



Shire of  
Serpentine  
Jarrahdale

**Minutes  
Annual Meeting of Electors**

**Monday, 18 January 2016  
7.00pm**

Minutes of the Annual Meeting of Electors held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 18 January 2016. The Deputy President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the public.

## 1. Attendances:

### In Attendance:

**Councillors:** Cr S Piipponen ..... Presiding Member  
Cr K Ellis  
Cr S Hawkins  
Cr M Rich  
Cr B Urban

**Officers:** Mr R Gorbunow ..... Chief Executive Officer  
Mr A Hart ..... Director Corporate and Community  
Mr A Schonfeldt ..... Director Planning  
Mr G Allan ..... Director Engineering  
Ms K Peddie ..... Executive Assistant (Minute Taker)

**Apologies:** Cr J Erren  
Cr J See  
Cr D Gossage  
Cr D Atwell

**Observers:** Ms S Clark ..... Executive Support Officer

Members of the Public – 10

Members of the Press – 1

**Leave of Absence:** Nil

## 2. Tabling of the 2014/2015 Annual Report including:

2.1 Reading of Shire President's Report by Presiding Member

2.2 Reading of Auditor's Report by Presiding Member

## 3. General Business

**Public question and statement time commenced at 7.04pm**

### 3.1.1 Questions received and answers to the questions

Mrs L Bond, PO Box 44, Armadale, WA, 6112

Question1

Explain fully why the ratepayer paid the Catholic Archbishop of Perth \$90,000 with regards to the new Catholic School in Abernethy Road, Byford?

*Response:*

*This was for the compulsory acquisition of land for the duplication of Abernethy Road as required under the Byford Developer Contribution Plan.*

## Question 2

Why was Tammy Wayne-Elliot paid \$2,900 on 8.10.2015 contract works for Communication Report claim 1 and again on 22.10.2015 contract works for Communication Report claim 2 and exactly what do these reports entail.

*Response:*

*Ms Tammy Wayne-Elliot was engaged as a consultant to complete tasks, prior to the new Manager commencing. Tasks included:*

- *Completion of Annual Report, liaison with finance to incorporate Concise Financial Statements, liaison with designer to complete document and liaison with printer to arrange for 50 copies.*
- *Analysis of research, environmental scan of Shire publications, development of Communications Plan.*
- *Develop content and collate images for publication through to completion of Welcome Pack.*

## Question 3

Councillor Keith Ellis was paid \$1,501.02 for mileage allowance on 15 September 2015, explain the details of this claim and are all receipts and details recorded?

*Response:*

*This is for travel to meetings, paid in accordance with the Local Government Act and Council Policy.*

Mr J Kirkpatrick, 77 Mead Street, Byford, WA, 6122

## Question 1

I have asked this question as an elected member without getting a reply so my question is which Councillors or Officers were given tickets to the Andre Boccelli concert. Five were given out, one each to ex-Councillors Moore and Wilson, who returned them on the day of the concert. One Councillor I believe attended the concert and who has the other two. They were donated by LWP and Mr Cuttone verified this and commented that it was usual practice to do this to people that helped them.

*Response:*

*The CEO has spoken with the Manager of LWP and he confirmed with the CEO that only two tickets were issued and both were declined.*

## Question 2

How many gratuities has the CEO received from developers including tickets to the corporate box at the football? Were they recorded in any gift register?

*Response:*

*The CEO has not received gratuities or any tickets to the corporate box at the football from any developers.*

## Question 3

In discussions with the contracts manager of LGIS he suggested that the Shire may not be insured if it was demonstrated that they were aware of and had not complied with Duty of Care Legislation or OH&S requirements, this was in particular in the case of the Shire failing to maintain footpaths to the correct standard. As I have been unable to use my electric disabled vehicle because the footpath was not up to standard and I have been forced to travel on the public road among large trucks, is this the case? I know that they have spoken to the relevant Director.

*Response*

*The Civil Liability Act (2002) provides specific protections to the Shire against any possible action by an individual against the shire in such event. LGIS have never spoken with a Director regarding this issue.*

Mr B Mort, Lot 10 Kiernan Street, Mundijong, WA, 6123

## Question 1

Why is the Darling Scarp being decimated with rubbish tips, quarry's, holes in the ground and gravel pits? This is creating a visually unattractive landscape, which must be adversely impacting on tourism.

*Response:*

*The State Planning Policy 2.4 Basic Raw Materials applies to the Shire of Serpentine Jarrahdale. In addition most of the activities on the escarpment are zoned 'Special Use' for Extractive Industries under the Shire's Town Planning Scheme No. 2. Whilst the Shire has refused previous planning applications for these types of land uses in the area, the State Administrative Tribunal has given high regard to the State Planning policy and Special Use Zone provisions in approving such applications.*

## Question 2

Does the Shire have a policy that requires the developers of these projects to plant a buffer area of trees, thereby hiding the developments from view? If these projects are allowed to proceed in the present context, I feel that tourism will suffer. As tourism is a big employer of labour, fostering and supporting it is very important. Also tourist spend money, which helps the business community.

*Response:*

*State Planning Policy 2.4 Basic Raw Materials includes provision relating to the protection of amenity and therefore the Shire can apply its Local Planning Policies to minimise the visual impacts and rehabilitate the areas after the activity has occurred. In particular the Shire's Local Law: Shire of Serpentine Jarrahdale Extractive Industries Local Law includes clauses that limits excavation near boundaries and other sensitive areas whilst Local Planning Policy No. 4 Revegetation and Local Planning Policy No. 8 Landscape protection aims to reduce impacts during and after the activity has occurred.*

Mr B Williamson, 95 Pony Place, Oakford, WA, 6121

Presented by the Shire Deputy President on behalf of Mr Williamson

## Question 1

Has the insurance claim in the defamation case against Keith Ellis by Ben Avilla of Bio-Organic triggered a restriction in the insurance coverage or increased the cost of coverage or the deductible of the Shires policy by the Shires insurers and to what degree?

*Response:*

No

## Question 2

Does the Shire have a plan on how it will fund any payouts to compensation claims that are in the pipe work and are likely as a result of the Shires questionable pursuit of Ratepayers and questionable decisions should the claims be successful and the Councils insurers refuse to cover such claims?

*Response:*

*The Council is not aware of any such claims and all disclosures of known claims are disclosed in the annual report each year.*

## Question 3

Is it true that there is no signed contract in place with the Byford and Districts Country Club that unconditionally guarantees the completion of the new BDCC complex by the Shire once the sale of clubs existing premises is finalised? If not, what guarantees have the Shire given and can the Shire for any reason withdraw from the agreement?

*Response:*

*Now that the Tender for the Works have been awarded, the agreement is being finalised. The Council cannot withdraw from the agreement as the commitment of \$2.3 million from the Byford and Districts Country Club is part of the funding for the project*

**3.1.2 Public Statements**

Mrs L Bond, PO Box 44, Armadale, WA, 6112

Having noted there are now numerous religious groups either being funded by the Ratepayer of this Shire or seeking approval to set up developments within the Shire, it's time these people paid rates. They avail themselves of all the Shire has to offer and in return sit back and enjoy it all free.

The Minister for Local Government has suggested in a letter that the Councillors of this Shire are responsible for the behaviour of the CEO. When are all the Councillors going to act in the manner expected of them by the Ratepayers of this Shire? It should not be expected that you have no responsibility or that you are protected by some spurious belief that your position is untouchable as a Councillors, it seems the Minister has dropped you in it.

Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122

It has been drawn to my attention that a number of Councillors voted not to accept the Annual Report as a result I have had a look and it raises a number of questions.

For example of page 15,

- 1 The basketball court in Percy's Park, we are still waiting for this to be completed with the fitting of the net and the park benches.
2. No upgrade has been done to the Briggs Park lower oval only the connection to the reticulated sewerage system.
3. No new equipment has been installed in Forrest Green on certification of existing equipment.
4. Nothing has been done to the St Johns Ambulance Building in Serpentine, except a bit of painting by the community. The Shire did not even bother to apply for available funding for the disabled ramps and toilet.
5. The playground equipment in Hopeland was replaced after it was stolen and the insurance paid for the replacement equipment.

On page 19 the CRC should be congratulated for their efforts in getting the Shire on the map for the first time, the \$40,000 is money well spent.

I notice on page 21 no credit is given to Landcare for their hard work all year long and the support they give to local groups.

Page 27 is full of mis-statements and includes asterisks that have no explanation.

1. The Byford and Districts Country Club show a cost of \$5,105,000.00 yet only \$280,000.00 is actually Shire funded. It also does not show any management fees or in fact any breakdown of where the money is coming from, remembering this is a project by a private club and is exclusive to its members. In fact a resident recently was refused membership.
2. Mundijong lighting still waiting for a miracle
3. The Ambulance hall still does not comply with disable access.
4. Percy's Park toilet (good job there are still some trees left, although the Council has encouraged the developer to remove some).
5. Briggs Park Skate Park, just like the rest of the master plan, nothing happening.

What was the freedom of information application for.

So overall this document would not fill the average ratepayer with a lot of joy as almost nothing was spent last year on infrastructure to make this a better community for people to live in, there seems to have been almost indecent haste to get the Byford and District Country Club up and running at any cost. It would appear that things happen here in spite of the Council, not because of it.

I must congratulate neighbourhood watch and the staff that make that work.

Mr B Mort, Lot 10 Kiernan Street, Mundijong, WA, 6123

Reasons why we should have a visually attractive Shire, to attract tourist, to attract new residents, to retain present residents. All three points have a positive flow on effect, eg tourist spend money and create employment and some of them could be potential new residents, all resident need infrastructure, shops, schools, churches, entertainment venues, doctors, dentists, transport etc, which all create employment. New residents would create a larger rate base for the Shire.

**Public question and statement time concluded at 7.21pm**

### **3.2 Any other business**

Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122

When is the Council going to ensure that the reticulation at Percy's Park is working? The tree that Councillor Hawkins requested to be removed from outside her house was actioned promptly however my request for urgent attention to the curbing / footpath is still outstanding. The park is a fire hazard.

*Response:*

*The Shire Deputy President advised the question will be taken on notice and a formal response will be provided in writing.*

Mr D Rowley, 332 Gobby Road, Keysbrook, WA, 6126

When will the Shire produce a sealing program for the area? We are currently using a dirt track that was installed by my grandfather, whilst the Country Club development that is not even a Shire owned facility is going on. The Country Club is for private members yet there is no money for roads. The hills roads are not up to standard, something needs to happen before someone gets killed, the access for emergency services is poor and it is a fire prone area.

*Response:*

*The Shire Deputy President advised the question will be taken on notice and a formal response will be provided in writing.*

Mrs L Bond, PO Box 44, Armadale, WA, 6122

What date was the \$2.3 million paid into the Shire's account?

*Response:*

*The Shire Deputy President advised the question will be taken on notice and a formal response will be provided in writing.*

Mr P Edmiston, 355 Kiln Road, Karrakup, WA, 6122

What is happening with the escarpment and the development of the stink mountain? The rubbish tip is getting higher and higher and it appears the fill in is not occurring, what elevation will it go to?

*Response:*

*The Shire Deputy President advised the question will be taken on notice and a formal response will be provided in writing.*

Mr B Mort, Lot 10 Keirnan Street, Mundijong, WA, 6123

Is there a sandpit being developed in the eastern paddock at the intersection of Jarrahdale Road and South West Highway? It is a tourist drive and the sandpit is ruining the visual, could the sandpit be screened?

*Response:*

*The Director Engineering advised that a development in the area had been approved and there were several conditions in place for the development. The Shire are actively engaged in ensuring that these conditions are implemented. The Director Planning further added that there was a condition for a landscaping buffer, although some of the vegetation did not take and the Shire is working with the developer to rectify this.*

Mr P Edmiston, 355 Kiln Road, Karrakup, WA, 6122

What are the buffer zones that developers in the Shire have to adhere to? The brickworks smoke stack will delay residential development in that area. In the City of Gosnells the buffer zones are between 4 and 5 kilometers. Hanson is getting very close to the Whitby development.

*Response:*

*The Director Planning advised that State Planning Policy 2.4 has a buffer zone included which is approximately 1 kilometre for extractive industry. There is also a state guideline for different industries. The Shire is looking at a new planning scheme and local planning strategy which will outline buffer zones where appropriate.*

#### **4. Closure**

There being no further business, the Presiding Member closed the meeting at 7.32pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 8 February 2016

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Presiding Member

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Date