



Shire of  
Serpentine  
Jarrahdale

# **Annual General Meeting of Electors**

## **Minutes**

### **6.30pm**

### **Monday 5 February 2018**

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#### **Contact Us**

##### **Enquiries**

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##### **In Person**

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



[www.sjshire.wa.gov.au](http://www.sjshire.wa.gov.au)



**Minutes of the Annual General Meeting of Electors of the Shire of Serpentine Jarrahdale held on Monday 5 February 2018 in the Council Chambers, 6 Paterson Street, Mundijong commencing at 6.32pm.**

## **Minutes**

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

#### **In Attendance:**

**Councillors:** M Rich ..... Presiding Member  
D Atwell  
M Byas  
R Coales  
B Denholm  
D Gossage  
K McConkey  
S Piipponen  
J See

**Officers:** Mr K Donohoe ..... Chief Executive Officer  
Mr A Schonfeldt ..... Director Development Services  
Mr F Sullivan ..... Director Corporate Services  
Mr R Davy ..... Acting Director Infrastructure Services  
Ms H Sarcich ..... Deputy CEO / Director Community Services  
Mrs K Bartley ..... Manager Corporate Services  
Ms A Liersch ..... Agendas and Minutes Officer (Minute Taker)

**Apologies:** Nil

#### **Observers:**

Members of the Public – 46  
Members of the Press – Nil  
Shire Officers - 5

The Shire President declared the meeting open at 6.32pm and welcomed Councillors, staff and members of the public to the 2016 /2017 Annual General Meeting of Electors.

The Shire President acknowledged that the meeting was being held on the traditional lands of the Noongar People, and paid her respects to their Elders, both past and present.

The Shire President acknowledged Freeman Mr John Kirkpatrick, and Mr Athol Wigg, Justice of the Peace.

The Shire President introduced Councillors and each Councillor stood during the introduction.

The Shire President introduced the Executive Management Group.

The Shire President advised that the Business of the Meeting (Presenting and Receiving the 2016 /17 Annual Report) would start the proceeding of tonight's meeting, followed by General Business.

I or members of the Executive Management Group will try to answer questions tonight, but some may require research, and these questions will be taken on notice and a response provided by mail, and



included in the next Ordinary Council Meeting, or if that is not practicable, at the first Ordinary Council Meeting after that meeting, or at a Special Council Meeting called for that purpose, whichever happens first.

Electors and Ratepayers are requested to state their name and address when raising general business items, and to use the voting cards that have been made available to eligible Electors and Ratepayers, when voting on any motions to enable counting.

Councillors are also electors of the Shire of Serpentine Jarrahdale and may vote for or against, or abstain from any motion that may be put from the floor.

If an Elector or Ratepayer puts a motion before the meeting, the procedure will be the same as used at Council Meetings and the Standing Orders will apply. All motions put to the meeting will require a seconder before debate on the motion proceeds. If there is no seconder, the motion shall lapse and no debate will take place.

The mover of the motion will speak first, followed by the seconder, and then alternatively those wishing to speak against or for the motion. The mover will have the right to respond in summing up their arguments or responding to comments during the debate. No new material is to be introduced by the mover of a motion in their closing remarks. No person shall speak twice to a motion other than the mover and there shall be no further debate on a motion once the mover has concluded their remarks. The motion shall then go to a vote of eligible voters.

Any decision taken on any matter this evening is not binding on the Council but will be considered by Council at the next ordinary Council meeting, or if that is not practicable, at the first ordinary Council meeting after that meeting, or at a special meeting called for that purpose, whichever happens first.

Thank you for joining us for the 2017 Annual General Meeting of Electors.

## **2. Business of the Meeting**

### **Presenting and Receiving the 2016 / 17 Annual Report:**

#### **2.1 2016 / 17 Annual Financial Report**

Copies of the Annual Report containing the Financial Report are available this evening and have been available for inspection on Council's website, and at the Administration Centre and the Mundijong Public Library.

The Shire President asked for a mover and seconder to receive the 2016 / 2017 Annual Financial Report.

**AGME001/02/18 ELECTORS' DECISION**

**Moved Mr John Kirkpatrick, seconded Ms Margaret Cala**

**That the 2016 / 17 Annual Financial Report be received.**

**CARRIED BY SIMPLE MAJORITY**

#### **2.2 Auditor's Report**

The Chief Executive Officer, Mr Kenn Donohoe read the Auditors Report.

(Pages 55 to 56 of the Annual Report were read)

**INDEPENDENT AUDITOR'S REPORT TO THE ELECTORS OF THE SHIRE OF SERPENTINE-JARRAHDAL**

***Opinion on the Audit of the Financial Report***



We have audited the accompanying financial report of the Shire of Serpentine-Jarrahdale (the Shire), which comprises the statement of financial position as at 30 June 2017, statement of comprehensive income by nature or type, statement of comprehensive income by program, statement of changes in equity, statement of cash flows and the rate setting statement for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information and the statement by Chief Executive Officer .

In our opinion, the financial report of the Shire of Serpentine-Jarrahdale is in accordance with the *Local Government Act 1995 ('as amended)* and the *Local Government (Financial Management) Regulations 1996 (as amended)*, including:

- a) giving a true and fair view of the Shire's financial position as at 30 June 2017 and of its financial performance and its cash flows for the year ended on that date; and
- b) complying with Australian Accounting Standards (including Australian Accounting Interpretations).

***Basis for Opinion***

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Shire in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the "Code") that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

***Report on Other Legal and Regulatory Requirements***

During the course of the audit we became aware of the following instance where the Shire did not comply with the *Local Government Act (as amended) 1995*:

**Annual Financial Report**

The Annual Financial Report for the year ended 30 June 2016 was not sent to the Department of Local Government and Communities (DLGC) within 30 days of receiving the audit report as required by *Local Government (Financial Management) Regulation 51(2)*.

In accordance with the *Local Government (Audit) Regulations 1996*, we also report that:

- a) There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire.
- b) Except as detailed above, no other matters indicating non-compliance with Part 6 of the *Local Government Act 1995 (as amended)*, the *Local Government (Financial Management) Regulations 1996 (as amended)* or applicable financial controls of any other written law were noted during the course of our audit.
- c) In relation to the Supplementary Ratio Information presented at page 57 of this report, we have reviewed the calculations as presented and nothing has come to our attention to suggest it is not supported by:
  - i) verifiable information; and
  - ii) reasonable assumptions.
- d) All necessary information and explanations were obtained by us.



- e) All audit procedures were satisfactorily completed in conducting our audit.

***Other Information***

Management is responsible for the other information on. The other information comprises the information included in the Shire's annual report for the year ended 30 June 2017 but does not include the financial report and our auditor's report thereon.

Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon.

***Responsibilities of Management and Council for the Financial Report***

Management is responsible for the preparation of this financial report that gives a true and fair view in accordance with Australian Accounting Standards, *the Local Government Act 1995* (as amended) and the *Local Government (Financial Management) Regulations 1996* (as amended) and for such internal control as management determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, management is responsible for assessing the Shire's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

The Council is responsible for overseeing the Shire's financial reporting process.

***Auditor's Responsibilities for the Audit of the Financial Report***

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: [http://www.auasb.gov.au/auditors\\_files/ar3.pdf](http://www.auasb.gov.au/auditors_files/ar3.pdf).

This description forms part of our auditor's report.

The Shire President asked for a mover and seconder to receive the Auditor's Report on the 2016 / 2017 Annual Financial Report.

**AGME002/02/18 ELECTORS' DECISION**

**Moved Ms Lisa Brazier, seconded Mr Tom Dyer**

**That the Auditor's Report on the 2016 / 17 Annual Financial Report be received.**

**CARRIED BY SIMPLE MAJORITY**



### **2.3 2016 / 17 Annual Report (Remaining Parts)**

Shire President, Cr Michelle Rich read the 2016/17 Shire President's Message by Cr John Erren.

(Page 6 of the Annual Report were read)

Serpentine Jarrahdale has earned the title of the fastest growing local government area in Australia. Statistics clearly show what our long-term residents already know; that we have the benefits of an extremely liveable community. Our access to spectacular natural spaces adjacent to rich farming land is second to none and, combined with the developing commercial and residential districts in Byford and Mundijong, provide a diverse environment for thriving families.

In 2017, we appointed Mr Kenn Donohoe as the Shire's Chief Executive Officer. Combined with new leaders within the organisation, the Shire has undergone a considerable amount of change.

A heavy focus was placed on community engagement, with our SJ 2050 and SJ Real Choices programs helping us to understand what the needs of our community are now, and what they will likely be in the future. This led to the adoption of the new Strategic Community Plan, and the Shire's Corporate Business Plan which will give the organisation the road map it needs to begin delivering a range of exciting projects and programs. We have also continued to hold our regular Community Leaders Forums, which gives local stakeholders the opportunity to engage with Council on issues that are affecting Serpentine Jarrahdale.

We have worked hard to strengthen our presence as a key player within the Peel region by proactively seeking grant funding, tourism, and investment opportunities. I have been a strong participant and share the SJ vision at meetings of the Peel Development Commission, WALGA Peel Zone, Peel Harvey Catchment Council, and Peel Regional Leaders Forum.

There are still significant challenges for us to overcome. Council continues to lobby for the extension of Tonkin Highway to Mundijong Road, and the realignment of the freight railway away from the Mundijong town centre. Improving and enhancing our community facilities, roads, and infrastructure will require support and resilience. Facilitating the development of educational opportunities and employment for our residents will be key to providing them with the lifestyle they enjoy.

As we move into a new financial year, our sights will turn towards smart planning for the years to come. Priority projects such as the development of the West Mundijong Industrial Area, Cardup Business Park, and tourism opportunities in Jarrahdale will have a huge bearing on our forward financial sustainability. The Shire will seek community input in relation to development strategies for our localities, which will help Council set the direction for our future capital works programs, and delivering the infrastructure our residents need.

It's our hope that people will continue to see Serpentine Jarrahdale as one of the most desirable places to live well into the future.





**AGME003/02/18 ELECTORS' DECISION**

**Moved Mr John Kirkpatrick, seconded Ms Mary Plant**

**That the remaining parts of the 2016 / 17 Annual Report be received.**

**CARRIED BY SIMPLE MAJORITY**

**3. General Business:**

**Public question time of which prior notice has been given commenced at 6.51pm.**

**3.1 Questions of which prior notice has been given**

**Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122**

When the Byford and Districts Community Bank was initiated, the Serpentine - Jarrahdale Shire Council invested \$10,000, or it may have been \$20,000 towards attracting the bank to the District. This was not a deposit but an investment and Shares in the Bank were issued.

Question 1

Is that money still invested in the bank and if not, when did the Council decide to sell this asset?

*Response*

*The Chief Executive Officer responded that, yes, the Shire of Serpentine Jarrahdale does hold 10,000 shares in the Byford and Districts Community Bank.*

Question 2

If the Council still own the shares, when did they decide whether to vote in the election of board members at the annual AGM in November 2017?

*Response*

*The Chief Executive Officer responded that Council does not have a Policy for voting at the AGM nor was any decision made to vote for that year.*

Question 3

If the Council still owns the shares, when did the Council make the decision whether to nominate someone for the Board or not?

*Response*

*The Chief Executive Officer responded that no decision had been made by Council regarding nominations to the Board of Byford and Districts Community Bank.*

There have been several occasions since the last Council elections in October 2017 when a newly elected member has spoken and voted against a motion. This is their right. They have after the meeting "Bagged" the Council decision and spoken in public against the majority decision stating how stupid it was.

Question 4

Is it against the Local Government Act 1995 to behave in this manner which would appear to be trying to bring the Council into disrepute?

*Response*

*The Chief Executive Officer responded that there are standards of behaviour under both the Local Government Act and the Shire's Code of Conduct to which elected members are expected to conform.*



Question 5

As Councillor Gossage has declined a position in the emergency management team at the Shire of Serpentine- Jarrahdale, but has a paid private consultancy position at the City of Kwinana and the Shire of Waroona, how much ratepayer money in total was spent sending Councillor Gossage to the Gold Coast for an emergency management conference seeing as he doesn't contribute to the Shire in emergency management.

Response

*The Chief Executive Officer responded that the total cost was \$2,290. The conference cost was \$795.00, the accommodation was \$837.00 and flights were \$658.00*

**Mrs Margaret Cala, President, Serpentine Jarrahdale Ratepayers and Residents Association, 49 Phillips Road, Karrakup WA 6122**

Statement

Following feedback from a number of long-term residents within the Shire, I would like to pass on congratulations to the Shire Planning and Environmental Officers. It has been reported to me that advice & assistance are being delivered in a prompt and helpful manner, and that this is greatly appreciated.

On one specific occasion, the resident owner of farmland wished to clear regrowth vegetation, but was concerned that this may not be allowed. However, discussions with Shire Officers have resulted in a timely resolution of his problem and he is now able to proceed with confidence.

I am aware that the pressure of rapid development has placed unprecedented loads on this Shire, but it is gratifying to hear that lengthy delays and failure to respond are not the order of the day.

I also note that our Shire President has been identified following the recent Mayor's Vision 2018 from a number of Local Government leaders as reported in the Examiner Newspaper; as the only one to include a statement that among the Shires community priorities of business development, employment, transport, facilities and other goals, that these would not be at the expense of our Shire's environmental values. I commend our Councillors and Officers for their vision, as it is our unique environment which has attracted so many of today's residents to the Shire of Serpentine Jarrahdale.

**Mrs Sandra Hawkins, address supplied but withheld by request**

Statement

I am requesting some further information as to the progress of the facilitation to the Aged Care problem. As I have not heard of any further progress on this subject I am wondering if the project you were charged with has simply died a natural death when I was no longer on Council to ensure it being driven.

After your supposed enthusiasm discussed with me on the interest that four health care providers were interested in coming to the Shire of Serpentine Jarrahdale I am certainly curious to see where this has gone to.

If the Shire is not going to do anything further about it and is waiting to form yet another policy which it does not need to get this underway, then it would appear that once again people power has to take up what should be the Shires responsibility.

This Shire can no longer bury its head in the sand and continue to encourage people to come to live here. Although I know that it does encourage the business community to build here to improve the employment situation.





We all know that the entire country is an aging population but what is no longer a fact is that to provide for the aged care units is not profitable then think again. I can quote personal experience of that situation however that is not the focus of my argument.

All I ask on behalf of the residents living here now is for this Shire Council to actively get out there and make something happen now. So that the children do not have to send their parents so far away from their homes out of their comfort zone in order for them to receive care.

Question 1

How far has the Shire gone with the progress of the facilitation to bringing the health care providers to the Shire of Serpentine Jarrahdale?

Question 2

If no further WHY NOT please?

Question 3

If it has, then would you inform the ratepayers how far please.

*Response*

*The Chief Executive Officer responded that the Shire continues to engage with both institutional and private healthcare providers to alert them to the growing need for aged care facilities in Serpentine Jarrahdale.*

*We advocate strongly and continually with Senior Executives of specialist aged care organisations to educate them about the potential and need for new facilities in this Shire.*

*We are working with aged care organisations to help them identify suitable sites for development.*

*We strongly advocate that local people want and need to retire locally as part of our pitch to attract these organisations.*

*We can only identify, facilitate and encourage aged care organisations to relocate to Serpentine Jarrahdale, which we are doing constantly.*

*Despite these efforts, there are no concrete plans for a provider to invest in the Shire at this time.*

**Ms Nancy Scade, on behalf of Mr Roger Harrington, 4 Holmes Road, Oakford WA 6121**

**Buffer Zones**

My Statement/Question relates to buffers zones and how the Shire assesses the effects of these buffers on the adjacent properties.

Many large scale developments require a buffer zone surrounding the development in which there maybe restrictions for any future development. These developments maybe worth millions of dollars and remain operational for 10's of years. In many cases the buffer zones around the development are of 100's of metres extending well into adjacent private land.

Generally the adjacent landowner has little say in this matter – particularly if the land is vacant. The developer ends up using the neighbouring properties as a buffer - free of charge - and the landowner ends up wearing the costs of a relocated building envelopes, devalued land values, restricted land use.



From what I have experienced in the past, when the Shire assess such developments, they generally assess the effects only on existing dwellings and developments surrounding the new development.

The State Industrial Policy SPP4.1 addresses these issues, 2 key points in this policy are:

- All buffers zones must be located within the Applicant property.
- If buffer zones are “off-site” and extend into adjacent private land, there is appropriate compensation to the land owner.

Shire needs a more rigorous assessment criteria when assessing developments that require buffer zones, the following should be considered with respect to adjacent land in the buffer zone :-

- Consider the potential of future development – ie sub-division, dwellings
- On vacant land assume there is a dwelling,
- Not assume that the existing land use will remain the same in the future.
- Not assume that any vacant land will remain vacant for the duration of the adjacent development.
- Take into consideration other buffer zones that may extend into the affected properties.
- More detailed assessment of the effects on the adjacent properties on the downwind side of the dominate prevailing winds.
- Buffers zones should also extend along access driveways and minor public roads to the nearest gazetted heavy vehicle or major road.
- There is appropriate compensation to the adjacent landowners.

#### Question 1

Will the Shire adopt the SPP4.1 policy or a modified version of it taking into consideration the above points? Roger Harrington has a chicken farm on Harrington Road, and the buffer zone has devalued his property.

#### Response

*The Director Development Services responded that the Shire will apply State Industrial Policy (SPP4.1) as adopted by the Commission unless there is a real and specific reason why to vary it. Local government generally has to follow State Planning Policy unless there is a Local Planning Policy that has been adopted by both the Council and the Commission that allows it to be varied to the State Planning Policy. It however also has to be remembered that policy is not a law and therefore exceptions can be made with good planning rationale.*

#### Question 2

What happens if the property has several buffers? When does it stop?

#### Response

*The Director Development Services responded that neighbours are notified when a planning application is received that may require a buffer that could impact on the neighbouring property. Community members then have the opportunity to comment on the application. Planning Officers will also take advice from the Department of Water and Environmental Regulation and other Departments as relevant with regards to the potential impacts on the neighbouring properties and associated buffers.*

*It is possible that there could be multiple Buffers over one property due to a number of industries or land uses within the vicinity requiring separation distances to sensitive land uses.*



*The Shire's Proposed Draft Local Planning Scheme No. 3 shows where such separation distances should apply, based on the Environmental Protection Agency's Guidance Statement No. 3: Separation Distances between Industrial and Sensitive Land Uses. These separation distances are included into the new draft Scheme as a Special Control Area that provides for Buffer. It includes especially around Poultry Farms and Extractive Industries.*

*The Special Control Area then alerts people that if new dwellings are proposed to be built what the requirements would be to mitigate the potential impacts. It is complex and Council will work with the residents.*

**Ms Mary Plant, Cardup, WA, 6123**

**Statement**

I would like to commend the Council / Councillors for reversing the decision to accept a pay rise last year, as voted by the then sitting councillors.

In this hazardous financial climate where most of us find ourselves at this time, it is refreshing to find Councillors who are in the business of fair play for all the community, not just for their own benefit or the benefit of developers and big business. I would like to pass on to the next generation a more sustainable environment in which to bring up their families.

To the current Councillors, keep up the good work.

**Mr Thomas Dyer, 254 Soldiers Road, Cardup WA 6123**

**Question 1**

Have The Cardup Brick Works installed a scrubber as we believe this was a condition of their reopening and operating of the kiln?

**Response**

*The Director Development Services responded that it is the Shires understanding that Austral commenced commissioning the Kiln and scrubber on 9 January 2017.*

*The Shire is also of the understanding that Austral made application for a License from the DWER on 9 January and at the end of the Works Approval period DWER will determine the license and conditions for the ongoing operation of the kiln and the monitoring of the scrubber.*

*It is further understood, that Austral has requested and been given an extension to their Works Approval and commissioning period by the DWER until 31 March 2018. They are still in the setup phase.*

*The Shire has no authority over the DWER's Works Approval and the Operating License conditions or the monitoring of emissions.*

**Question 2**

Have the Shire monitored the exhaust emissions from the Cardup Brick Works? If so what toxic fumes were in the chimney stack emissions before and after the scrubber?

**Response**

*The Director Development Services responded that the monitoring of the exhaust emissions is the responsibility of the Licensing Authority, the State Department Water and Environmental Regulation (DWER).*



Question 3

Will the Shire consider having installed, dust, noise and toxic fume emissions monitoring at proponents expense where applicable? Other Shires have monitoring at the proponents expense. Rockingham Council is one of those Councils.

*Response*

*The Director Development Services responded that the DWER is responsible for monitoring of emissions as the Licensing Authority and the State department responsible for considering emissions.*

Question 4

Does the Council get a report on these emissions from the Department?

*Response*

*Director Development Services advised that this Question would be taken on Notice.*

Statement

We are objecting to the manufacture of polyethylene product to be manufactured in this business Park. All Councils that we have contacted, the use of any plastic manufacturing is in their Heavy Industrial area. Some Councils do not have Light, Heavy Industrial areas.

The testing of these manufacturing plants emissions on animals has produced chronic fibrosis and eventual death. No testing has been done on humans.

On autopsies, it has been shown to enter the blood stream via the lungs then attacking other organs e.g. liver and brain. Even the safest of these products (food grade) when heated emit chemicals that imitate estrogen causing health problems in human foetus.

In the 1970-1980 period, a Mr. Rob Griffiths started up a Goat Dairy where Wormalls are today. When the milk was tested it came back with a reading containing fluorine, which was unsuitable for human consumption and he had to close his doors.

The reason we are telling you this is because the fluorine that was in the vegetation came from the Cardup Brick Works which was emitted from the burning of the clay bricks,  $\frac{3}{4}$  to 1 kilometre away. Also, the Naim Family and Peter Nairn could not put any of his dairy cows on any property from south west highway back to the brickworks because of the same reason.

We feel that any emissions that would come from Wormalls would not stop 500 metres from the manufacturing with the easterlies. It would be carried at least 1 kilometre like the Fluorine in the goat's milk. A 300 - 500 buffer zone is ridiculous in this area.

Some Councils have regulated 300 - 500 metres buffer zone double that if they have strong winds or easterlies.

What sort of duty of care does the SJSC have in place for the-ratepayers of the area for this kind of business and with the amount of raw or finished products that would have to be stored? In case of a fire, the dangerous emissions fall outs, could be catastrophic to the detriment of the public in the fall out zone.

The continuous drone from the noise of fans would be very annoying, as the easterly winds enhances the noise, and on a still night we can hear conversations or hear a pin drop. We get the drone from the brickworks at these times that is about a kilometre away from where we are.

The longer Wormalls are where they are, the traffic danger will increase as more trucks come into the area.

We have already been pushed off the road, especially when prime movers with two trailers turn into Cardup Siding Road from the south on South Western Highway. There is a big drop on the north of Cardup Siding Road which makes it very dangerous.



On another issue, at a meeting held at the Byford Hall regarding plastics manufacturing concerns, where all the Councillors were invited, only the President and newly elected Councillors turned up. There were at least 100 concerned people that attended. Owing to the fact, the Scarp residents only had one Councillor there for their concerns, where were the other three representing their people?

At that meeting, the Councillors were told to listen, look and say nothing. The only disappointment to the entire meeting was at the end of the evening I overheard one of the Councillors belittling the new Councillors to a group of people and the way Council was being run, showing insubordination, and preferring the way the old Council was run.

I would like to remind this Councillor that at the last election the people of this Shire made a broad statement to the Shire as to how happy they were with the previous Councillors. I would therefore urge this Councillor to try and work with other Councillors rather than cause friction.

We need Councillors who represent and listen to the people's concerns and work for the benefit of their electorate and not their personal ambitions. With the limited time the new Councillors have been in office, we have found them to be very approachable and listening to concerns and problems that we have.

In general with the newly formed Council it looks like ratepayers and residents are going to have a good representation to problems and concerns. When Councillors have to vote for something regarding issues they have a good understanding what ratepayers want and vote accordingly within their limitations. We have now gained more confidence in the new formed Councillors way of handling matters.

In my own personal view and as member of the Rate Payers Association, I would like to congratulate the existing Councillors on their efforts and community consultation getting a fair and unbiased outcome.

I would also like to add, that in the short time that Mr Kenn Donohoe and other staff have been in their positions, that inroads are being made into changes.

**Ms Nicole Metcalf, 119 Tuart Road, Oakford 6121**

**Question 1**

The majority of people living on Tuart Road live within a 'Buffer Zone' of some kind. Why does the Shire feel that it is acceptable to use Residents' Properties as part of a Buffer Zone?

**Response**

*The Director Development Services responded that the draft Local Planning Scheme No.3 identifies all existing industries on the Shire's register, which have the potential to have offsite impacts, within Special Control Area 6 – Buffers. The intent of the buffer is to make current and future property owners aware of the appropriate separation distance to those industries as determined in accordance with the Environmental Protection Authority's Guidance for the Assessment of Environmental Factors Separation Distances between Industrial and Sensitive Land Uses. EPA has a guidance document on these Buffer Zones. These Buffer zones would have been considered at the time the original development application for the relevant industry was approved.*

**Question 2**

The poultry farm and market garden at the southern end of Tuart Road are no longer in existence. Why are these "businesses" being used as "Buffer Zones" and how are the Buffer Zones for these obsolete businesses removed?

**Response**





*The Director Development Services responded that the draft Local Planning Scheme No.3 is in draft form and will be advertised to the public following the consent of the Environmental Protection Authority and the Western Australian Planning Commission. During the formal advertising period, residents have the opportunity to make a submission on all aspects to the scheme. During this process, the current operations and approvals for specific industries can be investigated further to determine the suitability of the industry being included within Special Control Area 6 – Buffers. If the two industries (Market Garden and Poultry Farm) has discontinued and their respective property rights no longer allow for these operations, then the buffers may be removed. However this would need further consideration. Once advertising occurs members of the public are able to make submission on the Draft Scheme and Strategy during which period these types of issues could be raised for further consideration.*

### Question 3

With the urban sprawl on Anketell and Treeby Roads, what are the future plans for Tuart Road, Oakford?

#### *Response*

*The Director Development Services responded that in the Shire's Draft Local Planning Strategy and Scheme 3 the area is identified for Rural Enterprise. If this zoning is supported by the Western Australian Planning Commission and ultimately incorporated into the Scheme the area would be able to provide for the following:*

- To provide for light industrial and ancillary residential development on one lot.*
- To provide for lot sizes in the range of 2 ha to 4 ha.*
- To carefully design rural enterprise estates to provide a reasonable standard of amenity without limiting light industrial and intensive agricultural land uses.*
- To notify prospective purchasers of potential amenity impacts from light industrial land uses.*
- To ensure light industrial land uses do not adversely affect soils.*

### **Ms Lisa Brazier, (address supplied but withheld by request), representing Wellstrand Pty Ltd.**

#### Question 1

Late last year Councillor Piipponen posted on a community Facebook pages that Tonkin Hwy and other vital projects would not go ahead. Such statements from the longest serving Councillor are damaging to the business community - especially when funding is being sort to secure developments. Being a major land owner in the Mundijong Light Industrial area - we were of the understanding that the Shire is working with all levels of government to secure the Tonkin Hwy build. Could you please confirm the Shire's position on Tonkin Hwy?

Councillor Piipponen requested through the Chair to be able to respond.

Councillor Piipponen requested a copy of the Facebook post.

Ms Brazier advised that she would provide a copy of the Facebook post to the Chair.

#### *Response*

*The Director Development Services responded that Tonkin Highway is considered to be Council's highest major infrastructure priority. The Tonkin highway extension to Southwestern highway will address five of the most significant "Blackspot" intersections in the Shire.*





*Providing a freight highway that runs from the Southwest to Northeast Western Australia, that does not pass through existing urban centres, away from the current urban and rural distributor roads, will not only provide an economic boost but a significant increase in safety as discussed above.*

*The Minister for Planning, Transport and Lands has recently approved the Scheme amendment for the West Mundijong Industrial Area, which is expected to be gazetted shortly, within the next couple of weeks, hopefully. This will link to northeast and southwest WA via the Tonkin highway. The Tonkin highway is therefore fundamental to the economic development of this major job creation hub.*

**Question 2**

Does Council have a policy on what Councillors may publish as far as their political views and Council matters in the public arena? Most recently being a post on Facebook again from Councillor Piipponen in regards to the Shire getting a world class racetrack, yet this is listed on the Shire's website as open for public comment. Do Councillors know something that we don't and are these opportunities for public comments simply lip service to the rate payers with decisions have already been made?

**Response**

*The Chief Executive Officer responded that the Code of Conduct serves to guide staff and elected members on the appropriate use of Social Media.*

*The application is being assessed by Shire Officers and is available for public comment as part of the statutory planning process. The application and Officer recommendation has not yet been considered by Council. The information available to the public as part of the consultation process is the same information currently available to Councillors. All comments received as submissions that form part of the formal process will be considered in detail as part of the final consideration of the application in accordance with the relevant regulations and scheme requirements to do so. Therefore these comments do have an important role as part of a number of considerations which are to be taken into account when considering the final decision.*

**Question 3**

Is there any process in your Code of Conduct for Ratepayers to make complaints about Councillors making comment?

**Response**

*The Chief Executive Officer, Mr Donohoe advised that the complaints would come to the Chief Executive Officer, who would investigate the matter and refer the complaint, if appropriate, to the relevant Department if necessary.*

**Mr Alan and Mrs Susan Dyer, 10 Daisy Road, Cardup WA 6123**

All questions relate to the Cardup Business Park Smart stream submission by Wormall

**Question 1**

Wormall stated in the Serpentine Valley Crier (Edition 29 February 2018 – retrieved 04/02/2018), which are a Platinum Sponsor “we find it hard to understand the motives of people who have moved to the Cardup area since planning begun on the Cardup Business Park as far back as 2002 and now object to it. Surely due diligence before purchase of properties near to the Business Park would have deterred them from going ahead with their purchase if they objected to the park knowing “what was being planned and later approved”.



Does this imply that Wormalt had done its due diligence back in 2002 and already been endorsed and had pre approval for this factory at this location from previous councillors and officers of this Shire, and that everyone would have then been aware of this intention?

*Response:*

*The Director Development Services responded that the Shire cannot comment on behalf of Wormalt in relation to their due diligence undertaken in 2002. The application is currently being assessed and no decision has been made.*

Question 2

No mention has been made by Wormalt regarding that it will become the single most dominant noise polluter. I have lived along Alice Road behind houses on Soldiers Road for over 30 years and can often hear vehicles, including cars driving along the South West Highway over 600 metres away even now. When Colli and Son used the big saws at the mill off Norman Road (in this same business park) they could be heard but were not overly intrusive at this distance of over 1.2km away.

Has the Shire considered what this noise impact will mean not only on local residents that already exist here but also what types of new businesses that will be encouraged to build alongside this location and future subdivisions?

*Response:*

*The Director Development Services responded that this application is currently being assessed and will be considered as part of the formal application process. Noise issues will be considered as part of the assessment and decision making process.*

Question 3a

Is the Shire aware that if Wormalt changes the stated product that is used in manufacture it may release much higher levels of VOC's without anyone being aware. For example if the product changes to Chevron Phillips "Rotational Moulding Polyethylene Pellets" which although the product is "presumed non-toxic" in pellet form, its datasheet states it does emit high levels of carcinogenic and other toxic VOC's during "Thermal processing", which would be moulding.

*Response*

*The Director Development Services responded that this application is currently being assessed and will be considered as part of the formal application process.*

Question Q3b

Has the Shire received a copy of the NATA VOC lab report commissioned by Wormalt in April 2016, nearly 2 years ago and NOT included in their submission? This report would validate Wormalt's statement of low emissions and the stated MSDS.

*Response:*

*Director Development Services advised that this Question would be taken on Notice.*

**Public question time of which prior notice has been given concluded at 7.34pm.**

**3.2 Questions received from the floor**

**Mr Maxwell Erskine, 12 Waterside Pass, Byford WA 6122**

Question 1

What processes were investigated in determining that placing 6 speed cushions on Old Brickworks Road was a good idea when many cities are having them removed?

*Response*

*The Acting Director Infrastructure advised that the Shire received a number of complaints in 2017 in Old Brickworks Road and investigated appropriate devices. The assessment at the time indicated that, in general, speeds were in excess of the speed limit and higher than*



*considered safe or desirable. Research undertaken by Main Roads WA has investigated the impact of speed cushions, showing that these devices do reduce 85<sup>th</sup> percentile speeds by between 12.5 – 15.5 kilometres per hour.*

*The effectiveness of the speed cushions will be reassessed after a few weeks, and a determination made as to whether they are achieving their desired effect. The Shire will canvas the views of residents as part of that process.*

Statement

I have spoken to several residents and they are not particularly happy with it, and everyone has to suffer for it. I have provided the facts in an email to the Shire of solutions used in the UK and USA that have been quite effective.

**Mr Warren Robinson, 52 Lawrence Way, Byford WA 6122**

Thank you for responding to my question from the last Council Meeting on the 18 December 2017 and your response that the Shire will not be pursuing the \$6800.00 that it cost the Ratepayers for a course that Barry Urban did not complete.

What would you do if the Shire was your own business? Please revisit this issue.

My question to you Madam President. Are you protecting Barry Urban because he employs your daughter? Madam President, do you think that there is a conflict of interest with your daughter working for Barry Urban?

Response

*The Shire President responded that she is not protecting Mr Barry Urban, and he is being investigated through the Parliamentary process.*

*The Shire President responded that she does not have a conflict of interest with her daughters employment and Mr Urban, as her daughter is employed through the Department of Premier and Cabinet.*

**Ms Margaret Ward, 142 Warrington Road, Byford WA 6122**

I would like to ask a question concerning the forthcoming closure of Abernethy Road between Soldiers Road and George Street

Question 1

Why was this work not undertaken during school holidays which would have caused the least disruption to this area? Three schools in close proximity to this area.

Question 2

How long will this work take and will it be carried out on a 24 hour basis thus reducing the time this area will be affected?

Response

*The Acting Director Infrastructure advised that the timing of the work involving the closure of Abernethy Road was dependent on the approval process with the Public Transport Authority for works on and near the railway. Obtaining the necessary approvals is taking a lot longer than was anticipated.*

*Originally it had been the intention of the Shire for the works to be well underway by now. There have also been difficulties in getting approval from PTA for works by other Utilities such as Telstra, Western Power and Atco Gas for works which need to be done before work can begin on the creek crossing. For example, Telstra first lodged application an application for their works in October 2017, and still do not have clarification from the*



*PTA. The Shire did not want to delay the works any longer than necessary with winter coming and the risk that the creek crossing works would be affected by wet weather.*

*The Shire is seeking guidance from the PTA regarding the likely timing for approval to the Rail Safety Management Plan which will enable the works to start. It was reported in error that the work would begin on 1<sup>st</sup> March, for which the Shire apologises. Details of actual closure dates will be publicly advertised as soon as the necessary information is available and in the meantime the Shire is working closely with the affected Schools and local businesses.*

Mrs Ward requested that a traffic management plan be in place.

**Question 3**

When will the needs of Seniors in the Shire of SJ be met? In the 2011 Census, 18% of the population were over 55. In the 2016 Census, 19% of the population were over 55. With the anticipated rise in population over the coming years, Seniors needs must be met.

- Dedicated Seniors Centre.
- Independent Residential Living with provision for higher care when required.
- Without Seniors, where will the Volunteers come from.

**Response**

*The Chief Executive Officer responded that Council is looking to develop a Senior Strategy. An organisational restructure has recently occurred in Council, and Council has appointed Ms Helen Sarcich, as Deputy CEO / Director Community Services. Council is in the formative stages of addressing this issue.*

Mrs Ward stated that it would just be nice if we had a dedicated room as we have nothing now.

**Ms Gwen Moore, 127 Tuart Road, Oakford WA 6121**

**Question 1**

How can the Shire consider approving Light Industrial Development in Tuart Road when it is over the Jandakot Water Mound and adjacent to the Jandakot Regional Park?

**Response**

*The Director Development Services responded that the proposed zoning and designation in the draft Local Planning Strategy and Scheme 3 are based on the existing land uses within the area. The Scheme aims to formalise these landuses and provisions in regard to how these should be assessed and determined. The intent of the scheme is therefore to ensure appropriate regulations are put in place to ensure the impacts are managed for both the Jandakot water mound and the conservation area. The new provisions will also consider impacts on the amenity.*



Question 2

Would you consider the development of a Sand Mine as Light Industrial?

*Response*

*The Director Development Services responded that sand mining is considered to be an extractive industry, referring to proposal on Thomas Road. The Application as far as the Director is aware, is on hold at the moment.*

Ms Moore stated that the Water Commission was aghast at the sand mine application.

*Response*

*The Director Development Services advised that when a Planning Application is received, it must be considered based on current Planning Framework including the Scheme, regulations, Policies and other Guiding documents. Council cannot make a decision on how they want the planning framework to be, but rather must make its decision based on what the existing frameworks state.*

*It is also important to note that neither Officers nor Council has control over applications made by applicants. Anyone has the right to apply for anything and the Shire is obliged to deal with the application against the planning framework.*

Question 3

Why was the sandmine allowed to begin?

*Response*

*The Director Development Services advised that the sandmine did not receive approval to begin.*

**Mr Thomas Dyer, 254 Soldiers Road, Cardup WA 6123**

Statement

I would like it noted that I have a lot of faith in Mr Urban and that there should be support for Mr Urban. He has had to move his children from the school. How far do you want to go with this attack, do you want to drive him into the grave? He had done a lot for this community.

**Ms Karina Salzmänn Baker, 11 Daisy Road, Cardup WA 6123**

Question 1

Where is the updated Dust Management Plan from the retrospective Concrete Moulding for the Wormalls site, from the 2017 September OCM?

Question 2

Has Compliance been to the site to assess how and if it is being managed? And when can the Community view it?

Question 3

Will more recommendations be placed on the Dust Management Plan if it does not comply as the fine white grey dust is having a huge impact on many of us?

*Response*

*Director Development Services requested through the Chair, that these questions be taken on notice, and that he would follow up the matter with the Compliance Officer.*



**Mrs Lee Bond, PO Box 44, Armadale WA 6112**

Mrs Bond asked three questions to individual Councillors.

**The Shire President requested that Mrs Bond direct her questions through the Chair, and not to individual Councillors.**

Mrs Bond asked a further question to an individual Councillor.

**The Shire President ruled the questions out of order as they are of a personal matter.**

**Question 5**

Can those Councillors give me a reason why they voted to stop democracy and not allow questions and statements from the Gallery without being vetted by the President and in writing before the Council Meeting?

*Response*

*The Shire President responded that questions received in advance are not vetted.*

**Question 6**

Can we the Ratepayers have a list of Councillors on paid Committees and what those Committees are and how much each Councillor gets paid per annum per Committee?

*Response*

*The Chief Executive Officer responded that these figures are available through the Budget process and that this information would be provided to Mrs Bond.*

**Statement**

I asked two questions at Meeting of 23 October 2017 of Councillors Byas, McConkey, Coales and Denholm. Councillor Denholm did not respond.

1. Will each Councillor explain to the Ratepayers in 25 words or less why we should believe that this Council will be different to the last Council?

Morgan Byas response: this Council has a President, a new Deputy and a new group of Councillors who bring a diverse set of skills and experience.

Kiera McConkey response: I'm committed to representing the ratepayers, communicating clearly and transparently with them to ensure their voices are heard and their feedback sought.

Rob Coales response: With new Councillors comes new experiences and new talent. This new Council has a good balance and diverse people all motivated to better suit the Shire.

2. Will each Councillor explain in writing in less than ten words how they will bring transparency, honesty and integrity to the ratepayer?

Morgan Byas response: I support the implementation of an accountability and governance portal.

Keira McConkey response: Advocate for a public gifts register and live streamed Council Meetings.

Rob Coales response: Advocate for questions without notice. Lead by example.

### **3.3 Any other business**

Only the Electors' decisions have been recorded in these minutes, not the debate and questions regarding the decisions.





This is in line with Council's usual practices at Ordinary and Special Council Meetings, and *Regulation 11, Local Government (Administration) Regulations 1996*.

**Mrs Lee Bond, PO Box 44, Armadale WA 6112**

Mrs Bond addressed the meeting and advised that she would like to move a motion relating to Free Speech on behalf of Mr Brian Williamson, 95 Pony Place, Oakford.

The justification being:

1. By having one person out of twenty odd thousand people in the Shire decide which questions and statement will be accepted or rejected is counter to the expectation and right to free speech.
2. The requirement to submit question in writing discriminates against
  - a) People with a language and literacy difficulties
  - b) New Australians that have yet to master written English
  - c) Elder residents that are unable to use email and are no longer mobile, although they be able to get a lift to meetings are unable to get their questions in prior.
  - d) There is too much distance for someone to be reasonably expected to drive their mobility aid let along pathways for them to safely drive on and deliver them themselves
  - e) People with a disability are affected in a in a similar way to how it does our senior citizens
  - f) People that are doing it tough, those that are finding it difficult enough to feed their family let alone pay unnecessarily for internet or fuel or postage.

**AGME004/02/18 ELECTORS' DECISION**

**Moved Mrs Lee Bond, Seconded Cr See**

**The people of Serpentine Jarrahdale move that the requirement for questions and statements be submitted prior to Council meetings be lifted allowing those that want to submit them can, and those that don't, have the option to just bring them to a meeting and ask them.**

**CARRIED BY SIMPLE MAJORITY**



**Mrs Lee Bond, PO Box 44, Armadale WA 6112**

Mrs Bond addressed the meeting and advised that she would like to move a motion relating to Policy Competitions on behalf of Mr Brian Williamson, 95 Pony Place, Oakford.

The justification being:

This would have the effect of:

1. Making sure that never again will council be brought into disrepute, by such situations where the former shire Presidents councillors wife wins an award sponsored by Council, especially while conducting said business without approval for part of the award period.
2. Discourage fraudulent entries
3. Discourage inappropriate use of ratepayers' money in sponsorships etc.
4. Contributes to good governance and transparency
5. Improve public confidence in their elected council and its president.

**AGME005/02/18 ELECTORS' DECISION**

**Moved Mrs Lee Bond, Seconded Mr Brian Williamson**

**That a policy be formulated that prohibits Councillors, Staff, Contractors consultants, supplies and their immediate families of the Shire of Serpentine Jarrahdale from entering any competition or award of any kind that is any way connected to the Shire whether it be by sponsorship, affiliation.**

**This does not apply to staff incentive programs that are not open to the public.**

**MOTION LOST**

**Mrs Lee Bond, PO Box 44, Armadale WA 6112**

Mrs Bond addressed the meeting and advised that she would like to move a motion relating to Delegated Authority on behalf of Mr Brian Williamson, 95 Pony Place, Oakford.

The justification being:

1. When our system of government was installed our forefathers knew that absolute power corrupts absolutely, they therefore put in place checks and balances to protect the people and ensure fairness.

This was done by giving the power to elected officials, people with no requirements to be lawyers, accountants or any other qualification other than be an elector. This ensured that the people have fair representation and not just be at the mercy of the legal fraternity or administrators.

2. The power exercised under delegated authority is Councils' not staffs; therefore Council has a responsibility to address any possible misuse of that power whether by error or ill intent.

This will ensure that decisions made are not just legal but fair and in the best interest of the community. Council is failing the community when they deny the ratepayer their right to address Council and receive a fair hearing.

3. It will give the aggrieved the opportunity to address their elected council and put their case to a group of people that are not there to look after the staff or the letter of the law or policies but to ensure fairness and that the people have their say.



4. Policies are just that. Policies and not law and although staff may be required to follow policy, the council is not, therefore council can make decisions against policy if it is deemed that it is fair and in the best interest of the community.
5. This saves the ratepayer and the Shire, staff, legal and consultancy costs associated with SAT or the courts that could have been resolved easily earlier. This will save our Shire money that can be spent on projects for the community instead of new yachts for lawyers and consultants.

It is understood that there will always be some things that will still need to go further.

**AGME006/02/18 ELECTORS' DECISION**

**Moved Mrs Lee Bond, Seconded Mr Brian Williamson**

**That a paragraph be inserted into all delegated authorities that states:**

**Should a resident or ratepayer feel aggrieved by a decision made under delegated authority that they have the right at no cost to insist that their grievance be referred to full council for a determination.**

**MOTION LOST**

**Mrs Lee Bond, PO Box 44, Armadale WA 6112**

Mrs Bond addressed the meeting and advised that she would like to move a motion relating to Recordings on behalf of Mr Brian Williamson, 95 Pony Place, Oakford.

The justification being:

This would ensure that all Councillors and Ratepayers have access to a true and accurate record of the events during a council and electors meeting that would be many times more accurate than the minutes.

This would have the effect of:

1. Encouraging good behaviour of the gallery.
2. Good behavior of the Presiding Member and Council.
3. Contributes to good governance and transparency.
4. Allow people that were unable to attend the meeting to bring themselves up to date on what happened at the meetings as minutes are never verbatim.
5. The people that submitted questions and/or statements to receive their answers the next day rather than having to wait for the minutes to come out should they be unable to attend the meetings.
6. As it is a public meeting there should be not issue with privacy laws, other than confidential items in which recording could be stopped or removed and the words confidential item inserted and the recording recommenced as the public returned to the gallery.
7. Leave no question as to what happened or was said at the council meetings.



**AGME007/02/18 ELECTORS' DECISION**

**Moved Mrs Lee Bond, Seconded Mr Brian Williamson**

**That video and audio recordings of each council and extraordinary council meetings as well as electors and extraordinary elections meetings be made available to the public by the end of the day after said meetings at no cost on the shires web site (ideally live stream).**

**MOTION LOST**

**4. Close:**

The Shire President asked if there were any further questions or statements.

There being no further business, the Presiding Member closed the meeting at 9.07pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on the 26 February 2018.

.....  
Presiding Member

The Shire President invited everyone to stay for light refreshments.