffic impacts.

In addition, progression of the subdivision process, completion of the road dedication, absence of a specific WAPC condition requiring the intersection treatment, and further engineering assessment have reduced the practicality of pursuing the infrastructure outcome through the current subdivision implementation process.

Accordingly, it is recommended that Council support removal of the previously requested left-in-left-out arrangement from its January 2025 resolution.

Addendum - Item 10.1.2 - Audit, Risk And Improvement Committee MembershipADDITIONAL INFORMATION

The Council has requested further information regarding the officer recommendation to increase the meeting attendance fees for the Independent Members of the Audit, Risk and Improvement Committee.

The Salaries and Allowances Tribunal is responsible for determining the appropriate remuneration, allowances and meeting fees for senior public officials (including Local Government CEOs, Elected Members and Independent Committee Members). It does this through evaluating economic conditions, work value and complexity, reviews of market data and formal submissions from relevant stakeholders.

In December 2025, the Salaries and Allowances Tribunal issued a determination to establish specific meeting attendance fees for Independent Audit, Risk and Improvement Committee Members. This determination established a new range with a minimum payment of \$105 to a maximum payment of \$1,215 per meeting.

This determination was a result of the introduction of new legislation that requires Audit, Risk and Improvement Committee's to be chaired by a fully independent Presiding Member or a Deputy of the Presiding Member, and in circumstances where a Deputy Presiding Member was appointed by the Council, that this person must also be an independent member.

The determination allows Councils to set a fee between \$105 to \$1,215 per meeting. This wide range allows the Council to consider:

1. **The responsibilities associated with being the Presiding Member of an Audit, Risk and Improvement Committee, which include:**
 - a. Ensuring compliance with the Committee's Terms of Reference
 - b. Liaising with the Chief Executive Officer and City Officers, including meeting prior to Committee meetings
 - c. Overseeing the flow of information to the Committee and monitoring the adequacy and timeliness of materials provided to the Committee
 - d. Presiding over every meeting and ensuring familiarity with the City's *Standing Orders Local Law 2021*
 - e. Ensuring that external advisors retained by the Committee are appropriately qualified and independent
 - f. Undertaking an annual assessment of the Committee and making recommendations for improvements
 - g. Attending Council Meetings as requested
 - h. Meeting with the Auditors.
2. **The overall scope of responsibilities, and the level of qualifications and experience it expects for its Independent Members.**

Independent Members are expected to have professional knowledge and expertise in Audit, Risk Management, Information Systems and Technology; Financial management/reporting; and Governance. They must also understand the role of corporate governance in organisations and have current or prior experience on similar committees.

3. The complexity and volume of matters that may be put to the Committee and the time required to prepare for meetings and attend meetings.

The City holds four to five Audit, Risk and Improvement Committee meetings per year. The agendas normally contain eight to 11 reports. The meetings generally run for 2 hours and would require at least 2 hours of reading time prior to attendance. This would be the minimum requirements for the independent members. Some of the Presiding Members duties would add additional time for each meeting (at least one additional hour).

Advertisement

When the City advertised for Independent Members for the Audit, Risk and Improvement Committee, the advertisement advised that the City would pay the maximum fee allowable under Band 1 in line with the City's Policy – *Payment to Independent Members of Committees*. At the time of advertisement this amount was \$450, but the City did not specify this figure in its advertisement. Since that time, the Salaries and Allowances Tribunal has issued a new determination, which now creates a specific fee for Independent Members of the Audit, Risk and Improvement Committee with a maximum of \$1,215.

Benchmarking

As mentioned in the report below, local governments have until 1 July 2026 to appoint Independent Members to their Audit, Risk and Improvement Committees. At the time of writing the report there was limited benchmarking information available. However, having undertaken further research, City officers can advise that the Cities of Belmont, Canning, Perth, Stirling and Swan pay their Independent Presiding Member the maximum fee prescribed under the Salaries and Allowances Tribunal of \$1,215 per meeting. These are all Band 1 local governments like the City of Bayswater. The Cities of South Perth and Vincent and the Town of Victoria Park (Band 2 local governments) have also opted to pay the maximum amount to their Independent Presiding Members.

Not all local governments have a second independent member, other than a Deputy of the Presiding Member who only attends when the Presiding Member is unable to attend. The City of Canning has opted to pay the maximum fee, the City of Stirling has opted to pay 85% of the maximum fee, the City of Swan has opted to pay 75% of the maximum fee, and the City of Vincent has set a fee of \$600 per meeting.

Conclusion

The proposed meeting attendance fee for the Independent Presiding Member and the Independent Deputy of the Presiding Member is \$1,215 per meeting. Based on an estimate of 5 hours being required for each meeting, this is an hourly rate of \$243.

The proposed meeting attendance fee for the Independent Deputy Presiding Member is \$911.25 per meeting. Based on an estimate of four hours being required for each meeting, this is an hourly rate of \$228.

These hourly rates are not dissimilar to consultant rates for professional services of this nature.

Recommendation Implications

The Officer Recommendation remains the same.

Addendum - Item 10.1.3 - Transparency UpdateADDITIONAL INFORMATION

In addition to the review of confidential items from the 2025 calendar year, officers have revisited confidential items from the 2023 and 2024 calendar years to see if further information can be released from these items given the passage of time.

Seven items were identified for potential future release of information, and these are contained in a new attachment which is included with this addendum and will form new **Attachment 2** to the officer's report.

It is also recommended that Council approve the public release of the officer's report and Council resolution from item 9.1.1 Property Matter, Bedford, which was considered at the Special Council Meeting of 14 April 2026, as the matter has since been publicly announced by the Department of Education.

A further limb is also added to the officer's recommendation, requesting that for future transparency reviews, the Chief Executive Officer also looks at the reviews of prior years to assess whether any further information from confidential items can be released.

Recommendation Implications

The officer's recommendation is changed to:

That Council:

1. **Approves the release of information from confidential items from the:**
 - (a) **2025 calendar year in accordance with the officer's recommendations in Attachment 1.**
 - (b) **2023 and 2024 calendar years in accordance with the officer's recommendations in Attachment 2.**
2. **Approves the release of the Council resolution and officer's report for item 9.1.1, Property Matter – Bedford, which was considered at the Special Council Meeting of 14 April 2026.**
3. **Notes the update provided in this report regarding reforms to the confidentiality provisions in the *Local Government Act 1995*.**
4. **Requests that, for future transparency reviews, the Chief Executive Officer also looks at the reviews of prior years to assess whether any further information from confidential items can be released.**



Confidential Items determined by the Council in 2023 and 2024 – Consideration of release of information

Meeting	Item	Confidentiality Reason/s	Information currently available to the public	Officer's Recommendation at last transparency review	Officer's Recommendation for this transparency Review
Ordinary Council Meeting 31 January 2023	14.1.3 – Morley Sport and Recreation Centre Management Agreement Negotiations	A contract entered into, or which may be entered into, by the local government, and which relates to a matter to be discussed the meeting; Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting. A matter that if disclosed would reveal a trade secret, or information that has commercial value to a person or information about the business, professional, commercial or financial affairs of a person.	Nil.	Retain officer's report as confidential. Do not release Council's resolution now, however revisit whether Council's resolution can be released in December 2025.	As this matter has been finalised, the officer recommends releasing the Council's resolution. However, the officer's report should be kept confidential to protect legal privilege.
Ordinary Council Meeting 31 January 2023	14.1.5 – Construction of Slip Lane – Lot 1146, 60 Russell Street, cnr Walter Road West	A contract entered into, or which may be entered into, by the local government, and which relates to a matter to be discussed the meeting; Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting. A matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.	Nil.	Retain officer's report and Council's resolution as confidential.	This matter has not yet been completely finalised. It is recommended to keep the resolution and report confidential for now, however for Council to consider the release of the resolution at the next annual transparency review.
Ordinary Council Meeting 28 March 2023	14.1.1.2 – Update on Divestment of Mertome Gardens	A matter that if disclosed would reveal information about the business, professional, commercial or financial affairs of a person.	Nil.	Retain Council resolution and officer's report as confidential.	As this matter is still ongoing, the officer recommends retaining this item as confidential, and reviewing the option to release the information at the next annual transparency review.



Meeting	Item	Confidentiality Reason/s	Information currently available to the public	Officer's Recommendation at last transparency review	Officer's Recommendation for this transparency Review
Ordinary Council Meeting 28 March 2023	14.1.2 – Morley Sport and Recreation Centre Negotiations	A contract entered into or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting. Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting. A matter that if disclosed, would reveal a trade secret; or information that has a commercial value to a person; or information about the business, professional, commercial or financial affairs of a person.	Nil.	Retain officer's report as confidential. Do not release Council's resolution now, however revisit whether Council's resolution can be released in December 2025.	As this matter has been finalised, the officer recommends releasing the Council's resolution. However, the officer's report should be kept confidential to protect legal privilege.
Ordinary Council Meeting 27 August 2024	14.1.2 – Department of Education Request	A matter that if disclosed, would reveal information that has a commercial value to a person.	Nil.	Make officer's report and Council resolution available to the public when the action specified in the final limb of the Council resolution has occurred.	As this matter has now been made public by the Department of Education, the officer's report and Council resolution can now be made public.
Special Council Meeting 1 October 2024	14.1.2 – Eastern Metropolitan Regional Council	A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting. A matter that if disclosed, would reveal information that has a commercial value to a person; or information about the business, professional, commercial or financial affairs of a person.	Nil.	Officer's report and Council resolution to remain confidential.	As this report contains a lot of commercial information about other entities, it is recommended that it remain confidential.



Meeting	Item	Confidentiality Reason/s	Information currently available to the public	Officer's Recommendation at last transparency review	Officer's Recommendation for this transparency Review
Ordinary Council Meeting 19 November 2024	14.1.1 – Eastern Metropolitan Regional Council	The personal affairs of any person. A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting. Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.	Nil.	Officer's report and Council resolution to remain confidential.	As this report contains a lot of commercial information about other entities, it is recommended that it remain confidential.

Addendum - Item 14.1.1 - Notice Of Motion - Cr Elli Petersen-Pik - Morley Property Matter

ADDITIONAL INFORMATION

It has been identified that an incorrect confidentiality clause under legislation was selected for this report. The correct legislative reference for keeping this item confidential is outlined below:

This item is confidential in accordance with Section 5.23(4) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to:

(g) *Prescribed information;*

Regulation 4A(a) the price, or potential price, for the sale or purchase of property by the local government and any information relating to the price or potential price;

The minutes of the meeting will be updated to reflect the correct legislative reference.

Implications for the Motion

This correction has no effect on the Elected Member motion.