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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 9 May 2016. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Gnaala Karla Booja and paid his respects to their Elders past and present.

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

In Attendance:

Councillors: J Erren Presiding Member
S Piipponen
D Atwell
K Ellis
D Gossage
S Hawkins
J See
M Rich
B Urban

Officers: Mr A Hart Acting Chief Executive Officer
Mr G Allan Director Engineering
Mr A Schonfeldt Director Planning
Ms K Bartley Acting Director Corporate and Community
Ms K Peddie Executive Assistant to the CEO (Minute Taker)

Leave of Absence: Nil

Apologies: Mr R Gorbunow

Observers: Nil

Members of the Public – 23

Members of the Press – 1

2. Response to previous public questions taken on notice:

No questions were taken on notice at the Ordinary Council Meeting held on 26 April 2016

3. Public question time:

Public question and statement time commenced at 7.01pm

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

Question 1.

What is the development on the corner of Soldiers Road and Abernethy Road, Byford, has Planning and Development approval been given for this development, if so what Ordinary Council Meeting date was this brought before Serpentine Jarrahdale Council and what date was this approved, who was the proponent and who is the applicant for this development and what is the cost for this development?

Response:

The development relates to site works associated with a subdivision approved by Western Australian Planning Commission (WAPC) in February 2014. The subdivision approval provides for medium to high density residential and commercial lots abutting Abernethy Road. A modified subdivision plan was approved by the WAPC on 2 March 2016.

In April 2016 a Service station, including a 7-Eleven to the estimated value of \$1.5mil was approved under delegated authority on a lot along Abernethy Road. The applicant and owner as per the application is Megara Building Value.

Additionally Council on 26 April 2016 (OCM064/04/16) approved a Local Development Plan. The applicant was also Megara Building Value.

Question 2

Explain in detail why costs for storm damage cleanup by Kennedys Tree Service entailed two amounts for this storm cleanup in Serpentine, one for \$29,445.00 for five days and the other one for \$25,600.00 for 4 days and exactly where were these cleanups performed?

Response:

These costs were incurred as part of the Shire's storm damage clean-up operation in Serpentine. The work carried out by Kennedys Tree Services was carried out in a number of areas of Serpentine and covered items such as Trucks, Chipper, Cherry Picker, Chainsaws and Labour.

Question 3

Explain the details of a Peppercorn Lease for the Serpentine Golf Club and what is meant by outgoings and maintenance, who pays for this and where is the current lease agreement between the Serpentine Golf Club and Serpentine Pony Club with the Shire of Serpentine Jarrahdale and are they both the same type of Peppercorn Lease?

Response:

The Serpentine Golf Club is a Peppercorn Lease, the terms of the lease is 20 years. Outgoings relate to standard taxes, services and other charges and relevant utilities charges, premiums and associated insurance costs and any other consumption charges and costs. These charges are liable to the lessee. The Pony Club has a 10 year licence agreement with a further 10 years after that. Both lease agreements are currently active.

President presented on behalf of:

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

Question 1

In a copy of the employment contract for the Shire CEO obtained under Freedom of Information, the term and conditions are very clear.

When is the Shire Council going to invoke clauses 4.4.7 and 4.4.13? Clause 4.4.7 is that the CEO indemnifies the Council for any loss which arises from any breach of the CEO's obligation under this clause and clause 4.4.13 states that the CEO may be dismissed for any breach of their obligations on confidentiality.

Response:

Your question relates to the personal affairs or actions of an employee and is inappropriate and therefore will not be responded to

Question 2

When is the Council going to ensure that the fence is placed around the compensating basin in Olsen Gardens to replace the one the developer removed? This has caused a safety hazard and the Council has been aware of this for two weeks and has a responsibility under the duty of care legislation to provide a safe environment for the residents and ratepayers using this public footpath.

Response:

The Shire is currently in the process of discussion with the developer to install a barrier / balustrade as part of landscape design for this area. However, the Shire would like to highlight that the barrier / balustrade is not mandatory at this location as outlined below;

1. The Building Code of Australia only requires balustrades for drops in excess of one metre.
2. The path along Olsen Gardens is a low speed environment not intended specifically for bicycle use but rather for pedestrian access.

3. The adjacent basin is not a permanent body of water. The earthworks are designed such that, for events in excess of the 5yr ARI, the basin discharges directly to the creek line to the north which ensures that stormwater does not build up at the base of the retaining wall.

Question 3

Have any Councillors any illegal structures on their property, that is ones without planning permission, and if so what is the Council going to do about it?

Response:

Your question relates to the personal affairs or actions of Councillors and is inappropriate and therefore will not be responded to

4. Public statement time:

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

It's time all Councillors claiming mileage prove their claims by producing receipts and specific details of each claim. These must be proved beyond doubt and made public, after all this is not your money you are using.

The ratepayer also needs verification that an amount of more than \$300.00 spent on the Shire Credit Card operated by Alan Hart for Mobility Mandurah is a legitimate expense. I believe the community also wants proof that the Shire Credit Card operated by Gordon Allan and shows an expense of \$275.00 paid to McDonalds Saddlery, Bacchus Marsh, Victoria is also legitimate. These two examples are by no means the only ones which need explaining.

The ratepayers of this Shire need an honest explanation of why this Shire continues with a vendetta against Bio Organics. The legal bill for this vendetta now tops \$2 million dollars and the ratepayer will be shocked with the end result of the persecution of this business. It's time this Council stopped the behaviour it has towards any business that certain people have an agenda with and the continued protection of certain business that Council allows to do as they please within this Shire because they are on the Council friendly list.

Legal advice should not be dispensed by any Councillor regarding Council matters for this Shire no matter what background they have outside of this Council.

I know I have suggested this before and no Councillor or Council Officer took up my advice to resign from the Serpentine Jarrahdale Shire Council but just in case you missed my advice now might be a very good time to make a decision.

Mr M Dagostino, 82 Rapids Road, Serpentine, WA, 6125

There are currently two key planning documents under review the Peel Sub Regional Planning Framework ("the Peel Plan") and the Perth and Peel Green Growth Plan for 3.5m ("the Green Growth Plan")

Submissions on the Peel Plan were lodged July 2015. I have a number of concerns with the draft submission on the Green Growth Plan presented by officers and have tried to arrange meetings with officers without luck. Submissions are due 13 May and this leaves very little time to properly discuss and consider this and amend if the Councillors feel further input or amendment is needed.

My concerns are as follows:

If you look at the submissions by other Shires and Councils e.g. Wanneroo, Mandurah and Rockingham, their officers have raised some significant issues about the Green Growth Plan

E.g. Wanneroo Councillors say they are “shocked” and “gobsmacked” by the lack of clarity in a draft State Government plan.

The Perth and Peel Green Growth Plan for 3.5 million was released for public comment in December.

The aim of the plan is to protect 170,000ha of bushland through new and expanded conservation reserves and provide upfront Federal and streamlined State environmental approvals while addressing population growth.

A report by the City has slammed the plan as being “excessively large and complex”, “poorly structured”, “at times poorly written” and “largely unacceptable”.

It said the 2600-page document was missing a range of important information and advice, lacked detailed mapping and did not explain potential implications to the City or its residents.

Councillors spent nearly an hour questioning the proposal at last week’s briefing session, with several Councillors expressing concern at the impact it would have on residents.

However our officers state upfront they support it. The purpose of the Green Growth Plan is twofold to streamline and improve the environmental approval process and to identify environmentally sensitive areas

However our submission spends the majority of its content reiterating by way of cut-and-paste the Peel Plan submission from July.

If the officers had spoken to the DPC staff as I did, they would have had it confirmed that the mapping in the Green Growth plan is based on the mapping in the Peel Plan.

So there's no need to restate the submissions that have already been made in the exact same context.

If Councillors review our draft submission and the submission lodged on the Peel Plan in July you will note the majority of the content is a cut and paste from the peel July submission.

One key issue is whether the Shire should be reconsidering its position on the rural strategy draft in light of the position identified in the Peel Plan.

Rather than re stating it here by way of cut and paste in a submission that only barely covers the real topic, do we agree with environmentally sensitive areas proposed and the streamlining of the environmental approval process.

Unfortunately our submission is glaringly deficient on these key points.

It is respectfully requested that the Shire ask the officers to amend the draft submission to focus on the issues that are raised in the Green Growth Plan, namely the improvement and stream lining of the environmental approval process and the location of the environmentally sensitive areas, not to resubmit an already stated position

Public question and statement time concluded at 7.11pm

5. Petitions and deputations:

5.1 Councillor Rich presented a petition on behalf of Mr Barry O’Neil, containing 25 signatures in relation to the testing for contamination of the vineyard at 6 Bio-Organics.

COUNCIL DECISION:

Moved Cr Rich, seconded Cr Erren

In accordance with the Shire’s Standing Orders Local Law 2002 Section 3.6 that the petition be received

CARRIED UNANIMOUSLY

6. President’s report:

We are about to commence development of our 2050 Vision, seeking refreshed ideas on where the Serpentine Jarrahdale community want to be in the year 2050. We are looking for passionate members of the community to become a part of the Community Reference Group that will assist in shaping our future. If you are interested in taking part in this reference group, check the Shire’s website for more details on how to express your interest. The first workshop will be held on 26 May.

Switch your thinking has now opened the Young Re-inventor of the Year 2016. The theme for this year is wearable waste – reinvent rubbish into something you can wear or upcycle old clothes or accessories into something new. The winner can share in \$1500 prizes including worm farms and compost bins.

Work has started on the former St. John Ambulance building in Serpentine to give it a face lift, with some minor internal upgrades being undertaken.

Can you spare any time to volunteer? The Shire is looking for volunteers to be part of the Keep Australia Beautiful campaign ‘Adopt a spot’.

Library and Information Week runs from 23 May to 29 May. Find out more about the inner workings of the library with behind the scenes tours. There are also a number of other information sessions happening that will teach you about eBooks, eMagazines and eAudio. Contact the library for more information.

7. Declaration of Councillors and officers interest:

Nil

8. Receipt of minutes or reports and consideration for recommendations:

8.1 Ordinary Council Meeting – 26 April 2016

COUNCIL DECISION

Moved Cr See, seconded Cr Hawkins

That the minutes of the Ordinary Council Meeting held on 26 April 2016 be confirmed (E16/3368).

CARRIED UNANIMOUSLY

8.2 Special Council Meeting – 27 April 2016

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Hawkins

That the minutes of the Special Council Meeting held on 27 April 2016 be confirmed.

CARRIED UNANIMOUSLY

9. Motions of which notice has been given:

| | |
|----------------------------------|--|
| OCM079/05/16 | Lot 8035 Woolandra Drive, Byford – (R50679) Proposed Dog Exercise Area (SJ899-03) |
| Author: | Jim Johnson – Manager of Compliance and Emergency Services |
| Senior Officer/s: | Andre Schonfeldt – Director Planning |
| Date of Report: | 18 March 2016 |
| Disclosure of Officers Interest: | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |

Owner: Shire of Serpentine Jarrahdale
 Lot Area: 2,594m²
 Town Planning Scheme No 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: Urban

Introduction:

A dog exercise area at Lot 8035 Woolandra Drive, Byford was to be considered by Council through a Councillor request and policy concept forum. A dog exercise area is an area of land which permits dogs to be off-leash within a recreational reserve, but must remain under effective control of the owner or person exercising the dog.

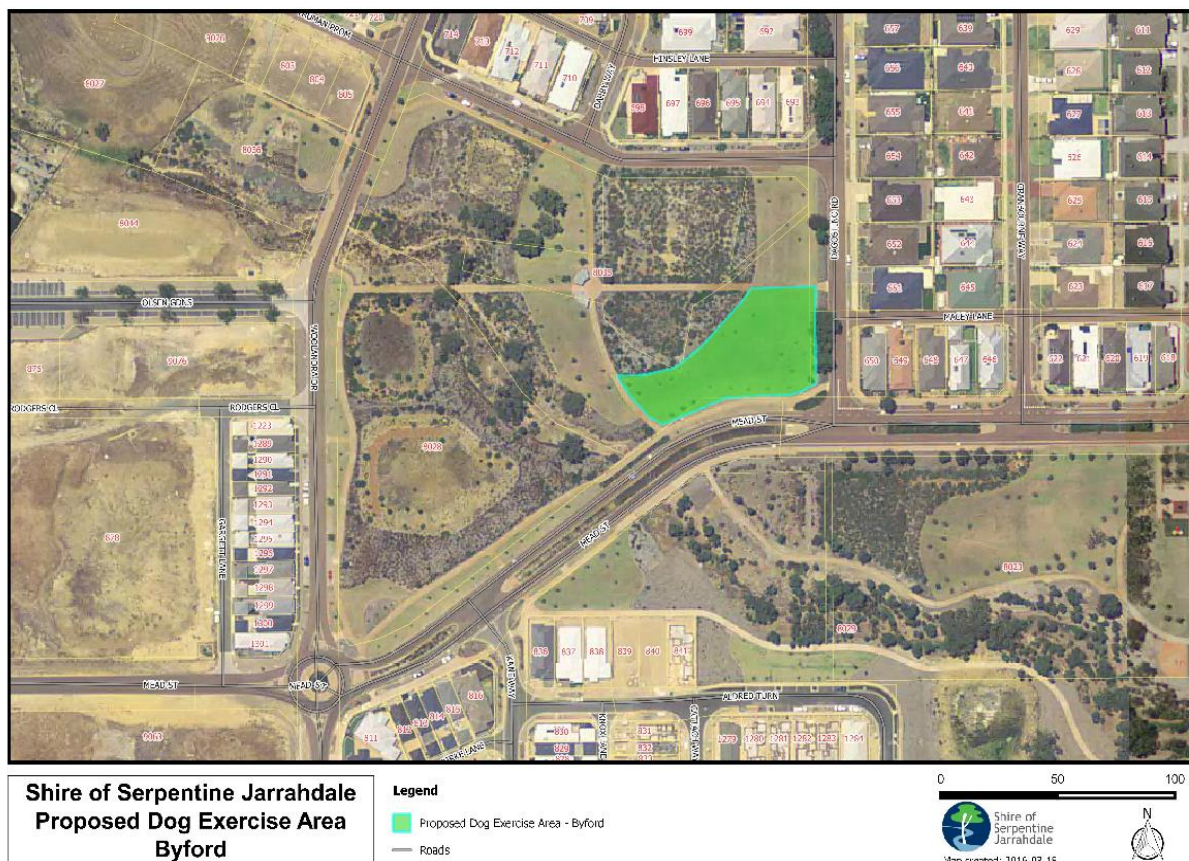
The *Dog Act 1976* ('Act') sets out provisions which permits a local government to allow a dog exercise area. The Act requires Council, "by absolute majority as defined by the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area". However, the Act does not explicitly require community consultation to be undertaken for the proposed dog exercise area.

This report is presented to Council to provide information relating to dog exercise areas and to allow the Shire to advertise the proposal for a period of 28 days.

Background:

The subject site that has been identified is Lot 8035 Woolandra Drive, Byford. This reserve is an existing recreational reserve located in the Glades Estate. It has been created and established to provide a wetland flora and fauna corridor, and to provide a natural family recreation environment and experience and includes BBQ facilities, seating, playground equipment and walkways. The area of grass to the south east as depicted below is the proposed portion of the reserve to be gazette as a dog exercise area.

Council previously requested the Shire to consider an area located at Lot 2095 Orton Road, Byford for a proposed dog exercise area. However, this portion of land is currently a Water Corporation reserve and is not currently vested with the Shire and it is therefore recommended that the Council consider Lot 8035 Woolandra Drive, Byford.



Relevant Previous Decisions of Council:

There is no previous Council decision in relation to this issue.

Community / Stakeholder Consultation:

The Act states that community consultation is not required prior to Council’s approval of a dog exercise area. The only requirement is in accordance with section (3C) of the Act whereby the Shire is to provide 28 days’ notice to residents in accordance with section 1.7 of the *Local Government Act 1995*.

The Council has been investigating how neighbouring local governments consider dog exercise areas and have noted that community consultation is ideal to allow the surrounding residents to comment on the proposal. It is therefore recommended that Council resolve for the proposal to be advertised in accordance with the following process:

- Advertise for a period of 28 days to residents and occupiers within a 500 metre radius.
- Advertising is to consist of letters to residents and occupiers advising of the proposal and the method to submit a submission to the Shire for consideration by Council.

It is considered that 28 days is a sufficient time period to allow for the community to consider the proposal.

Upon the conclusion of the advertising period the submissions and an officer recommendation will be reported to Council for determination of the dog exercise area. In the event Council approve the dog exercise area notice will be given to the public in accordance with the Act and the *Local Government Act 1995*.

Proposal:

The proposal is for Council to endorse the officers recommendation for consent of advertising to the community with respect to a proposed dog exercise area which will be maintained by the Shire. A secondary component of the proposal is to consider a fence around the perimeter of the proposed dog exercise area.

Comment:

Within the locality of the Shire there are no existing approved dog exercise areas. It is understood that Council wish to progress the approval of a dog exercise area within the Byford region to service the increasing number of dog owners within the suburb.

The proposed location of the dog exercise area at Lot 8035 Woolandra Drive, Byford is considered to meet the following requirements:

- It must be of adequate size – To ensure that there is sufficient space for dogs to run off-leash;
- Compatibility with adjacent park activities – Ensuring incompatible uses such as playgrounds, sports areas, BBQ facilities are not co-located. This can be achieved via physical or natural barriers or adequate distance;
- Where possible, minimal internal pathways – To ensure that the interaction between dogs and recreational users of the reserve is kept to a minimum;

The proposed reserve is considered large enough to cater for the general public and a dog exercise area. It is also a sufficient size to provide a buffer between park activities and the proposed dog exercise areas and if required, the area can be delineated by a perimeter fence.

The proposed dog exercise area has the ability to be fenced or unfenced. The fence outlines the area for dogs and their owners and the general public. It is understood that the Councils' intention is for the area to be fenced off to provide an element of safety to other reserve users and local traffic alike, by the retention of the dogs within the site. The perimeter fence for the proposed dog exercise area is estimated to cost the Shire approximately \$35,000. It is therefore recommended that Council resolve to include \$35,000 within the 2016/17 budget in the event a perimeter fence is required for the proposed dog exercise area.

Notwithstanding the above, a dog exercise area permits dogs to be 'off-leash' however, the dog must remain under effective control by the owner or person exercising the dog. The City of Gosnells' generally defines the term 'under effective control' that;

- *“Responds to commands, and particularly returns when called.*
- *Remains in a reasonable distance from the owner at all times.*
- *Does not act in a threatening or aggressive manner to other people or animals.*
- *Does not cause damage to flora or fauna.*
- *Does not enter a lake or water channel.”*

It is considered that introducing a fenced area within a public reserve may reduce the overall area for the public to recreate. Furthermore, regardless whether the area is fenced or unfenced, the owner or person exercising the dog is required to ensure the dog remains under effective control.

It is therefore recommended that the matter relating to fencing of the dog exercise area should form part of the community consultation to allow Council to understand the community's perspective with respect to this issue.

Options and Implications:

With regards to the determination of a dog exercise area being gazette, the council has the following options;

Option 1: Council may resolve to conduct community consultation before determination.

Option 2: Council may resolve to determine the area without consultation.

Option 3: Council may resolve to seek further information prior to making a determination.

Option 1 is recommended.

Alignment with our Strategic Community Plan:

| | |
|------------------|--|
| Objective 6.2 | Active and Connected People |
| Key Action 6.2.2 | Use community facilities to provide social interactions for all age groups through appropriate activities and events |

Statutory Environment:

Section 1.7 of the Local Government Act 1995 a local public matter is required to be given notice.

- (a) published in a newspaper circulating generally throughout the district; and
- (b) exhibited to the public on a notice board at the local government's offices; and
- (c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is —

- (a) published under subsection (1)(a) on at least one occasion; and
- (d) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

Section 31 of the Dog Act 1976 specifies that a local government may determine (by absolute majority) both dog exercise and dog prohibited areas.

31. Control of dogs in certain public places

(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

Financial Implications:

Should Council resolve to approve the proposal with a perimeter fence, there is a budget expenditure associated, and approximate costs are listed below. As this is not within this financial years budget, Council is to consider the establishment in next years budget.

Site area inside existing footpath 2,594m²:

| | |
|--------------------------------|----------|
| Boundary fencing 236m x \$65pm | \$15,340 |
| Air-lock type gates x 2 | \$4,600 |
| Maintenance gates x 1 | \$5,550 |
| Signage | \$3,950 |
| Doggy bags & associated bins | \$2,500 |
| Project management | \$1,500 |

Total \$33,440

In light of the above, it is recommended that Council consider allocating the amount of \$35,000 within the 2016/17 financial year budget for the construction of a perimeter fence at the proposed dog exercise area.

Conclusion:

The *Dog Act 1976* provides the Council (absolute majority) with the authority to declare land owned, managed or controlled by the Council, a dog exercise area. The Act does not require the Shire to advertise the proposal, however it will be of great benefit for the Council to advertise the proposed dog exercise area and perimeter fencing to allow for the Council to consider the communities views upon determining the area for a dog exercise area.

Following community consultation, if the Council resolve to approve the proposed dog exercise area and associated perimeter fencing, Council are to include an amount of \$35,000 within the 2016/17 financial year budget.

As this reserve is well established with local residents as both an active and passive recreational area, and enjoyed by residents as a flora and fauna habitat, it is recommended that Council undertake comprehensive community consultation.

Voting Requirements: Absolute Majority

Officer Recommendation

That Council:

1. **Supports the dog exercise area and associated perimeter fencing at Lot 8035 Woolandra Drive, Byford, to be advertised as follows;**
 - a. **In writing for a period of 28 days;**
 - b. **To residents and occupiers within a 500 metre radius of Lot 8035 Woolandra Drive, Byford.**
2. **Requires a report for determination of the dog exercise area to be considered at an Ordinary Council Meeting, following the conclusion of the community consultation period.**
3. **Considers allocating \$35,000 within the 2016/17 financial year budget for the establishment of the dog exercise area and associated proposed perimeter fencing.**

OCM079/05/16 COUNCIL DECISION / New Motion:

Moved Cr Hawkins, seconded Cr Piipponen

That Council

1. **Request the Chief Executive Officer to identify potential areas suitable for the establishment of a Dog Exercise Area/s within Byford**
2. **To undertake community consultation in this regard and**
3. **To report back to Council regarding the matter at the 22 August 2016 Ordinary Council Meeting following the conclusion of the community consultation period.**

CARRIED UNANIMOUSLY

| | |
|----------------------------------|--|
| OCM080/05/16 | Draft Perth and Peel Green Growth Plan for 3.5 million - Submission (SJ1369-07) |
| Author: | Lauren Dujmovic – Strategic Planner |
| Senior Officer/s: | Andre Schonfeldt – Director Planning |
| Date of Report: | 21 April 2016 |
| Disclosure of Officers Interest: | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |

Proponent: Shire of Serpentine Jarrahdale
 Owner: Various
 Town Planning Scheme No 2 Zoning: Various
 Metropolitan Region Scheme Zoning: Various

Introduction:

This report is presented to Council to consider the draft submission on behalf of the Shire of Serpentine Jarrahdale (the Shire) in regards to the draft Perth and Peel Green Growth Plan for 3.5 million (Green Growth Plan) suite of documents.

Background:

The Department of the Premier and Cabinet (DPC) recently released the draft *Green Growth Plan* suite of documents. The suite of documents provides a strategic long-term plan for the Perth and Peel region to accommodate 3.5 million people by 2050 by delivering a liveable city while enhancing the protection of the natural environment. The DPC have worked collaboratively with other State government agencies to undertake the Strategic Assessment of the Perth and Peel Regions and prepare the *Green Growth Plan*. The *Green Growth Plan* has been developed in association with the draft *Perth and Peel @ 3.5 million* sub-regional planning frameworks released by the Western Australian Planning Commission (WAPC) in 2015. The DPC is currently seeking public comment on the draft *Green Growth Plan* suite of documents, providing the Shire with an opportunity to make a submission.

The Shire's draft submission on the Green Growth Plan was presented at the Ordinary Council Meeting held on 29 March 2016 (OCM039/03/16). Council resolved to defer the matter until the Ordinary Council Meeting on the 9 May 2016 as the DPC extended the submission period closing date from 8 April 2016 until 13 May 2016. More detailed mapping was also made available by DPC. Shire officers have since reviewed the additional information released by DPC and have consequently made some modifications to the draft submission. Council have been provided with a presentation which summarises the Shire's revised draft submission.

Relevant Previous Decisions of Council:

OCM039/03/16 - Draft Perth and Peel Green Growth Plan for 3.5 million – Submission was deferred by Council following the extension of the submission period and release of additional information by DPC.

Community / Stakeholder Consultation:

The draft Green Growth Plan suite of documents are currently being publicly advertised by the DPC for public comment until 13 May 2016. All submissions received during the advertising period will be considered by the DPC before the finalisation of the documents.

Comment:

Proposal

The Shire's draft submission on the draft Green Growth Plan is presented to Council to be endorsed prior to being finalised and submitted to the WAPC.

Key Issues

The following provides a brief summary of the main issues discussed within the draft submission as contained in attachment OCM080.1/05/16.

Strategic Conservation Plan

It is recommended that Council supports the coordinated approach of the State government in undertaking the Strategic Assessment of the Perth and Peel Regions. Under the Strategic Assessment of the Perth and Peel Regions, the Strategic Conservation Plan has been prepared to provide a plan which provides a long term strategic framework to protect environmental values and Matters of National Environmental Significance (MNES). The Strategic Conservation Plan specifies principles of avoidance, mitigation and the implementation of the Conservation Program to achieve this objective. The Strategic Conservation Plan aims to integrate land use planning and development outcomes with environmental protection and management. This approach is strongly supported by officers. The Strategic Conservation Plan enables the environmental approval process under the EPBC Act and EP Act to be streamlined. Improvements to the efficiency of the environmental approval process is strongly supported by officers. Five classes of action are outlined under the Strategic Conservation Plan which are subject to Commonwealth endorsement under the EPBC Act. A series of Action Plans have been prepared which elaborate on these classes of action and the Strategic Conservation Plan, providing a greater level of detail.

Urban and Industrial Class of Action

It is stated that urban land has been designated under the Urban and Industrial Class of Action to include existing, new and proposed urban development areas. Under the Shire's Rural Strategy Review 2013 certain areas within the Shire have been identified as Subject to Future Investigation. Such areas which have been included under the Urban and Industrial Class of Action, which is greatly supported by the Shire, include an area south-east of Mundijong Whitby and two portions of land in Cardup. The Urban and Industrial Class of Action identifies the West Mundijong Industrial Area and Cardup Business Park as Industrial areas in the Shire which is supported by officers.

The Shire strongly advocates that the remaining land within the Cardup, as well as Oakford / Oldbury, Serpentine and Hopeland Future Investigation Areas be included under the Urban and Industrial Class of Action, as identified under the Rural Strategy Review 2013. Under the Shire's Rural Strategy Review 2013 and the draft West Mundijong District Structure Plan, a buffer is proposed around the West Mundijong Industrial Area for Rural Enterprise uses. Retaining the land surrounding the West Mundijong Industrial Area as "Rural Enterprise" is greatly supported by officers to address potential future land use conflicts.

Rural Residential Class of Action

The Rural Residential Class of Action designates new areas of land which are identified to be rural residential though are yet to be developed, including land which has already been zoned. The Shire is very supportive of the land located south of the Mundijong Whitby Urban area being identified under the Rural Residential Class of Action as this land was identified within the Residential and Stables Policy Area in the Rural Strategy Review 2013. The Shire is also supportive of Rural Residential uses being identified to extend west to Kargotich Road south of Thomas Road and south west to the boundary of the West Mundijong Industrial Area buffer to consolidate this precinct.

The Shire also supports the new areas of Rural Residential land identified within Darling Downs and the area north-west of the Tonkin Highway and Thomas Road. A portion of land bound by Rowley Road and Nicholson Road has not been identified within the Rural Residential Class of Action. The Shire requests that all land in this area identified under the Rural Strategy Review 2013 as Rural Living B is included in the Rural Residential Class of Action. This would consolidate the area as a rural living precinct.

The Shire is supportive of the land identified within the Rural Residential Class of Action which surrounds the Serpentine Townsite. A portion of land bound by Karnup Road, Walker Road and Gull Road in Serpentine has not been included in the Rural Residential Class of Action. The Shire requests that this portion of land be included in the Rural Residential Class of Action as it is identified as Rural Living A under the Rural Strategy Review 2013.

Infrastructure Class of Action

The Infrastructure Class of Action identifies the Tonkin Highway extension from Thomas Road to Mundijong Road and the proposed further extension of Tonkin Highway to connect with Forrest Highway. This is strongly supported by officers, as is the proposed southern extension of Nicholson Road to Mundijong Road. The Infrastructure Class of Action proposes the concept of the Southern Link Road which would potentially connect Tonkin Highway with the Brookton, Albany and South Western Highways at Mundijong Road. The important regional connection the Southern Link Road would provide is acknowledged by officers, however any proposed road extensions or widening should consider and seek to minimise the impact on the Jarrahdale town site, natural vegetation and ecological linkages. Shire officers recommend that the future investigations of the Southern Link Road consider various locations for this road.

A proposed rail station within the Byford Town Centre is proposed by the Infrastructure Class of Action. The Byford Town Centre Local Structure Plan promotes the extension of the passenger rail line to Byford and states that the preferred location for the future station is central to the Byford Town Centre. Accordingly, officers request that the Byford Town Centre be identified as the future location of the rail station. The extension of the passenger rail to Byford and Mundijong has not been identified as a part of the heavy rail expansion proposed. Shire officers strongly support the extension of the passenger rail to both Byford and Mundijong Whitby and request that this be included within the Infrastructure Class of Action. The Infrastructure Class of Action identifies the realignment of the Kwinana Freight Rail as a long term proposal for investigation post-2031. This is strongly supported by the Shire as the future freight rail realignment is crucial to the urban development in Mundijong Whitby. The Shire is concerned by the timing of the freight rail realignment. Mundijong Whitby is currently in the process of developing and the current alignment of the freight rail is causing issues. There is a pressing need to provide resolution on issues regarding possible grade separated crossings and impacts to the urban area.

Basic Raw Materials Class of Action

Shire officers greatly support the integrated approach of the Strategic Conservation Plan in addressing basic raw materials (BRM). The BRM Class of Action seeks to provide a long-term coordinated approach to identify future BRM extraction areas. This process has taken into consideration potential environmental outcomes and improving integration with land use planning. The BRM Class of Action identifies future resource extraction areas and further investigation areas. Such areas located within the Shire under the BRM Class of Action are also identified as regionally significant BRM within the Shire's Rural Strategy Review 2013.

Conservation Framework

The Strategic Conservation Plan includes a Conservation Framework for the protection and management of environmental values. Whilst officers are supportive of the Strategic Conservation Plan containing measures to protect MNES and State environmental values, local environmental factors should also be considered and protected. A Conservation Program is included within the Strategic Conservation Plan which aims to expand the conservation reserve system, an initiative supported by officers. The first phase of additional conservation reserves includes some areas within the Shire which are reserved as Parks and Recreation under the Metropolitan Region Scheme (MRS) and some Bush Forever sites. Some areas identified within the second phase of conservation reserves include Bush Forever sites which are not reserved as Parks and Recreation under the MRS. Most of these areas are currently zoned Rural under Town Planning Scheme No. 2 (TPS2) and the MRS. In regards to a portion of land north of Norman Road in Cardup, officers recommends that

the boundary of this proposed second phase conservation reserve be redefined to exclude the cleared areas within the site.

Agriculture

Agricultural development and its associated impacts have not been addressed by the Strategic Conservation Plan. Agricultural production in the Perth and Peel regions is an integral component in providing for a population of 3.5 million by 2050. One of the key objectives of draft State Planning Policy 2.5 Rural Planning Policy is to '*support existing and future primary production through the protection of rural land, particularly priority agricultural land*'. Consideration should be given to the environmental and planning impacts of agricultural land and the potential increases in demand for local agricultural produce to sustain the growing population. The Shire's Rural Strategy Review 2013 has identified an area in Serpentine for intensive agricultural purposes. This area of land to the west of the Serpentine Townsite has been included in the Farmlot Policy Area under the Rural Strategy Review 2013. The Shire requests that this be considered in the Green Growth Plan.

Statutory Environment:

The following documents have been considered in the draft submission:

- Town Planning Scheme No. 2
- Rural Strategy Review 2013
- Byford District Structure Plan
- Mundijong Whitby District Structure Plan
- Draft West Mundijong District Structure Plan
- Byford Town Centre Local Structure Plan
- Biodiversity Strategy

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

| | |
|------------------|--|
| Objective 3.1 | Urban Design with Rural Charm |
| Key Action 3.1.1 | Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction |
| Objective 3.2 | Appropriate Connecting Infrastructure |
| Key Action 3.2.1 | Plan and develop public transport networks link the community with the built and natural environment. |
| Objective 4.1 | Sustainable Industries |
| Key Action 4.1.3 | Develop transport, communication technology and utilities infrastructure. |
| Objective 4.3 | Regional Collaboration |
| Key Action 4.3.1 | Continue fostering strategic regional partnerships. |
| Objective 5.2 | Excellence in Environmental Management |
| Key Action 5.2.1 | Protect, restore and manage our landscapes and biodiversity. |

Options and Implications:

- Option 1: Endorse the draft submission.
- Option 2: Endorse the submission with modifications.
- Option 3: Not endorse the draft submission.

Option 1 is recommended.

Conclusion:

The draft submission states the position of the Shire as contained within various Shire planning documents. It is recommended that the draft submission be endorsed by Council.

Attachments:

- [OCM080.1/05/16](#) – Draft Green Growth Plan – Draft Submission (OC16/4663)
- [OCM080.2/05/16](#) – Draft Green Growth Plan – Presentation on submission (E16/3282)

Voting Requirements: Simple Majority

Councillor See foreshadowed she would move the Officers Recommendation if the motion under debate is lost.

OCM080/05/16 COUNCIL DECISION / New Motion:

Moved Cr Gossage, seconded Cr Rich

That Council

1. Defers consideration of item OCM080/05/16 to allow opportunity for a presentation from the Department of Premier and Cabinet to Council outlining the details of the Green Growth Plan
2. Requests the Department of Premier and Cabinet to make a presentation to Council at its earliest convenience and to allow a late submission from the Shire of Serpentine Jarrahdale.

Lost 1/8

OCM080/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Piipponen

That Council:

1. Endorse the draft submission on the draft Perth and Peel Green Growth Plan for 3.5 million, as contained within OCM080.1/05/16.
2. Finalise the submission on the draft Perth and Peel Green Growth Plan for 3.5 million and send to the Department of the Premier and Cabinet by 13 May 2016.

CARRIED 8/1

Council Note: That Council include in the submission under Conservation Framework a statement to outline to Department of the Premier and Cabinet that Council request that the highest regard be given to the cockatoo's preservation, flora and fauna preservation and environmental protection of related habitats in the regional context.

| | |
|----------------------------------|--|
| OCM081/05/16 | Refer Correspondence to Minister for Environment; Heritage regarding Bio Organics Pty Ltd Water Sampling and Compliance (P05577/03) |
| Author: | Tony Turner – Manager Health |
| Senior Officer/s: | Andre Schonfeldt - Director Planning |
| Date of Report: | 06 April 2016 |
| Disclosure of Officers Interest: | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |

Introduction:

The purpose of this report is to inform Council of the process the Shire has applied since officers reported the unauthorised discharge of waste water from Bio Organics in August 2013 to the Department of Environment Protection (DER) and referred their own ground water monitoring results in the November 2013 Stass report.

The item also seek Council's endorsement for the CEO to forward correspondence to the Honourable Albert P Jacob JP MLA Minister for Environment; Heritage (the Minister) OCM081.1/03/16 and Executive Director Compliance and Enforcement Department of Environment (The Executive Director) OCM081.2/03/16. The correspondence includes recent ground water sampling information contained in the February 2016 Stass Report which also lists inadequacies of Bio Organics consultants water sampling program and the letter appeals to the Minister and the Executive Director to investigate ongoing non-compliance with DER Closure Notice and Contaminated Sites Branch Investigation Notice.

Background:

The ground water issue arose when Shire officers were investigating complaints from local residents regarding unauthorised waste water discharges from Bio Organics, and on the 25th August 2013 a Shire officer observed what appeared to be large volumes of waste water being discharged from Bio Organics waste water storage dam through a Department of Water drainage culvert onto an adjoining property. Because Bio Organics was licensed by the DER, this pollution event was reported to the DER's pollution response team who investigated the unauthorised discharge.

Following this pollution event, residents raised concerns about potential ground water contamination and that there were no details provided by the DER regarding the outcomes from their investigation. Landowners then requested that the Shire undertake an investigation and while the Shire has limited jurisdiction over DER licensed premises, it did appoint a ground water consultant who installed monitoring bores on the adjoining property where the unauthorised discharge accrued. The results from ground water sampling and analysis were reported in the 2013 Stass Report which concluded that ground water was poor, contained high levels of nitrogen, ammonia, chloride and heavy metals, impact suggestive of industrial effluent contamination. The report was sent to the DER who then undertook their own investigation which resulted in amendments to Bio Organics license conditions and ultimately a Closure Notice being issued by the DER in June 2014. The Closure Notice effectively stopped the use of controlled liquid wastes and set very specific time frames for completing existing composting and removing all materials from the site within 6 months of the notice being issued.

The potential contamination was affirmed when the Contaminated Sites Branch registered the Bio Organics site and the adjoining land owner's property as potentially contaminated, and issued an Investigation Notice in October 2014 requiring the appointment of an environmental consultant and accredited contaminated sites auditor. A community consultation plan was provided including a door knock of residents and commercial entities, and the development of a sampling and analysis plan to investigate the extent of potential ground water contamination within 6 weeks of the date of the notice.

The notices issued by the DER gave the local residents and the Shire some assurance that the matter was being dealt with and it is important to acknowledge that Bio Organics appealed the notices but the Minister upheld the DER's notices on 29 September 2015 and made no amendments to requirements or timeframes. However it is now nearly 2 years since the closure notice was issued and there are still large quantities of what appears to be compost on the Bio Organics site refer OCM081.3/03/16 and local residents continually report activity and truck movements on and off the site.

Ongoing Issues:

The attached correspondence to the Minister and Executive Director raises a list of issues and concerns regarding the requirements in the DER's Closure Notice and Bio Organics consultant's ground water monitoring program (the monitoring program).

Ground Water Monitoring – The Shire has received virtually no information relating to the monitoring program and is concerned that the bore locations and sampling will not adequately assess the potential pollution issue. To support these concerns the Shire appointed Stass Environmental (Stass) to reinstate monitoring bores, undertake additional ground water sampling and analysis and to investigate whether the monitoring program satisfied the provisions of the DER's Investigation Notice.

The February 2016 Stass Report is an attachment to the correspondence to the Minister and reflects on a number of concerns. One issue of particular significance is that Bio Organics consultant has stated that water is flowing in an easterly direction. This matter has been an issue of some contention and is pivotal to the location of bores. The Shire's correspondence reaffirms the contention in the Stass reports in November 2013 and February 2016 that the direction of ground water flow is in a south easterly direction. There is also information indicating that contaminated water was used to irrigate the vineyard on Lot 6 Abernethy Road, which may have extended the area that may potential be contaminating ground water.

Closure Notice – The Closure Notice issued in June 2014 by the DER detailed very prescriptive requirements and timeframes. Of particular concern to the Shire and the subject of ongoing complaints, are the requirements to immediately stop accepting feedstock at the premises, and to complete composting and remove all materials from the premises within six months of the closure notice.

Relevant Previous Decisions of Council:

There are previous Council decisions regarding development applications for this site, but non that relate to the purpose of this item.

Community / Stakeholder Consultation:

There is no community consultation required for the preparation of the attached correspondence.

Comment:

Between 2012 and 2016 there has been substantial commitment of resources by the Shire to investigate transport and odour impacts, to determine controlled waste volumes and types and to undertake ground water sampling and analysis. The Shire has also rigorously defended two State Administrative Tribunal (SAT) mediations and hearings extending over nearly 4 years, resulting in the withdrawal of Bio Organics development application for a composting facility.

While this commitment has influenced the DER's decision to apply a Closure Notice and an Investigation Notice, the Shire's authority to investigate ground water issues administered under the Sections 68A and 49 of the Environmental Protection Act 1986 respectively, is limited by the Local Government Act and Council Policy ED203 OCM081.4/03/16.

This policy establishes a framework for avoiding duplication of the provision of Health Services within the meaning of the Environmental Protection Act 1986, given the obligations of Council pursuant to Section 3.18(3) of the Local Government Act 1995 (detailed below) and stating that;

“Council having considered the provisions of Section 3.18(3) of the Local Government Act 1995 and the nature of Health Service services relating to matters regulated by the Environmental Protection Act 1986, is satisfied that the Shire of Serpentine Jarrahdale will not be responsible for investigating matters relating to Licensed Premises under the Environmental Protection Act, as this service duplicates a service provided by another body or person.

Having considered the provisions of Section 3.18(3) of the Local Government Act 1995 and the nature of Health Service services relating to matters regulated by the Environmental Protection Act 1986, Council will only undertake the service where it does not inappropriately duplicate services provided by any other body or person, and will continue to:

- *Undertake initial investigations relating to premises registered under the Environmental Protection Act, but will refer any matters which are not easily resolved under the provisions of the Local Government Act 1995 Local Laws or Health Act 1911 to the Department of Environment Regulation for investigation.*
- *Deal with noise pollution related matters with the exception of licensed premises in accordance with the delegation under the Environmental Protection Act, but where a matter becomes too complex or requires expertise or resources beyond which the Council could reasonably expect to provide, it will be referred to the Department of Environment and Conservation for investigation.*
- *Investigate low level pollution which can be dealt with by the Council under its Local Laws.”*

However, because of the potential implications of ground water contamination for residents not on scheme water, Shire officers have acted with limited authority as Inspectors under sections 87 and 88 of the Environmental protection Act 1986 and Health Local Law, 30 Pollution – “where a person shall not deposit on or under any land, any sewage, offensive matter or any other thing which may pollute or render unfit for human consumption, water from a well or other underground source.” This authority is limited nonetheless and may be brought into question particularly if applied across the DER’s Closure Notice and the Contaminated Sites Branch Investigation Notice. It is also important to note that our investigations and actions should not put at risk the planning compliance action currently being heard in the Magistrates Court of Western Australia.

Proposal

Because of the significance of the issues and that the correspondence and attachments are being referred to the Minister, the item presents copies to Council for consideration and recommends that Council requests the CEO refer the correspondence and attachments to the Minister and the Executive Director.

Options and Implications

The Shire has responded to all the issues relating to Bio Organics previous and proposed activities at Lot 36 and 6 Abernethy Road, however the issue of potential groundwater contamination remains primary. Nevertheless there are areas where these commitments could be said to be duplicating matters regulated by the DER, and extend beyond the Shire’s governance roles and responsibilities as defined in the Local Government Act 1995, and Council’s Policy ED203. Doing so could put at risk current legal action.

Therefore the Shire options are very limited however the correspondence clearly states the concerns regarding key environmental matters and the ground water monitoring program. Importantly it requests the Minister investigate Bio Organics non-compliance with the DER's Closure Notice.

Conclusion

Potential ground water contamination is a key environmental matter and the DER's Contaminated Sites Branch is the peak authority. Land such as Lot 36 Abernethy Road is listed on the Contaminated Sites register as potentially contaminated, requiring investigation. However, even though these final important issues relating to the closure notice and ground water monitoring are the responsibility of the DER, the Shire is still able to refer these compliance matters and relevant information to the Executive Director Compliance and Enforcement at the DER, and request that the Minister investigate the issues and report to the Shire.

Therefore it is recommended that Council request the CEO to refer the attached correspondence to the Minister and the Executive Director.

Attachments:

- [OCM081.1/05/16](#) – Correspondence to Honourable Albert P Jacob JP MLA, Minister for Environment; Heritage (OC16/6868).
- [OCM081.2/05/16](#) – Executive Director Compliance and Enforcement, Department of Environment (OC16/6884).
- [OCM081.3/05/16](#) – Nearmaps image 7 March 2016 (E16/2921).
- [OCM081.4/05/16](#) – Council Policy ED203 Duties relating to the Environmental Protection Act 1986 (E15/5096).

Alignment with our Strategic Community Plan:

Composting as a process supports the objectives outlined in the Strategic Community Plan. However, many of Bio Organics activities were in conflict with the specific objectives listed, ie:

| | |
|------------------|---|
| Objective 1.2 | Progressive Organisation |
| Key Action 1.2.6 | Comply with all legislative and statutory requirements. |

Statutory Environment:

The Shire has a range of responsibilities under the Health Act 1911 and provision of the Shire's Health Local laws that refer to the protection of amenity, the pollution of water supplies and licensing of offensive trades. There is a potential duplication for key environmental matters administered by the DER under provisions of the Environmental protection Act 1986. The Shire's policy ED203 listed above and the rationale within the provisions of the Local Government Act 1995 detailed below establishes a framework for avoiding this duplication of Health Service provisions within the meaning of the Environmental Protection Act 1986.

Division 3 — Executive functions of local governments

Subdivision 1 — Performing executive functions

3.18. Performing executive functions

- (1) *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*

- (2) *In performing its executive functions, a local government may provide services and facilities.*
- (3) *A local government is to satisfy itself that services and facilities that it provides —*
 - (a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
 - (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - (c) *are managed efficiently and effectively.*

Financial Implications:

There are no direct financial implications for referring the attached correspondence, but the attached Stass report, installation of the bores, sampling and analysis of groundwater cost was over \$12,000. The total cost of services and consultant's investigations for all the matters relating to Bio Organics previous and proposed development activities to date, is over \$458,000 excluding in-kind work by Shire offers.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council request the Chief Executive Officer to undertake the following;

- 1. Write to the Minister for Environment; Heritage and to the Executive Director Compliance and Enforcement of the Department of Environment regarding Bio-Organics not complying with the closure notice requirements and the inadequacies of the ground water monitoring program.**

OCM081/05/16 COUNCIL DECISION / New Motion:

Moved Cr Rich, seconded Cr Piipponen

That Council request the Chief Executive Officer to undertake the following:

- 1. Write to the Minister for Environment; Heritage and to the Executive Director Compliance and Enforcement of the Department of Environment regarding:**
 - a) Bio-Organics not complying with the closure notice requirements; and**
 - b) The inadequacies of the ground water monitoring program; and**
 - c) Concerns with regards to the new potential activities on the vineyard Lot (Lot 6 Abernethy Road); and**
 - d) Request a reimbursement of funds spent by Council in relation to investigation associated with these concerns to date; and**
 - e) Request a meeting between the Shire of Serpentine Jarrahdale Council and the Minister of Environment; Heritage to discuss these concerns.**
- 2. Bring an item to Council at the Ordinary Council Meeting 22 August 2016 to consider the response from the Department of Environment Regulation and the Minister.**

CARRIED UNANIMOUSLY

| | |
|----------------------------------|--|
| OCM082/05/16 | Differential Rating Strategy 2016/2017 – Notice of Intention to Raise Rates (SJ514-07) |
| Author: | Kellie Bartley – Acting Director Corporate and Community |
| Senior Officer/s: | Alan Hart – Acting Chief Executive Officer |
| Date of Report: | 18 April 2016 |
| Disclosure of Officers Interest: | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |

The purpose of this report is to seek Council support to continue the process on Notice of Intention to Raise Rates. Council is requested to support the differential rates in the dollar and minimums proposed for the 2016/2017 financial year, and advertise the proposed rates for a 21 day comment period. Council is required to seek Minister approval for proposing to impose an intensive farming differential rate that is more than twice the lowest rate, and the total number of properties rated on minimum for residential vacant land being over 50%.

Background:

In accordance with Sections 1.7 and 6.36 of the *Local Government Act 1995* Council is required to give local public notice of the intention of Council to impose differential rates, or a minimum payment under a differential rate category.

Local public notice includes publishing in a newspaper circulating in the district, exhibiting on the notice board of the local government office, and exhibiting on the notice board of the library inviting submissions in respect of the following information, for a minimum of 21 days not including the date of advertising:

1. Details of each rate or minimum payment the local government intends to impose;
2. Invitation for submissions to be made in respect of the proposed rate or minimum payment and any related matters;
3. Where there are less than 30 ratepayers in a rating category, individual consultation is required in writing and a 21 day submission period is to be provided.

It is recommended that Council advertise an average 5% rate increase for the 2016/2017 financial year.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

An advertisement on the 12 May 2016 will be included in the public notice section of the Newspaper circulated in the district. The community will have 21 days to make submissions until 3 June 2016.

Comment:

The *Local Government Act 1995* provides for Councils to levy rates to fund the estimated annual budget deficiency for the forthcoming financial year. The Corporate Business Plan and the Long Term Financial Plan is presented in a format that conforms with the Department of Local Government's guidelines and the Local Government (Financial Management) Regulations 1996.

The estimated budget deficit for the 2016/2017 financial year has not yet been finalised, as the detailed budget estimates covering various expense and revenue items are currently being prepared. At present, the amount required from rates to fund the outcomes of the draft budget is in excess of the rate increase proposed of 5%. Staff are revising the draft budget and service levels and are looking at all avenues to reduce the gap, including alternative revenue sources.

The five percentage rate increase from 2016/2017 will generate \$19,703,753 in total rate revenue. The 'rural living' rate category has only increased by an average of 1%, as the Shire looks to simplify the rate categories of 'rural' and 'rural living' to one category in the 2016/2017 financial year.

In the past Council has adopted rates that are more than twice the minimum differential rate and must therefore seek Ministerial approval, as required by the provisions of the *Local Government Act 1995*. The Department of Local Government has been scrutinising Council's differential rating strategy each year and may request modifications to be made, if they are not satisfied that the rating strategy is fair and equitable.

The table below shows the rate categories for 2016/2017 and the rate in cents and minimum amounts:

| GRV Rate Category | 2016/2017 | |
|-----------------------|---------------|---------|
| | Rate in Cents | Minimum |
| Residential | 9.1413 | 1,102 |
| Residential Vacant | 15.0615 | 1,136 |
| Commercial/Industrial | 8.6906 | 1,301 |

| UV Rate Category | 2016/2017 | |
|-------------------|---------------|---------|
| | Rate in Cents | Minimum |
| Rural**^ | 0.3480 | 1,301 |
| Rural Living | 0.3480 | 1,301 |
| Intensive Farming | 1.1117 | 1,301 |

** Eligible farmland properties are provided with a rate concession of 31% off the rural rate in the dollar, their minimum rate is not reduced.

^ Eligible conservation properties are provided with a rate concession of 50% off the rural rate in the dollar, their minimum rate is not reduced.

Conclusion

It is recommended that:

- Council support the differential rates in the dollar and minimums proposed for 2016/2017;
- Advertise the proposed differential rates;
- Seek the Minister for Local Government's approval to impose differential general rates more than twice the lowest rate; and
- Council is required to provide a twenty one (21) day community consultation period for the differential rating proposed. All submissions received within the consultation period will be presented to Council in June 2016 when the statutory budget for the 2016/2017 financial year is endorsed by Council.

Attachments:

- [OCM082.1/05/16](#) - A copy of the modelling results (E16/3187)
- [OCM082.2/05/16](#) - A copy of the Objects and Reasons in Differential Rates for 2016/2017 (E16/3188)
- [OCM082.3/05/16](#) - Rating Policy Differential Rates Application Form (E16/3211)

Alignment with our Strategic Community Plan:

| | |
|------------------|--|
| Objective 2.1 | Responsible Management |
| Key Action 2.1.1 | Undertake best practice financial and asset management |

Statutory Environment:

Under Section 6.36 of the *Local Government Act 1995*, Council is required to give local public notice of the intention of Council to impose differential rates, or a minimum payment under a differential rate category. Local public notice includes publishing in a newspaper

circulating in the district, exhibiting on the notice board of the local government office, and exhibiting on the notice board of the library inviting submissions in respect of the following information, for a minimum of 21 days not including the date of advertising:

- Details of each rate or minimum payment the local government intends to impose.
- Invitation for submissions to be made in respect of the proposed rate or minimum payment and any related matters.

Financial Implications:

The Shire's principle source of income is through rates. It is an essential part of the budget process that the Council consider the level of rates that need to be raised in the context of funding the annual budget. It must also be noted that as other income, such as fees and charges are fixed by external legislation, there is very little scope for the Shire to increase this revenue source to keep up with the rising costs of service provision, therefore, these increasing costs must be borne by increases in rates.

Another consideration is the increasing costs of borrowings that need to be funded each year. As the Shire borrows funds in each budget, the flow on effect in the following year's budget is the cost of these borrowings. This increased cost is generally funded through increases in rates.

The Shire has until 31 August each year to adopt the Annual Budget, as the Shire is a rapidly growing organisation and as such we are heavily reliant on receiving rates income to fund our operations, including salaries. With this in mind, setting the level of rates for advertising and allowing the adoption of the annual budget in June, after the close of the advertising period, is a very high priority to enable rates notices to be issued. The Shire prepares its cash flow based on starting to receive rate payments in late August each year.

Voting Requirements: Absolute Majority

OCM082/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Ellis

That Council:

1. Support the following differential rates in the dollar and minimum payments for the GRV and UV rated properties, subject to finalisation of the 2016/2017 draft budget:

| Proposed 2016/2017 | | | | |
|-----------------------|------|------------------|-------------------|--------------|
| Differential Category | Rate | UV Rate in Cents | GRV Rate in Cents | Minimum Rate |
| Residential | | | 9.1413 | 1,102 |
| Residential Vacant | | | 15.0615 | 1,160 |
| Commercial/Industrial | | | 8.6906 | 1,301 |
| Rural | | 0.3480 | | 1,301 |
| Rural Living | | 0.3480 | | 1,301 |
| Intensive Farming | | 1.1117 | | 1,301 |

2. Advertise for public comment, the differential rates and the minimum payment stated in 1 above, as per the requirements of the Section 6.36 of the *Local Government Act 1995*.
3. Apply to the Minister for Local Government for approval to impose differential general rates, which are more than twice the lowest differential general rate, for the 2016/2017 financial year, as per Section 6.33(3) of the *Local Government Act 1995*.

CARRIED 8/1

| | |
|----------------------------------|---|
| OCM083/05/16 | Reporting on Corporate Business Plan Quarter 1 and 2 of 2015/16 (SJ940) |
| Author: | Karen Cornish – Governance Advisor |
| Senior Officer: | Alan Hart – Acting Chief Executive Officer |
| Date of Report: | 13 April 2016 |
| Disclosure of Officers Interest: | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i> |

Introduction:

The purpose of this report is to inform Council on the status and progress made on the objectives and actions of the Shire's Corporate Business Plan during the first half of 2015/16. (July – December 2015).

Background:

The *Local Government Act* requires all local governments to plan for the future of their district. The *Local Government (Administration) Regulations 1996* also stipulate that a local government is to ensure a Corporate Business Plan is made for its district each financial year and covers at least four financial years. Local governments are also required to review their Corporate Business Plan every year. Regulation 19DA of the *Local Government (Administration) Regulations 1996* refers:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Community / Stakeholder Consultation:

No community consultation is required in this instance.

Attachment:

- [OCM083.1/05/16](#) – Report on Corporate Business Plan 1st half of 2015/16 (E16/2971)

Alignment with our Strategic Community Plan:

| | |
|------------------|---|
| Objective 2.1 | Responsible Management |
| Key Action 2.1.1 | This report is a tool for evaluating performance against service delivery to ensure efficiency, effectiveness and meets the needs of the community, elected members, management and staff |

Statutory Environment:

- *Local Government Act 1995* (as amended)
- *Local Government (Administration) Regulations 1996*

Financial Implications:

There are no direct financial implications as a result of this report.

The Corporate Business Plan will guide the allocation of resources in the annual budget and ensure Council's Strategic Community Plan can be implemented and budgeted for over future years.

Voting Requirements: Simple Majority

OCM083/05/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council:

1. **Accept the report on the status of actions on the Corporate Business Plan for the period July to December 2015 as per attachment OCM083.1/05/16.**
2. **Consider a budget allocation in the 2016/17 budget for the purpose of undertaking a review of the Shire's Strategic Community Plan and Corporate Business Plan as detailed in regulation 19C and 19DA of the Local Government (Administration) Regulations 1996.**

CARRIED 6/3

10. Information Reports:

Nil

11. Urgent Business:

Nil

12. Councillor questions of which notice has been given:

Nil

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 8.01pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 23 May 2016

.....
Presiding Member

.....
Date