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**Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday, 12 August 2013. The Shire President declared the meeting open at 7.03pm and welcomed Councillors, staff and members of the gallery.**

## 1. Attendances and Apologies (including Leave of Absence):

### In Attendance:

**Councillors:** B Moore ..... Presiding Member  
G Wilson  
D Atwell  
S Piipponen  
B Urban

**Officers:** Mr A Hart ..... Acting Chief Executive Officer  
Mr B Gleeson..... Director Planning  
Mr G Allan ..... Director Engineering  
Ms Linda Jones ..... Executive Assistant to Chief Executive Officer  
Mrs Debra Baldwin ..... Executive Support Officer

**Apologies:** J Kirkpatrick ..... Councillor  
Mr R Gorbunow ..... Chief Executive Officer

**Observers:** Nil

Members of the Public - 33

Members of the Press - 1

## 2. Response to Previous Public Questions taken on notice:

### Dr Sheila Twine, 25 Millbrook Close, Jarrahdale – re Jarrahdale Heritage Park

We read in the paper that Jarrahdale Heritage Park is one of the Shire's five 'big ticket' items to progress and yet I'm told the Shire can do nothing without permission from the National Trust (NTWA) which is the owner of most of the land. I understand there is no current agreement between the Shire and the NTWA.

My members and I are in confusion as to what funds remain and what happened to the reserve fund?

1. I request a breakdown of income and expenditure for the Heritage Park, with notes attached for items which will be hard to comprehend by Jarrahdale Heritage Society (JHS) members. This breakdown to run from the earliest days (in a large font please for old eyes, with three copies).
2. I request a meeting with the Shire finance people (for three JHS members) to explain items on the spreadsheet and give a clear picture of the present position.

### *Response:*

*The Shire President thanked Dr Twine for her comments and agreed to a meeting with officers and members of the Jarrahdale Heritage Society to discuss the matters raised.*

A formal written response has been provided to Dr Twine.

Jan Star, 230 Jarrahdale Road, Jarrahdale

Re OCM013/07/13 Confidential Item - Reconsideration of Extractive Industry Licence and Development Approval - Lot 4 Transit Road and Lot 6 Jarrahdale Road, Jarrahdale

1. Given there has been no real attempt to answer community concerns and given that there is no justification given for the Officer's Recommendation, can someone please explain on what Planning grounds this recommendation was made, considering it was counter to both Western Australian Planning Commission and Council Planning policies?

*Response:*

*The Director Planning advised that the recommendation has been presented by Planning officers following discussions in mediation at the State Administrative Tribunal (SAT). These discussions are held in confidence. SAT requested Council to reconsider the application based on information previously submitted and new information submitted by the applicant at SAT.*

2. Given the apparent disregard of the proponents for previous conditions of their Development Approval, their current disregard of Council policies and State Regulations (clearing of native vegetation); and their disregard for their neighbours by allowing their noxious weeds to infest properties far and wide despite requests from Council for their eradication, by what means is Council going to ensure their conditions are met if this is approved?

*Response:*

*The Director Planning advised that employment of a Planning Compliance Officer will allow the Shire to better enforce the management plans and more closely monitor the conditions. Council has attempted to get the landowner to deal with noxious weeds on the property on a number of occasions.*

A formal written response has been provided to Ms Star.

Merri Harris, 806 South Western Highway, Byford

Re OCM013/07/13 Confidential Item – Reconsideration of Extractive Industry Licence and Development Approval – Lot 4 Transit Road and Lot 6 Jarrahdale Road, Jarrahdale

Ms Harris requested that answers to her questions be provided tonight prior to Councillors voting on the item.

1. May I please have an explanation as to why there is no indication within the body of the item on the agenda as to why the item is to be Confidential?

*Response:*

*The full report was provided to Councillors under separate confidential cover as per Section 5.23(2) of the Local Government Act 1995 for the purpose of considering a matter that is currently at SAT.*

2. Under Item 4 there is reference to the production of an annual report that must provide details relating to complaints and complaint responses. Has there been a directive to the proponent about how they will provide access to the method of making complaints to the general public such as signage at the gate of the property that informs the public about how to make a complaint? Will there be any requirement of the company to make it known to the Shire when they receive a complaint?

*Response:*

*The Director Planning advised that, during the SAT mediation process, a commitment was given by the proponent to improve communication with the local community. As a result of that commitment conditions 4 and 5 were included and form part of the Officer's Recommendation. The detail will be worked out in discussion with the proponent.*

3. Who will enforce the requirement of the proponent to exclude batters from the buffer areas?

*Response:*

*The Director Planning advised that Conditions 12 and 13 relate to Q3. The Shire will need to enforce compliance with conditions.*

4. Will the bunding areas be included within the perimeter of the excavation site and if so, how will this affect the pegging of the excavation areas?

*Response:*

*As above.*

5. Does the Dust Management Plan require the proponent to have a water truck onsite at all times or just during excavation periods?

*Response:*

*The Director Planning advised that Condition 14 relates to Q5.*

6. Who will monitor the dust nuisance from easterly breezes when excavation is not actively occurring?

*Response:*

*The Director Planning advised that the landowner will be responsible for ensuring there are no dust problems. The Shire will be responsible for monitoring the conditions of approval.*

7. How will the proponent be required to monitor wind and dust conditions during weekends, public holidays and periods of non-excavation?

*Response:*

*The Director Planning advised that Conditions 6 and 7 relate to Q7.*

8. If approval for this excavation is provided today will the proponent be required to proceed with all plantings of trees within the buffer areas this winter?

*Response:*

*The Director Planning advised that Condition 22 relates to Q8. Planting may not necessarily occur this winter.*

9. Has there been an assurance bond placed against the requirements for vegetation and rehabilitation of the site? If not, why not?

*Response:*

*The Director Planning advised that no condition for bonding of the proposed works has been recommended. Commitment for an extra 1000 trees came out of the mediation process and it is understood the trees have already been ordered.*

10. Will the hours of operation also apply to clearing operations and burn-offs?

*Response:*

*The Director Planning advised that Item 5.7 of the Excavation Rehabilitation Management Plan relates to Q10.*

11. Under item C, point 1, should the word ‘approval’ be replaced with ‘licence’?

*Response:*

*The Director Planning advised that the wording under Item C, point 1 is correct and clarified that:*

- *Development approval for an extractive industry is in accordance with the Shire’s Town Planning Scheme.*
- *Granting of an Extractive Industry Licence is in accordance with the Shire’s Local Laws.*
- *Development approval for sand extraction is in accordance with the Metropolitan Region Scheme.*

12. Is it true that third parties can make representation to the State Administrative Tribunal?

*Response:*

*The Director Planning advised that SAT can consider a request for representation to a hearing and recommended members of the community contact SAT directly in this regard.*

A formal written response has been provided to Ms Harris.

Joanne Scott, PO Box 175, Mundijong

Re OCM013/07/13 Confidential Item – Reconsideration of Extractive Industry Licence and Development Application - Lot 4 and 5 Transit Road and Lots 6 and 7 Jarrahdale Road.

The Shire President read aloud the following questions in the absence of Ms Scott:

“In response to your correspondence dated 12 July, please note unfortunately I am unable to be present at the Council meeting tonight. I seek answers to the following:

1. When did the Council receive notice that the proponent had made an application to the State Administrative Tribunal (SAT)?”

*Response:*

*Council was advised by SAT on 11 March 2013 of the lodgement of an application for review.*

“2. Why was I not informed when Council became aware that an application was before SAT?”

*Response:*

*There is no requirement under the State Administration Act for Council to notify residents that an application for review has been lodged.*

“3. When did Council receive the request from SAT to reconsider its decision?”

*Response:*

*SAT at the mediation held on 9 May 2013 made this Order.*

“4. On what basis did Council deem it necessary to commission a confidential report?”

*Response:*

*Matters before the SAT are confidential.*

A formal written response has been provided to Ms Scott.

Kerry and Peter Westlake, Lot 10 Transit Road, Jarrahdale

Re OCM013/07/13 Confidential Item – Reconsideration of Extractive Industry Licence and Development Application - Lot 4 and 5 Transit Road and Lots 6 and 7 Jarrahdale Road.

1. Have all objecting ratepayers to this extractive industry proposal been notified in writing of this reconsideration by Council of its original decision?

*Response:*

*The Chief Executive Officer advised that notification was forwarded to people who made a submission advising of the meeting tonight.*

2. What has changed from the 11 February 2013 meeting on the grounds of objection to warrant ‘confidential consideration’?

*Response:*

*Subsequent to the refusal by Council, the applicant sought a review of the decision by SAT. Council was requested to reconsider the application based on information previously submitted by the applicant and new information submitted to SAT. All matters before the SAT are confidential.*

3. What is ‘confidential report’ in this instance? How can such be publicly and ethically debated without content disclosure?

*Response:*

*The full report was provided to Councillors under separate confidential cover as per Section 5.23(2) of the Local Government Act 1995.*

4. Are Lots 4 and 5 Transit Road and 6 and 7 Jarrahdale Road still ‘Rural’ zone?

*Response:*

*Lots 4 and 5 Transit Road and 6 and 7 Jarrahdale Road are zoned ‘Rural’ under the Shire’s Town Planning Scheme 2.*

A formal written response has been provided to Mr and Mrs Westlake.

Jan Star, 230 Jarrahdale Road, Jarrahdale

Additional question re OCM013/07/13 Confidential Item - Reconsideration of Extractive Industry Licence and Development Approval - Lot 4 Transit Road and Lot 6 Jarrahdale Road, Jarrahdale

1. Is it possible that by doing sand extraction over the summer months trees will not be planted until next winter?

*Response:*

*The applicant would be required to plant the trees in accordance with the landscaping plan within the first winter following granting of approval.*

A formal written response has been provided to Ms Star.

Phil McSwain, 197 Jarrahdale Road, Jarrahdale

Re OCM013/07/13 Confidential Item – Reconsideration of Extractive Industry Licence and Development Application - Lot 4 and 5 Transit Road and Lots 6 and 7 Jarrahdale Road.

When you compare places such as Roleystone, Lesmurdie, Kalamunda and Bedforddale the entrance from Byford into Serpentine Jarrahdale looks terrible. WA Blue Metal, the tip, the brickworks, the old mine on Jarrahdale Road, the petrol station not in use and approval of this mine are setting an undesirable precedent. Do they want to make it the ugliest entrance in the State? Residents would like to protect our land valuations.

*Response:*

*The Shire President advised that Council takes these concerns seriously. The State Government has made it clear that extractive industries will go ahead on the Scarp. We are continually in battle with SAT, sadly at a financial cost to our ratepayers.*

A formal written response has been provided to Mr McSwain.

### **3. Public Question Time:**

Public Question / Statement Time commenced at 7.04pm.

Jan Star, 230 Jarrahdale Road, Jarrahdale

Councillor Moore, I have read all the review panel reports and heard the State Government pronouncements which are but tenuously related to the reports. I can see little justification for their decision with respect to the Shire. Will the Council be providing their community with their arguments on the proposed amalgamation giving both the advantages, if any, and disadvantages?

*Response:*

The Shire President advised that Council has resolved to at least talk with Armadale in order to come up with the pros and cons of amalgamation. The State Government has offered each Council \$200,000 if we follow this process. Council currently has a policy which is opposed to amalgamation. Council will review its position and make this public knowledge at the Ordinary Council Meeting on 23 September 2013. In the meantime it is proposed to have extensive discussions with executive officers and the public to enable Councillors to make a decision on behalf of the community.

Sandra Hawkins, President of Byford Scarp Resident Association Inc, 12 Rath Close, Byford

Has the Serpentine Jarrahdale Shire Council investigated a different direction for amalgamation to take place other than joining with Armadale Shire Council when the Peel Region is the most obvious solution? If not why not, as it would appear to be the most sensible and logical way to go?

*Response:*

The Shire President advised that the State Government has made it quite clear that amalgamation of metropolitan local governments will take place by July 2015. Their next agenda will be country amalgamations by July 2017. It is likely that Mandurah, Murray, Waroona and possibly Boddington could merge to become a huge municipality. It is logical for Serpentine Jarrahdale to merge with Peel. Council will continue to have in-depth discussions with executive officers of the Peel groups.

Merri Harris, 806 South Western Highway, Byford

Given the recent announcement of proposed amalgamations of metropolitan local governments and the release of the timeline and expected process I have the following questions:

1. What is the final date for the submission of the Shire report regarding its recommended approach for the proposed amalgamations?

*Response:*

The deadline for submissions is 4 October 2013.

2. Given the local governments were briefed last Thursday on the expected process of amalgamation from the date forward what are the component parts of this report that must be met to satisfy the Minister's demands for the proposed amalgamation and to prevent the Minister from submitting his own plan or putting a commissioner in place?

*Response:*

The Department of Local Government will provide information which includes guidance notes for local governments that intend to lodge a proposal with the Local Government Advisory Board. The Shire President advised that the Minister does have his own plan and that it does including putting Commissioner in place.

3. Does this report have to be done in collaboration with the City of Armadale or can it be a standalone document/process?

*Response:*

Submissions should preferably be submitted jointly but if this is not possible, they can be submitted by local governments individually. The Shire President advised that both Councils have indicated that they do not support the amalgamation; however we have an obligation to our ratepayers to at least go through the process and hopefully agree on the best way forward.

4. Given the City of Armadale does have a Council resolution on the books that indicates that they are not in favor of amalgamation with the Serpentine Jarrahdale Shire is it expected that Armadale will be entirely cooperative with the process?

*Response:*

The Shire President stated that we have entered into discussions and both Councils have agreed to cooperate during the process.

5. I have it on good advice that the City of Armadale has already submitted a report to support the needs of this process. Will that infer that Serpentine Jarrahdale Shire will not be involved with any discussions or construction of the report that is expected to be submitted from the two amalgamating Local Governments?



*Response:*

This question was taken on notice and a formal response will be provided in due course.

6. What steps has this Shire taken to engage with the Peel region over possible alternative local government action and/or collaboration to protect the rights and privileges of the Peel region?

*Response:*

The Shire President responded that there is no doubt our legacy is with the Peel Region and we propose to continue our relationship and in-depth discussions with the Peel local governments.

7. What steps does this Shire intend to take to engage the rate paying members of this community during this upcoming process?

*Response:*

The Shire President advised that the process has not been finalised at this stage. Extensive discussions need to take place and an opinion formed as a united Council, not fragmented.

8. Given that I have it on good advice that the State Government intends to proceed with amalgamations of our neighboring local governments in the Peel and further down the south western coastline to Bunbury and beyond, would it not seem logical that the SJ Shire should proceed with discussion with Peel local governments immediately?

*Response:*

The Shire President advised that the executive officers of the Peel groups are already having discussions with respect to proposed amalgamations. The State Government has made it clear that it intends to go ahead with amalgamations but State Government members can back down. One of the problems is that the general public thinks of local government only in terms of rates, roads and rubbish. We need you to be more outspoken and angry about the proposed amalgamation and hopefully stop it at the pass.

Margaret Calen, SJ for Peel Group, 49 Phillips Road, Karrakup

1. In the event of a forced amalgamation with the City of Armadale, which is predominantly urban in character; will SJ primary producers who currently qualify for farmland concessional rates continue to be eligible for the lower rate for their productive agricultural land?

*Response:*

The Shire President advised that he is unable to answer this question as he has no idea if primary producers will be eligible for the lower rate. He urged everybody to read an article on Council Amalgamations in today's The West Australian entitled "Mergers 'costly and divisive'".

2. In the event of amalgamation; will un-needed municipal buildings and real estate be sold off to private developers or retained for community use?

*Response:*

2. The Acting Chief Executive Officer advised that we cannot pre-empt what a future Council might decide. One would expect some rationalisation of facilities will occur with any merged entity, which is what happens in the Eastern States when amalgamation occurs.

Michelle Rich, Firms Road, Serpentine

On 21 February 2013 Tony Simpson, in a media statement, stated that there would not be any forced amalgamation by the Liberal Party. In that statement it was also stated that the Liberal Party would not change legislation as Victoria and Queensland did to force amalgamation. Our communities are against amalgamation and expect our Councillors to fight this amalgamation.

Has the Serpentine Jarrahdale Shire asked the Minister for Local Government regarding this statement?

*Response:*

The Shire President advised that, in his own words, the Minister said he lied because he wanted to get elected.

Jan Star, 230 Jarrahdale Road, Jarrahdale

1. With respect to Item OCM016/08/13 on the agenda for this Council meeting, will the proposed amalgamation affect the new Police facility, given we are part of the Peel district and will now presumably go to the Armadale district?
2. Was an independent valuation obtained as the price seems very low? Is that a 'rural' value?

*Response:*

The Acting Chief Executive Officer advised of confirmation in this year's State budget that construction of the new facility will proceed as planned. An independent valuation was obtained and the price is as per that valuation.

Denyse Needham, 3345 South West Highway, Keysbrook

What is being done about the state of Henderson Road West, Yangedi South and Elliot Road? The roads are extremely pot-holed and in need of repair.

*Response:*

The Shire President acknowledged these concerns and advised that they have been taken on notice by the Director Engineering and will be acted upon as soon as possible.

Amanda Worthington, Olbdury

What is being done about the state of Gossage Road shoulders? Potholes 30 centimeters or more deep. The road is one car width and it is incredibly dangerous being continually pushed into these by heavy vehicle traffic. Why are they not being maintained and checked?

*Response:*

The Shire President acknowledged these concerns and advised that they have been taken on notice by the Director Engineering and will be acted upon as soon as possible.

Margaret Calen, 49 Phillips Road, Karrakup

1. The Town of Vincent has actually had a rally demonstrating their position on amalgamation, why is this Council not able to have a position?

*Response:*

The Shire President responded that the Mayor of Vincent speaks on behalf of her Council. This Council will go to the public with factual information as soon as possible.

2. Does that mean that you regard yourself as representing the community and that the community has to fall behind you?

*Response:*

Councillors want to hear what the community has to say so they can formulate a position based on majority views.

John Rossiter, 9 Comic Court Circuit, Darling Downs

I acknowledge what the Shire has done with respect to the proposed Tonkin Highway extension but there are ramifications? If not constructed, when we amalgamate Armadale will have no drive to extend the Tonkin Highway and we will be left with heavy trucks on the South West Highway.

*Response:*

The Shire President advised that the proposed Tonkin Highway extension requires funding from both State and Federal Governments. This Council has limitations on what it can contribute towards a \$300 million project. In my opinion the chances of the project succeeding if amalgamation goes ahead will be diminished.

#### **4. Public Statement Time:**

Jackie Dines, SJ for Peel Committee

Due to the fact that the State Government has now changed the rules and is forcing Councils to amalgamate, the ratepayers of SJ wish to ask the SJ Council not to agree to anything at all with Armadale or the Local Government Association until the ratepayers have had the chance to get their views organised.

The ratepayers need the chance to work with our Council to defend the independence of our Shire. (We will not know if we have a majority until we do a referendum). I request that a referendum on the matter is conducted with the Local Government elections to be held in October.

I understand that the State Government has declared it is going to remove the Dador provision in the *Local Government Act* but that should not stop us from having the referendum, then at least we will know what the majority think and our strategy can be formed from there.

*Response:*

The Shire President stated that a referendum is unlikely to happen but urged residents to be vocal, let Council know what you want to happen, get petitions going and let your local Member know what you think about the proposed amalgamation.

Anne Morris

I would like to endorse what Jackie has said and agree that a referendum needs to be held.

I suggest that following this Council meeting a committee of ratepayers be formed to work with the Council on the reasons why SJ should remain independent and formulate the wording of a referendum.

There are people here this evening who would gladly join this committee.

Those interested please raise your hand!

*Response:*

It was noted that the majority of the members of the public present raised their hand at this point.

The Shire President responded that ratepayers are most welcome to form a committee to work with Council. There is a limited period of time (seven weeks) before submissions are due. Please speak to Anne after the meeting and let her know what you think.

Samantha Nordburg, 5 George Street, Jarrahdale

We don't support DFESA taking over bushfire brigades. They don't understand our communities and we believe they do not support the volunteer organisations.

*Response:*

The Shire President responded that there will inevitably be cost savings. The reality is that the overall theme happening with State Government is centralisation.

Rob Gibb, on behalf of Byford and Districts County Club Relocation Committee

The Byford and Districts Country Club (Inc) is proposing to relocate its building and bowling green from the town centre to reserve 10164 South West Highway Byford, otherwise known as the Old Rifle Range reserve. The proposed lease is listed on this evening's agenda and in accordance with Councils adopted Lease and License Policy the lease is for a period of twenty years. On behalf of the Byford and Districts Country Club I seek Council's approval from the Minister for Lands for a memorandum of understanding that the lease be automatically renewed after twenty years.

*Response*

The Shire President referred to Item OCM015 on tonight's agenda and advised that there may be an amendment to the Officer Recommendation contained within the report. Council cannot automatically renew the lease after twenty years but can give a clear undertaking that this will be given serious consideration.

Alan Clarkson, 32 Alice Road, Cardup

I do not think I have ever seen such treachery as is being put on us. We were told numerous times by the local MLA that there would be no forced amalgamation. All the hard work of the progress associations will go by the wayside in the event of amalgamation. There is already talk about us having more landfill – we will become a dumping ground for all manner of things. I urge Councillors to think seriously and lobby the local MLA.

Denyse Needham, 3345 South West Highway, Keysbrook

We have nothing in common with Armadale, they have anti-social and crime problems, they have different priorities to us and with their much larger population base we would find it very hard to get representation on the combined Council.

We would fit much better into the Peel Regional Council. I believe this Council will be joined after the metropolitan Councils are amalgamated. This Peel Council should consist of Serpentine Jarrahdale, Murray, Mandurah, Waroona and possibly Boddington. The metropolitan boundary would be re-drawn along our northern boundary. There are many advantages for us to be in the Peel Council, we have representation on the Peel Development Commission from which we receive Royalties for Regions funding, the Regional Development Australia, Peel Committee, Peel-Harvey Catchment Council who obtain funding for our Landcare centre and our pensioners receive the \$500 fuel card because of our rural and lack of transport status.

We have much more in common with our southern neighbors and we would have much more say and control of our own identity on how our Shire is developed. We would be able to protect our farmers and farmland and our natural environment. As we are the northern part of the catchment into the Peel-Harvey Estuary we should be part of a Council that is responsible for the whole catchment. Historically we have been part of the WALGA Peel Zone for decades and before that the Country Shire Councils Association, Peel Zone.

When I was collecting signatures on the petition that collected almost 3000 signatures opposing the amalgamation with Armadale many people said *“if we have to amalgamate with anyone we’d rather go with the Shires to the South”*.

Armadale will not value our beautiful Shire as we do; they will see us as a large open space to solve their waste disposal problems.

They will not see the value in our farmland as future food resource.

They will not see the beauty in our bushland, our wetlands and our forests and protect them as we have done for years.

They will not value our community and our many volunteers who are the heart and soul of our Shire.

They will only see the large area of undeveloped land as an opportunity for wall to wall housing and our voices will be small and distant from the seat of influence.

#### Merri Harris, 806 South Western Highway, Byford

There are two issues that I would like to touch on tonight:

1. I note that the OCM item pertaining to the Byford and Districts Country Club that the officer has recommended a twenty year lease proposal. Given that the ‘Club is essentially gifting to the community a multimillion dollar facility that will meet many of the community facility needs which the Shire will not need to provide in the near future, would it not be advisable on the part of the Shire to ‘gift’ back to the stand-alone organisation a longer lease period. Any arguments that may be raised about whole of life costs and replacement costs that the Shire may face in the future can be creatively resolved within the business management arrangements that can be included within the lease agreement. Therefore, I strongly recommend that the Shire provide a long and meaningful lease period that permits long term planning and financing arrangements demanded by granting organisations and long term community group planning. Be bold and be generous to a community group that is attempting to provide a facility for its own community in the very near future, that the Shire can only dream about.
2. In regard to the proposed local government amalgamations I would like to get it off my chest and say, *“Did I not tell you so?”*. Every prediction that I spoke about while on Council has transpired. Can I please now give to you a brief synopsis of why I believe that an amalgamation with Armadale will be disastrous for not only the Serpentine Jarrahdale Shire area but also the City of Armadale and for the Peel region?
  - a) The City of Armadale and the Shire of Serpentine Jarrahdale share very few communities of interest.
  - b) The City of Armadale has very different relationships with its geography, topography and water catchment areas.

- c) The rationales used by the government for amalgamating the City of Armadale and the Shire of Serpentine Jarrahdale are spurious, at best, and patently disingenuous. This proposal is political expediency at its worst.
- d) Demographically the two local governments are worlds apart as demonstrated by ABS statistics.
- e) Economically the two are worlds apart as demonstrated by ABS statistics.
- f) Serpentine Jarrahdale was included in the MRS by the quirky drawing of line on a map decades ago without consideration of factors that now demand a very different approach to planning and land use. Modern planning of an ever growing metropolitan area, with constraints applied by climate change and the ever evident impending water shortage issues for a densely populated large city demands very smart rigorously applied water conservation and management. Serpentine Jarrahdale Shire by its very geographic positioning and river systems is tied irrevocably to the Peel-Harvey Catchment Area. No lines on maps or name changes will alter this fact.
- g) The Peel region, on the other hand, related to the Serpentine Jarrahdale Shire by its history of development (hence the name), its current, historical and agricultural heritage and future potential as the food bowl for a large metropolitan area requires the relationship with Serpentine Jarrahdale Shire to be able to function at its optimum. The Serpentine Jarrahdale Shire area, whether it has a different name or not, will forever be forced to work closely with the Peel region if for no other reason than to manage the critical water and food issues that will become more and more evident as Perth grows. Food security, while not currently a topic of great concern will, in the future, be a major consideration for all governments and populations, especially those in large cities.
- h) In March this year, in a very short period of time a petition was circulated that stated: "We the undersigned, respectfully request that the Department of Local Government and the State Government consider the will of the people of the Serpentine Jarrahdale Shire to have the whole Shire area remain associated with the Peel region in whatever form the Peel region, as an entity, decides is in the best interest of the Peel Region". Over 2800 people signed that petition. This represents well over 10% of the current population of the Shire and nearly 20% of the population eligible to vote in the Shire. This petition was presented to the Minister for Local Government on April 19 2013 so he is well aware of the sentiments of a large proportion of the population of the Shire.
- i) In the process leading up to the presentation of the petition to the Minister for Local Government I personally contacted and spoke to either a CEO or President of all of the Peel local governments and all the major organisations that work in or represent the interest of the Peel region. Without exception, all reiterated their concern for the Shire of Serpentine Jarrahdale to remain within the organisation for the Peel region because of its critical role in the functioning of the Peel region at a local level, at a State level as well as the Federal Regional Development Authority.

Therefore, it is incumbent upon this Council to represent the wishes of the people of the Shire, our neighboring local governments of the Peel region as well as help determine the future for generations of people who will benefit from the wise consideration and decision making of this current group of leaders.

Barry O'Neil, 127 King Road, Oakford

We are dragging our feet here and must take some action. People would like to know how the legislative system works and how Colin Barnett has railroaded this through. The MLA told us lies – we did not want amalgamation. Council must be more open and get behind its ratepayers. This has not even been through Parliament - they are trying to get rid of the clause under the *Local Government Act* which says it must go to a poll or referendum.

Public Question / Statement Time ended at 8.01pm.

## 5. Petitions and Deputations:

Nil

## 6. President's Report:

### **Proposed Amalgamation of Shire of Serpentine Jarrahdale with City of Armadale**

The State Government has broken its election promise of no forced amalgamations and has threatened to forcibly join the two municipalities making a Mega Council which will comprise one quarter of the Perth Metropolitan Area.

This decision ignores the fundamental right of democracy and is based on the erroneous belief that 'bigger is best' and that development will be less hampered by more centralised bureaucracy. To ensure the State Government's agenda proceeds, the Dador provisions of the *Local Government Act*, which protect the rights of the community to have a say in whether they want to be amalgamated, have been suspended by the State Government. This way, the ratepayer has no say on whether they want to be part of a larger entity where you will have little or no say in how you want your Council to run.

The State Government has already made significant changes in the planning process where applications over \$3 million have to be approved by the State Government. The retrograde step reduced the level of local input from the decision making process. With a larger entity, more of this could happen.

This Council, which is less than two years old, has made great inroads in addressing ratepayer issues (as demonstrated at the last Council elections), including addressing major developers' concerns and changes to the way we do business and interact with our community.

Our local MLA Tony Simpson, Minister for Local Government, made a commitment at the last election that there will be no forced amalgamations. This commitment may not be honoured if the State Government proceeds with forcing SJ to merge with Armadale. This Council placed great faith in him and has sadly been let down!

Council is currently collecting information and talking to Armadale to assess its best possible option to achieve the best outcome for the Serpentine Jarrahdale community. We will have a more formal stance and policy direction at the second Ordinary Council Meeting to be held on 23 September 2013. I will be meeting with Council's legal team, within the next week with our Acting Chief Executive Officer, to ascertain the legitimacy of the Government's action.

Every day we see State and Federal politicians behaving like ‘wayward school children’, breaking promises and making derogatory comments towards their opponents. Now they want Local Government to be organised along party lines and behave like them. Is that a good community outcome or just a breeding ground for future politicians?

I know personally I want to leave a legacy of social volunteerism and endeavours for the community good.

## **7. Declaration of Councillors and Officers Interest:**

Nil

## **8. Receipt of Minutes or Reports and Consideration for Recommendations:**

### **8.1 Ordinary Council Meeting – 22 July 2013**

**Moved Cr Urban, seconded Cr Piipponen**

**That the minutes of the Ordinary Council Meeting held on 22 July 2013 be confirmed. (E13/2972)**

**CARRIED 5/0**



## 9. Motions of which notice has been given:

|                                  |   |
|----------------------------------|---|
| <b>OCM014/08/13</b>              | <b>Byford Town Centre Access and Parking Strategy – Adoption for the Purposes of Public Advertising (SJ308)</b>   |
| Author:                          | Peter Varelis – Senior Strategic Planner  |
| Senior Officers:                 | Deon van der Linde – Executive Manager Strategic Planning<br>Brad Gleeson – Director Planning   |
| Date of Report:                  | June 2013   |
| 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> |

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

### Introduction:

The purpose of this report is to request Council's support in advertising an Access and Parking Strategy (the Strategy) to support the Byford Town Centre Local Structure Plan (LSP).

### Background:

At a Special Council Meeting held on 8 June 2010, Council approved the LSP with modifications as a result of submissions received during two separate advertising periods. The Strategy was prepared as part of the supporting documentation for the LSP. The Strategy outlines the parking and access requirements of new development and transport provision in this area. The Strategy provides an outline of the local and strategic contexts, existing/future transport conditions and stakeholder requirements to determine the strategic directions/policy for access and parking in the town centre.

Council's support is requested in advertising the Strategy as a supporting technical report to the LSP.

### Relevant Previous Decisions of Council:

- OCM057/12/11 - The previous decision of Council primarily involved the continuation of the statutory process for the LSP coupled with the consideration of various matters surrounding the form and function of the Byford Town Centre.

### Community/Stakeholder Consultation:

It is recommended that the Strategy be advertised for a period of not less than 28 days (as with a local planning policy) before making a decision to finally adopt the Strategy. Council is recommended to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the district.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper, the advertising of the Strategy include the following:

- A notice being placed in the Shire's Administration Centre;
- A notice being placed on the Shire's internet website;
- A letter being sent to landowners within the policy area; and
- A letter being sent to all relevant State Government agencies, including but not limited to, the Department of Planning (DOP).

**Comment:**

The purpose of the Strategy is to set out the access and parking arrangements for the town centre and to guide the requirements of new development and transport provision in the Byford Town Centre. This requires an understanding of the local and strategic contexts, existing and future transport conditions and stakeholder requirements to determine the strategic directions/policy for the town centre.

Activity centres and town centres should be designed with the following principles in mind:

- develop a good quality public environment;
- promote street based patterns of connection;
- improve community safety;
- encourage a mix of uses;
- improve pedestrian, disabled facilities and cycle amenity;
- promote a public transport focus;
- increase accessibility and transport integration; and
- encourage environmental sustainability.

The LSP included 16 objectives to guide the development of the area. These have been considered when defining the objectives specific to the Strategy. The mode (of transport) and specific action plans included in the Strategy are based on the following six objectives resulting from the 16 mentioned in the LSP. The strategies to address Objective 3 are detailed in the Byford Town Centre Design Guidelines – Local Planning Policy 31.

**Objective 1**

Increase the number of people walking by:

- promotion of a permeable, efficient and effective pedestrian movement network for the local structure plan area;
- reduce/minimise the severance caused by the built urban form, car parking areas and other road and rail transport infrastructure; and
- planning the streetscape to enhance the pedestrian experience.

**Objective 2**

Promote increases in cycling by:

- providing infrastructure, end of trip facilities and cycle education to promote cycling as a viable mode of transport for all user groups; and
- create a safer cycling environment by providing both off and on street facilities and reduction of the speed differential and conflict between modes of transport.

### Objective 3

Facilitate an urban form and density that:

- encourages safe travel by more sustainable modes of transport;
- clearly defines the role of streets and roads within the transport network;
- maximises the effectiveness of the design of the main street so that it meets the requirements of all users;
- connects the surrounding residential areas with the town centre; and
- has active street frontages.

### Objective 4

Provide car parking and mechanisms that:

- are at an appropriate level and in a configuration that does not compromise the functionality and vitality of the urban centre;
- allow those users with mobility difficulties effective access to parking in close proximity to day-to-day services and facilities; and
- manage parking demand, supply and usage where/ when appropriate.

### Objective 5

Increase the number of people using public transport through:

- improvement to the legibility, accessibility, safety and capacity of public transport services and interchanges; and
- integration of public transport facilities within the urban form, ground floor uses and public open space.

### Objective 6

Provide a road network that:

- includes the provision of on-street parking;
- helps minimise the conflict between vehicles, pedestrians, cyclists and public transport;
- is well connected and efficient for drivers, freight and service vehicles;
- reduces the number of crashes within the area;
- has appropriate road reserve widths identified so that the requirements of future road upgrades (to 2031) can be accommodated;
- has integration between the local town centre roads and connections to the regional road network; and
- has vehicle speed limits that are context specific and appropriate to the urban setting.

The aim of this access and parking Strategy is to:

*“Set out the access and parking infrastructure requirements to inform the implementation mechanisms and components that will facilitate the growth outlined within the Shire’s Byford Town Centre local structure plan in an accessible, sustainable, and inclusive manner.”*

Options

There are two options that are available to Council in considering the draft strategy as follows:

- Option 1: Adopt the draft Strategy, without modification.
- Option 2: Adopt the draft Strategy, with modification/s.

Option 1 is recommended.

**Attachments**

- [OCM014.1/08/13](#) - Draft Parking and Access Strategy – Technical Report (IN13/9094)
- [OCM014.2/08/13](#) – Draft Parking and Access – Summary of Strategy (IN13/9093)

**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. |
| Key Action 3.1.2 | Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors.  |

|                  |   |
|------------------|---|
| Objective 4.1    | Local Economy   |
| Key Action 4.1.3 | Develop transport, communication technology and utilities infrastructure. |

|                  |   |
|------------------|---|
| Objective 6.1    | Community Wellbeing   |
| Key Action 6.1.1 | Provide a range of facilities and services that accommodate different lifestyles and cultures.                        |
| Key Action 6.1.2 | Use community facilities to provide social interactions for all age groups through appropriate activities and events. |

**Statutory Environment:**

- *Planning and Development Act 2005*
- *Town Planning Regulations 1967* (as amended)

**Financial Implications:**

The Strategy and associated costs have been budgeted for through the Shire's annual budgeting process. Further implementation costs will be budgeted in the future and will be accommodated in future annual budgets. These costs will include aspects such as land resumptions, paving of laneways, closure of roads, and provision of parking areas. To accommodate some of the costs consideration will also be given to cost recovery mechanisms such as in-lieu parking contributions and paid parking areas – frameworks for some of which is flagged in the report. The implementation of these may be considered through the drafting of local laws in this regard.

**Voting Requirements**

Simple Majority

**OCM014/08/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Piipponen, seconded Cr Wilson  
That Council:**

- 1. Adopt the draft Byford Town Centre Access and Parking Strategy as satisfactory for advertising as shown in OCM014.1/08/13 and OCM014.2/08/13.**
- 2. Invite public comment on the draft Byford Town Centre Access and Parking Strategy for a period of not less than 28 days by way of a:**
  - a) Notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area;**
  - b) Notice being placed in the Shire's Administration Centre;**
  - c) Notice being placed on the Shire's internet website;**
  - d) Letter being sent to landowners within the policy area; and**
  - e) Letter being sent to all relevant state government agencies.**

**CARRIED 5/0**

|                                  |   |
|----------------------------------|---|
| <b>OCM015/08/13</b>              | <b>Proposed Lease – Byford and Districts Country Club (Inc) and the Shire of Serpentine Jarrahdale (SJ975)</b>  |
| Author:                          | Kristen Cooper – Administration Officer – Leases and Licences   |
| Senior Officers:                 | Carole McKee – Manager Community Services<br>Alan Hart - Director Corporate and Community   |
| Date of Report:                  | 15 July 2013  |
| 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 Shire has received a request from the Byford and Districts Country Club to lease Lot 2857 South West Highway, Byford, Reserve 10164, otherwise known as the Old Rifle Range Reserve, for a 99-year period. The Shire has a Management Order on this reserve for the purposes of recreation and has the power to lease this land for any term not exceeding 21 years. In accordance with the Shire's adopted Lease and Licence Policy, it is recommended that a lease of twenty years will be offered to the organisation. The purpose of this report is to seek Council's endorsement of this draft standard no-cost to the Shire lease. Once this approval is obtained the Shire will seek support from the Minister for Lands as required under legislation for all leases. The report will then come back to Council for final consideration.

**Background:**

There have been several attempts over the years to relocate the Byford and Districts Country Club to a more suitable location as the site they currently occupy is zoned 'Town Centre'. A Relocation Committee was established last year with the sole purpose of executing a move in a timely and professional manner. The club requires larger modern premises to attract other sporting groups as well as the need to generate long-term cashflow from a function centre. Due to the expansion of the commercial town centre, it is more than likely that the club will no longer be financially viable.

In accordance with the Shire's Lease and Licence Policy a rental term of twenty years will be offered to the club. A \$1.00 peppercorn rental is payable yearly on this lease consistent with the Lease and Licence Policy.

**Relevant Previous Decisions of Council:**

There is no previous Council decision relating to this issue.

**Community / Stakeholder Consultation:**

A meeting was held with the Byford and Districts Country Club Relocation Committee on Thursday, 18 July 2013 to clarify the terms and conditions of the proposed lease.

**Attachments:**

- [OCM015.1/08/13](#) – Proposed Lease between Byford and Districts Country Club and Serpentine Jarrahdale Shire (IN13/12759)
- [OCM015.2/08/13](#) - Location plan (E13/3083)

**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:**

The Byford and Districts Country Club is exempt from the requirements of S3.58 of the *Local Government Act* by Regulation 30(2) of the *Local Government (Functions and General) Regulations 1996*. A valuation of the premises and public advertising of the disposition of land is not required as it is a lease that is being offered under the Shire's Lease and Licence Management Policy (G007). In accordance with the Shire's Community Group Rating Policy (SEG02), Council can provide a general rate concession to community groups that would normally be subject to being charged general rates under the *Local Government Act (1995)* where the Shire enters into lease agreements with the Community Group.

**Financial Implications:**

As this is a 'no cost to the Shire' standard lease, a \$1.00 peppercorn rental only will be payable. All costs in relation to the preparation of the lease will be paid by the lessee. The club funds all maintenance, payment of outgoings, utilities and government rates and charges of the lease area.

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

That Council seek the approval from the Minister of Lands to lease part of Reserve 10164 to the Byford and Districts Country Club for the purpose of constructing a bowling green and associated club facilities for a period of twenty years.

**OCM015/08/13 COUNCIL DECISION****Moved Cr Moore, seconded Cr Piipponen**

**That Council seek the approval from the Minister of Lands to lease part of Reserve 10164 to the Byford and Districts Country Club for the purpose of constructing a bowling green and associated club facilities for a period of twenty years with an option of a further twenty years.**

**CARRIED 5/0**

**Council Note:** Council changed the Officer Recommendation in Item OCM015/08/13 by adding the words *"with an option of a further twenty years"* to provide the Country Club with some security as to Council's future intentions.

|   |   |
|---|---|
| <b>OCM016/08/13 Proposed Sale of Lot 87 Mundijong Road, Mundijong</b> |   |
| Author:   | Karen Cornish – Personal Assistant to Director Corporate and Community  |
| Senior Officer/s:   | Alan Hart – Director Corporate and Community  |
| Date of Report:   | 23 July 2013  |
| 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 Shire has freehold title of Lot 87 Mundijong Road, Mundijong. The vacant lot is currently zoned 'Local Scheme Reserve – Public Open Space' under the Shire's Town Planning Scheme No 2. However, Amendment 159 is currently awaiting approval from the Western Australian Planning Commission (WAPC) which seeks to amend the zoning to 'Urban Development'.

The Shire has been in consultation with Western Australia Police (WA Police) in regard to a preferred site for a new police facility and Lot 87 Mundijong Road, Mundijong has been identified as their preferred site. WA Police have obtained Landgate valuation advice and now seek Council's support so that WA Police may prepare a formal letter and offer to purchase the lot.

**Background:**

In February 2011, WA Police undertook a business case report for the Peel Metropolitan District which subsequently found that the Mundijong Police Station was deemed to be unsuitable for current and future service delivery and needs. Consultation between the Shire of Serpentine Jarrahdale and the WA Police in regard to a preferred site for a new police facility formally commenced in 2012. Lot 87 Mundijong Road was recommended in the Tungsten Report commissioned by Council in March 2004 as the preferred location for a police facility following a complete search of properties within the Shire. WA Police have now secured full funding and therefore wish to proceed with purchasing the land at Lot 87 Mundijong Road, Mundijong in order to commence construction of its new facility.

**Community / Stakeholder Consultation:**

The intended disposal is to be advertised to the public as per section 3.58 (3) of the *Local Government Act*.

**Comment:**

The WA Police have indicated that they wish to proceed with the construction of this new facility as a matter of priority and have advised that it is the only new police station that is being constructed this financial year.

The architects are waiting for confirmation that the land is secured before engaging consultants to finalise the design of the building.

The *Local Government Act* prescribes the process for disposal of local government property and Council is able to accept the offer made by the WA Police subject to an advertising period.



The *Local Government Act* regulates how a local government is able to dispose of property. Section 3.58 (3) of the *Local Government Act* permits a local government to dispose of property by:

### 3.58. Disposing of property

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*
  - (ii) *giving details of the proposed disposition; and*
  - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

### Conclusion

It is recommended that Council accept the offer from the WA Police and advertise the disposal in accordance with the *Local Government Act*.

### **Attachments:**

- **Confidential OCM016.1/08/13** - Letter and valuation report
- **Confidential OCM016.2/08/13** – Certificate of Title
- [OCM016.3/08/13](#) - Location plan E13/3068

### **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 |

### **Statutory Environment:**

*Local Government Act 1995 (as amended) – Section 3.58 (3) Disposing of Property*

### **Financial Implications:**

Landgate valuation on the lot has been undertaken by the WA Police's consultant. There will be some nominal costs involved in advertising the intended disposal to the public as required under the *Local Government Act*.

**Voting Requirements: Absolute Majority**

**OCM016/08/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Wilson, seconded Cr Urban  
That Council:**

- 1. Resolve to dispose of Lot 87 Mundijong Road, Mundijong in accordance with Section 3.58 (3) of the *Local Government Act 1995* (as amended).**
- 2. Advertise the disposal of Lot 87 Mundijong Road, Mundijong for a period of 14 days in a locally circulated newspaper.**
- 3. Note that the proposed purchase price for the lot is \$290,000 as per the advice from the WA Police's consultant, Charles Kellett Property Consulting.**

**CARRIED 5/0 by Absolute Majority**

|                                  |   |
|----------------------------------|---|
| <b>OCM017/08/13</b>              | <b>Emergency Services Review – Option to transfer Local Bush Fire Brigades Impact Assessment</b>  |
| Author:                          | Chief Executive Officer – Richard Gorbunow  |
| Date of Report:                  | 19 July 2013  |
| 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 seek Council's policy position on the likelihood of the local government retaining or transferring the responsibility for bush fire brigade operations and administration to the Department of Fire and Emergency Services (DFES).

### Background:

In 2006 the Community Development and Justice Standing Committee (CDJSC) conducted an Inquiry into Fire and Emergency Services Legislation and produced a report containing 88 recommendations. One of the recommendations was to repeal the current emergency services legislation (*Bush Fires Act 1954*, *Fire Brigades Act 1942* and *Fire and Emergency Services Act 1998*) and develop one comprehensive *Emergency Services Act*.

The Shire was advised in December 2012 that the Department of Fire and Emergency Services (DFES) would be coordinating a review of emergency services legislation. This review had been initiated to progress the development of a single comprehensive *Emergency Services Act*.

Recommendation 2 of the Perth Hills Bush Fire February 2011 Review reads:

*“Recommendation 2 (TOR 5)*

*Emergency Management Western Australia establish an inter-agency working group to continue the development of the new single Emergency Services Act.”*

It is noted that the government has not totally followed the intent of the recommendation. This raises concern of the intent and outcome. As can be seen, the recommendation required Emergency Management Western Australia (EMWA) to establish an integrated working group which has not occurred with DFES controlling the process.

DFES established a Legislation Review Project Team within the department which began information gathering and consultation with the primary users of emergency services legislation.

In May 2013 the Shire received a letter from the Project Manager in the DFES Legislation Review Project Team advising that, during its review and consultation process, a key issue had been identified regarding the administration and operation of bush fire brigades. In order to compile a Concept Paper facilitating consideration of the key issues raised, the Legislation Review Project Team sought the Shire's response by 10 June 2013 to the following question:

*“If future legislation provided the option for local governments to transfer the responsibility for bush fire brigade operations and administration to DFES, would your local government be likely to retain or transfer the responsibility?”*

Due to the significance of this matter and the operation of the volunteer brigades, together with the far reaching implications for the volunteers, community and the Shire, it was determined that the matter needed to be presented to Council for thorough consideration based on research and analysis for its due consideration.

The following presents the findings for Council consideration, noting that the Chief Executive Officer has replied to the Department of Fire and Emergency Services on 30 May 2013 to meet the short timeline imposed by the department.

### **Community / Stakeholder Consultation:**

Council's Chief Fire Control Officer made contact with all Volunteer Bush Fire Brigades for their position on this matter. Their position is that they do not want to lose the close link with the Council and its community and does not support any transfer of controls or administration as it would be detrimental to the strong volunteer ethos and connection to community that this Shire has.

### **Comment:**

Given the DFES question is tentative and no information, other than a question being posed was given, it would not be appropriate to speculate or comment on anything until the outcome of the review is known.

### 2006 Community Development and Justice Standing Committee – 'Inquiry into Fire and Emergency Services Legislation'

*NB: These committees provide reports to Parliament at the request of Parliament. The legality and legal requirements to implement recommendations is not proven in law as there have been many inquiries where recommendations have not been actioned and reports are based on information at the time and are a report only.*

Section 6.1 of the Inquiry's Report discusses the option of local government transfer of administrative and operational responsibility for Bush Fire Brigades (BFBs) to Fire and Emergency Services Authority (FESA) (now DFES), under agreed terms and conditions.

This item was put to the committee by a government department at the time and it could be argued that there was particular intent in this regard.

*"The Bush Fires Act 1954 empowers local governments to establish and maintain BFBs. FESA asserts that a number of local governments have approached the Authority requesting the transfer of emergency incident control in the local government area, the operations and administration of BFBs, and assumption of the administration of the Emergency Services Levy (ESL) for capital and recurrent costs of such brigades. Requests have been made on the basis of lack of expertise by some local governments, the negative impact of rural adjustment on service delivery, the need for improved coordination, financial pressures of litigation and compliance with Occupational Health and Safety requirements, and lack of alignment of the views of local government and FESA. Some local governments in the south west of the State were opposed to transfer principally on the basis of local government control being integral to community centred emergency management. Others viewed that FESA should also assume responsibility for preparedness and recovery."*

The record shows it was Fire and Emergency Services Authority (now DFES) staff at the time that put this recommendation to the committee; it did not come from local government or the volunteer movement, if it had, those bodies would have put the question, again this raises concern about intent. A specific point out of this recommendation is "under agreed terms and conditions" and the current process being undertaken is not necessarily being done in that context as was originally intended and for some reason has been lost.

Section 7.2 discusses the perceived impact of the ESL, a property-based levy introduced by Government in July 2003 to fund the majority of emergency services administered by FESA. The ESL is the primary funding source for BFBs, the SES, career and volunteer Fire and Rescue Services Brigades (FRS), Fire Service Brigades, Emergency Service Units, FESA's administrative costs and a number of other emergency services expenses.

*“Several requests were made by stakeholders regarding expansion of the Levy. This included requests by local governments for the ESL to cover prevention, preparedness and recovery costs for fires, fire management on unallocated Crown land, maintenance costs associated with equipment purchased separate to the ESL, local government administrative costs associated with collection and management of the ESL, training for administration of the ESL.*

*The Committee contends that it would be appropriate for the Auditor General to consider conducting an assessment of the effectiveness of the ESL, taking into consideration the impact of resource-to-risk assessment models employed in the distribution of the levy.”*

It is noted that, at a recent Western Australian Local Government Association zone meeting, there was great concern about the inequity of the rules and management of the Emergency Services Levy versus what the beneficiaries received by the Department of Fire and Emergency Services who manage it and yet, are not subject to the same grant application guidelines as are local government.

An independent urgent review is still required as to whether the biggest beneficiary of the Emergency Services Levy (DFES) should be managing those funds.

It is also noted that “Recommendation 48 (TOR 5)” of Keelty 1 also recommended:

*“The State Government move the responsibility for the management and distribution of the Emergency Services Levy to the Department of Finance.”*

Whilst it is acknowledged that this may not be seen as the best option by some, the enquiry implies the major beneficiary of a funding source should not be managing/administering it.

Section 2.7 of the Inquiry's Report discusses FESA's (now DFES) proposal to transfer the power to approve the establishment of BFBs from local government to FESA.

*“FESA contends this is required given its management of the Emergency Services Levy (ESL) which now funds BFBs. In distributing funds it carries out ‘resource to risk’ assessments to determine the locality's requirements and views that applications from local governments for the establishment of brigades, surplus to locality's requirements, compromises the ESL.”*

Noted in the Keelty report states that:

- Some local governments have requested transfer of all or part of their responsibility for BFBs to FESA.
- Other local governments oppose the recommendation arguing the need to balance local knowledge and community aspirations with financial considerations.
- The Committee supports transfer of power on the basis that FESA administers and approves funding of these BFBs and because the ESL is a finite resource.
- However, local governments opposing the transfer of power should have the right of appeal to State Administrative Tribunal.

Given local government authorities are legislatively responsible for emergency risk management prevention, preparedness, response and recovery, local governments are better positioned to know what the risks are in the communities to which they are responsible for. To support transfer of control would not be in the interests of community safety to which local government is responsible for, not to mention the impact on volunteerism. There are current examples of the department closing volunteer stations which is having a detrimental impact on community and volunteerism and questions all power and control being with one body who have little or no local knowledge.

It is further noted and disappointing that the context in section 2.7 which Fire and Emergency Services Authority at the time used the control of funding as a further justification/argument to remove more control away from community, this further validates the need for independent management of the Emergency Services Levy funding system via a board and an independent review of legislation to which the department has a vested interest.

### **Current Legislative Review Question**

#### **Option to Transfer Local Bush Fire Brigade Impact Assessment**

The DFES Legislation Review Project Team is developing a Concept Paper that will facilitate consideration of key issues raised through ongoing consultations and previous reviews.

The DFES Legislation Review Project Team has identified the three recommendations (55, 56 and 58) from the 2006 *Community Development and Justice Standing Committee (CDJSC) - Inquiry into Fire and Emergency Services Legislation*. These recommendations are as follows:

#### **Recommendation 55:**

*The Emergency Services Legislation is to provide for FESA and local government to enter into an agreement for the purpose of local government transferring the following responsibilities to FESA on a permanent basis:*

- *Emergency incident control;*
- *Bush Fire Brigade operations and administration;*
- *The determination and administration of ESL (Emergency Services Levy), in relation to the capital and recurring costs associated with Bush fire Brigades.*

#### **Recommendation 56:**

*Such an agreement is only to be entered into if both FESA and the local government agree to terms and conditions.*

#### **Recommendation 58:**

*Any additional costs of transfer of Bush Fire Brigades from local government to FESA, apart from those normally funded under the Emergency Services Levy, are to be borne by the State.*

With regard to the review of all legislation it is necessary, under the State Government Regulatory Gatekeeping Unit (RGU), to consider the unintentional consequences of any proposed regulatory instruments to the State using the Regulatory Impact Assessment Guidelines.

Therefore in order for the department to adequately assess the cost and benefit impacts of all options to the State, the DFES Legislation Review Project Team is asking local governments to indicate whether they would be likely to retain or transfer the operations and administration of their bush fire brigades.

The question is, why the letter did not seek opinion on the other areas in regards to recommendations 2 and 48, for example, which related to independent control and management which impacts directly on local government and long term operational? The other question is why the letter failed to explain to local government that the only component they were investigating was the only component that was Emergency Services Levy funded?

#### History of Shire of Serpentine Jarrahdale Volunteer Bush Fire Brigades and Areas of Operation

The Shire has a long history in relation to the establishment of the Bush Fire Brigades and the State Emergency Services which dates back to the 1940s. With the establishment of the new *Bush Fires Act 1954* to replace the earlier *Bush Fires Act 1937*, the Shire formally established nine Volunteer Bush Fire Brigades (VBFBs) under Section 41 of the *Bush Fires Act 1954* to protect the community from fires.

It is important that there is a clear understanding of what the term Bush Fire, in the context of the Act means, that is it is defined as meaning a fire or potential fire, however caused, and includes a fire in a building. Bush Fire Brigades do more than just bush fires, section 35A highlighted in attachment OCM017.4/08/13 provides an overview of the vast range of emergency management activities that Volunteer Bush Fire Brigades undertake.

The establishment of the Bush Fire Brigades was done to augment what was already being done by members of the community who joined together to protect their properties from fire using their own equipment. From relatively humble beginnings, using equipment supplied by land owners, volunteers, the Shire or donated by community organisations and businesses, the nine brigades provided protection for the community from the ravages of all types of fires. In the early days most brigades built their own equipment.

What is often overlooked by State and Federal Governments is the connection between local government community and volunteerism. Our Council's philosophy is building strong resilient community. Globally it has shown that the more you remove control away from community the more reliant on local, State and Federal resources and funding the community become. The other consequence is this erodes ability for communities to guide their future. Communities become more unstable and government agencies cannot provide the services expected as a consequence of the legislative framework those governments have put into place.

Council, with the support of its Volunteer Bush fire Brigades and Emergency Services, rationalised the nine brigades to six, the State Emergency Service, a Welfare unit, an Emergency Services Group as a consequence of a review in approximately 1998. Through improved funding by Council, excellent community support, grants, equipment and training, all brigades now operate out of modern stations with current amenities.

Responsibility for the management and prevention of bush fires within WA has traditionally been shared between three (3) Hazard Management Agencies (HMAs)/Combat Agencies; Department of Fire and Emergency Services (DFES), Department of Parks and Wildlife (DPAW) and Local Government. WESTPLAN provides for mutual aid between the three agencies. Out of these three agencies, local government manages, controls, protects and provides the largest portion of Emergency Services and Emergency Management functions for the State and is very rarely acknowledged or recognised for doing so.

The Shire of Serpentine Jarrahdale with its Volunteer Bush Fire Brigades is responsible for responding to and managing fires across the district. These areas of responsibility are highlighted in the map attached at OCM017.3/08/13.

### Areas of Responsibility in the Response to and Management of Fires within the Shire of Serpentine Jarrahdale

The Shire currently has six Volunteer Bush Fire Brigades (VBFBs), 14 fire-fighting appliances, an Incident Control Vehicle (ICV), a welfare unit and emergency support group. The replacement and operating costs for these appliances is majority funded via the Emergency Services Levy (ESL), now known as the Local Government Grant Scheme (LGGS). With this fleet of appliances the Shire of Serpentine Jarrahdale Volunteer Bush Fire Brigades (VBFBs) attend in excess of 200 incidents/emergencies annually across this Shire and are called upon to respond and assist the other adjacent shire, district and state agencies in HMAs in combating emergencies throughout the State.

Currently Department of Parks and Wildlife (DPAW) and the Shire also work together on prescribed burns on Department of Parks and Wildlife (DPAW) and local government managed land within the district.

### The Role of Brigades in building community safety, resilience and capacity

The VBFBs also play a critical role within the Shire and for the community by in addition to section 35A of the Act:

- Undertaking prescribed hazard reduction burning as part of fuel reduction programs for the landowner and at no expense to the Shire based land which is a considerable cost saving to the Shire.
- Inspecting and maintaining in excess of six hundred street fire hydrants.
- Conducting community education/engagement events and programs regarding fire safety. This includes members acting as facilitators of Bush Fire Ready Groups established in our community for the purpose of enhancing bush fire safety/community safety in high risk areas.
- Responding to emergency incidents within the Shire other than fires (eg storm, accident, recovery events).
- Support in the Bush Fire Hazard Inspection Program conducted by the Shire.
- Assisting in the emergency management and fire response planning/exercises for the Shire.
- Operate the Incident Control Vehicle, Bulk Water Tankers (BWT) which is an all hazards regional resource and called upon for incidents within and outside the Shire.
- Providing Fire Control Officers to undertake the issuing of Permits to Burn to landowners and community fire management.
- Undertaking prevention, preparedness, response and recovery activities in line with Council and Local Emergency Management Committee requirements.

To maintain capacity to respond to fires and the other roles asked of Volunteer Bush Fire Brigade members, the Shire currently manages over four hundred volunteers including SES. These volunteers come from our local community and are supported in their emergency service volunteering by their families, partners and employers.

Council was the first Shire in Western Australia to establish a Bush Fire Cadet unit within each brigade for youth between the ages of 11 to 16 and today is still the largest and most successful community based Bush Fire Cadet group that is providing succession planning for the future of the community. This is further highlighted by the level and standards achieved at a national level by the cadets.



### Current Operations and Administration Situation/Status

In July 2003 a property based Emergency Services Levy (ESL now LGGS) was introduced to provide funds for the operations of a number of emergency services within the State including Volunteer Bush Fire Brigades (VBFBs) and State Emergency Services (SES). As a result the Shire of Serpentine Jarrahdale receives LGGS funds via Capital and Operating Grants for the Bush Fire Brigades and the SES Unit and stated that there would be no loss to the resources of local government authorities.

The LGGS funding arrangements **do not** alter the statutory responsibilities of Local governments to fund and manage a range of **land management, community safety, planning, prevention, preparedness, response and recover management responsibilities** or other responsibilities under the *Bush Fires Act 1954*, the *Local Government Act 1995*, *Emergency Management Act 2005*, *Fire and Emergency Services Act 1995*.

Accordingly, expenses incurred by local government in relation to fire and emergency management functions will remain with and continue to be funded by local governments.

Only a majority of bushfire brigade associated operating expenses is allocated to the Shire through LGGS as documented in below table showing funding allocated for 2013/14. It should be noted that if Department of Fire and Emergency Services do not agree with what it actually costs local government, it is still local government responsibility to fund any shortfalls.

#### **Bush Fire Brigades Local Government Grant Scheme 2013/14 Assessed Allocation**

|                         |                       |
|-------------------------|-----------------------|
| <b>Local Government</b> | Serpentine Jarrahdale |
| <b>Region</b>           | South Coastal Metro   |

|   |           |
|---|-----------|
| <b>Total Gross Offer 2013/14 Operational Grant (Line Items 1-8)</b> | \$329,680 |
| <b>Less</b> Uncommitted funds carried over from 2011/12             | TBA       |
| <b>Net Cash Grant Offer – 2013/14 (Line Items 1-8)</b>              | \$329,680 |
| Line Item 10 – Existing Interest Expense                            |           |

**\*TBA – To be advised on receipt / completion of 2011/12 Annual Operating Grant Acquittal (Form 8)**

Accordingly, there is no provision for the inclusion of costs that local government might identify as a result of time spent by their own officer/employees/services on fire and emergency related matters, yet the DFES can utilise Emergency Services Levy funding for that purpose which is another discrepancy. These costs will continue to exist whether or not emergency services are actually provided and therefore remain a general corporate cost of local government. Such costs must continue to be financed through the local government rates process or other relevant revenue sources. Given enquiries of recent years, it is predicted that the State will be applying more pressure to local governments to fulfil their emergency management and services obligations under various Acts which increase cost pressures on local governments resources and funding. If Councils lose direct control over the activities of the Bush Fire Brigades it would severely hamper Council's ability to fulfil its obligations.

### Expenditure not eligible for ESL funding

Expenditure associated with the functions/activities below are not eligible for ESL funding through this grant process.

- Appointment and publication of Bush Fire Control Officers.
- Costs associated with the Bush Fire Advisory Committees.
- Declaration and publication of restricted and prohibited burning times.
- Development of local area fire and emergency management plan.
- Fire prevention/education and associated costs.
- Hydrant installation, repairs and maintenance outside of gazetted fire districts (including static water supplies).
- Local government fire safety presentations.
- Local government risk surveys, assessments and inspections.
- Local government staff/employee involvement at incidents (logistics etc).
- Management of burn permits and infringement notices.
- Preparation of local fire safety publications.
- Production and distribution of brochures and other material for local markets.
- Property inspections for compliance with bush fire prevention requirements.
- Provision of fire prevention works (burns/fire breaks) on local government property.
- Local Government Emergency Services employee and vehicle costs.
- Local Emergency Management obligations
- Fire and Emergency Services Act obligations
- Prevention, Preparedness and Recovery operations, obligations compliance and resourcing
- Emergency Management coordination and operations facilities

With the introduction of the ESL in 2003 there was no change to the management arrangements or ownership of existing assets for these services. Hence the Shire continues to administer and manage the Volunteer Bush Fire Brigades (VBFBs). This administration and management of VBFBs is one of the functions performed by the Shire's Emergency Services Team in the Engineering Directorate, with the Manager of Emergency Services also having the position of Chief Bush Fire Control Officer (CBFCO). The CBFCO is appointed by Council and in addition to being accountable for all aspects of the VBFB operations also, due to the duties and powers conferred on Local Government and the Chief Fire Control Officer under the *Bush Fires Act 1954*, performs the other duties required under this and the other Emergency Management Acts.

Given the correspondence only relates to a hypothetical question it is difficult to provide detail for Council to make a considered position. Hypothetically, the 'transfer of operations and administration' could mean (in the context above) the Brigade operating and capital functions and funding would be the focus. These are the only areas that are funded under the current arrangement and this could give uncontrolled funding management and being able to leave local government wearing the full cost of all Emergency Management and some non-funded response requirement with no funding source.

It could also result in future stretching out of vehicle replacement programs, (which effects volunteer morale and increases risk and reliability) as had occurred since the department has taken more controls away from local government (*eg original government commitments for high risk areas was that light tankers were to be replaced every 5 years, all heavy duty vehicles every 8 years, now it is 10 and up to 20 years respectively*).

Also, while not confirmed it would be likely to include LGGS and local government authority owned and funded emergency assets and vehicles. The other unknown factor is the effect on community, volunteers, volunteerism and also possible long term reduction of volunteer stations as DFES is currently doing in the northern suburbs. Local governments would lose all control in this regard and as a consequence be powerless to have any input or control in regards to level of risk protection within its community.

### Shire's Changing Demographics and Other Factors Impacting the Future Role of Volunteer Bush Fire Brigades

The Australian Bureau of Statistics shows that the population of Serpentine Jarrahdale as of 2013 is 23,000 and it is the fastest growing locality in the Nation, major growth of population occurring in the Byford area, approximately ten families per week move into the Shire.

The growth since 2008 and future predicted growth is leading to a changing nature of fire risk in the Shire. As development occurs there are a greater number of dwellings with some degree of interface with rural, urban and bushland areas. The whole of the Shire of Serpentine Jarrahdale is within the Perth Metropolitan Planning Scheme area. However, the six Volunteer Bush Fire Brigades (VBFBs) currently fall outside the gazetted metropolitan fire district. Therefore the six are not directly serviced by a DFES Fire and Rescue Service (FRS) for the hazard of fire.

Although gazetted boundaries may change over time the natural environment factors within the Shire demonstrate there will remain bush fire hazards that need to be mitigated and assessed and serviced in the event of a fire, reserves and bushland forever sites which will require appliances and crews with a bush fire fighting capacity, which is not the current model found in most FRS Stations.

### Proposal

History shows that the people with the most concerns about the Emergency Services legislation has been driven by State government departments and career unions, which raises the questions about is there a real need for the changes at all? Given the current process is being driven by a State government department with a direct conflict of interest, who has a direct influence and stands to gain substantial control of funding and powers, local governments and community, including the volunteers need to be very concerned.

The current legislation is serving the community well; the community has control of the services which protect it.

The requirement for the local government authority to establish and maintain bush fire brigades, equip them with appliances, equipment and apparatus is working well subject to the Emergency Services Levy rules being made more equitable.

Should the hypothetical question become reality it would mean this will all be lost and potentially drive a wedge between the Emergency Services Volunteers and local government authorities as it has done in the Eastern States.

### Conclusion

The tentative question being posed by DFES in the letter of May 2013 (attached as OCM017.1/08/13) is non-binding on the Shire. It should be recognised that at this point in time without knowing the final outcomes of the Review of Emergency Services Legislation other issues may arise which could influence a final decision by the Shire and it would be inappropriate to make decisions based on speculation.

As stated by DFES, the control and administration of local Volunteer Bush Fire Brigades (VBFBs) is an important consideration for a community and appropriate consultation should take place within the community including volunteer members of our Bush Fire Brigades before a formal decision is made. It should also be noted that question relates to the only area that is subject to a funding source under the Emergency Services Levy. Local government authorities will still be held responsible for the most expensive and resource draining components of emergency management with no funding source.

The tentative question being posed is to enable the department the opportunity to do a cost impact analysis only, it is not what will necessarily occur.

While the operational costs of the Volunteer Bush Fire Brigades (VBFBs) are majority funded through the Local Government Grants Scheme, the other community safety roles the Volunteer Bush Fire Brigades (VBFBs) carry out for the Shire and our community, if not continued under State control and responsibility would need to be considered. These include bush fire risk mitigation on private and Shire land by prescribed burning and promoting bush fire safety and preparedness through facilitating Bush Fire Ready Groups and community engagements. Another factor to consider is that our VBFBs currently operate out of stations and with equipment which are local government funded assets.

#### Attachments:

- [OCM017.1/08/13](#) – Letter from DFES (IN13/8950)
- [OCM017.2/08/13](#) – Letter of response to DFES (OC13/7691)
- [OCM017.3/08/13](#) – Volunteer Emergency Services District Boundaries (E13/3012)
- [OCM017.4/08/13](#) – Section 35A of the *Bushfires Act* (E13/3036)

#### Alignment with our Strategic Community Plan:

|                  |  |
|------------------|--|
| Objective 1.1    | Strong leadership  |
| Key Action 1.1.1 | Facilitate cooperation between the Shire and its stakeholders while also considering community values                                |
| Key Action 1.1.2 | Foster partnerships to deliver key projects and initiatives in conjunction with key stakeholders                                     |
| Key Action 1.1.3 | Advocate and influence State and Federal Government to help the community address growth demands                                     |
| Objective 1.2    | Progressive Organisation   |
| Key Action 1.2.3 | Establish and communicate the Shire's purpose, vision, values and goals  |
| Key Action 1.2.4 | Provide robust reporting that is relevant, transparent and easily accessible by staff and the community                              |
| Key Action 1.2.6 | Comply with all legislative and statutory requirements   |
| Objective 1.4    | Listening and Learning   |
| Key Action 1.4.2 | Use appropriate tools and methods to maximise opportunities for the community to access and participate in decisions made by Council |
| Objective 6.1    | Engaged Community  |
| Key Action 6.1.2 | Integrate a range of cultural values into our planning and management processes  |
| Objective 6.2    | Active and Connected People  |
| Key Action 6.2.4 | Continue encouraging volunteering by providing support, training, funding, promotion and recognition                                 |
| Key Action 6.2.5 | Create a reassuring and safe place to live   |

**Statutory Environment:**

- *Bush Fires Act 1954*
- *Fire and Emergency Services Act 1998*
- *Emergency Management Act 2005*
- *Fire Brigades Act 1942*
- *Local Government Act 1995*

**Financial Implications:**

Financial implications at this time are not clear as there is not sufficient information on the direction the bushfire service is to take (until the items within the legislation review are addressed).

**Voting Requirements:** Simple Majority

**OCM017/08/13 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Urban, seconded Cr Wilson

That:

1. The current Council policy position is that it does not support any transfer of control in any form to the Department of Fire and Emergency Services, of its Volunteer Bush Fire Brigades as the impact on the community and volunteerism would have a long term negative impact which is contrary to councils strategic direction in supporting strong resilient communities.
2. Council lobby the Western Australian Local Government Association and Government in regard to the unacceptable and short timeframes being given by the department to respond to correspondence and reinforce the three month previous agreements.
3. Council and Local Government investigate alternative models, concepts, principles and consequences into community versus State controlled and operated, volunteer emergency services operations and management that provides resilient communities that, as a minimum but not limited to, address:
  - The model/structure of Bush Fire Brigades around the country and overseas, ie models used by the Country Fire Authority (CFA) in Victoria, Country Fire Service (CFS) in South Australia, New South Wales Rural Fire Service (RFS) and Queensland.
  - The option and consequence of Bush Fire Brigades reporting to and being under the overall control of a specialist 'Commissioner of Rural Fire' who reports directly to an independent board of representatives from local government and volunteer associations.
  - The establishment of a specialist 'Volunteer Rural Fire' division in the Department of Fire and Emergency Services or a separate community based 'Volunteer Rural Fire Service' with a focus on volunteerism.
  - The responsibility for bush fire mitigation works such as prescribed burning on all Council land or land vested in local governments and the involvement of local bush fire brigades including cost implications to Councils if they do not have control of bush fire brigades.

- The continuation of the administrative, legal, physical and capital services currently undertaken by local governments in support of all its legislative obligations.
  - The consequence to maintenance of existing service delivery levels to the community currently delivered by Bush Fire Brigades.
  - Demarcation of responsibility of emergency incidents pre-planning and reporting.
- Compliance and enforcement of bush fire legislation, regulations and local laws.
  - The timing of the establishment of Department of Fire and Emergency Services Fire and Rescue Services in outer metropolitan suburbs and/or alternative options to service provision where the development front is essentially absorbing areas traditionally serviced by Bush Fire Brigades.
  - Examination and evaluation of emergency management, fire management and hazard mitigation regimes submitted as elements of strategic and statutory town planning approval processes.
  - Funding for any new models which must demonstrate connection to local government and community ensuring service delivery to volunteers is not compromised in any way.
  - The involvement of volunteer brigade members in the development of any new structure or control/reporting modelling.
4. The investigation in the above is to include comprehensive consultation with the Volunteer Bush Fire Brigades and their associations throughout the district by an independent facilitator with experience in community, volunteerism and sustainability.
5. Council, local government and the Western Australian Local Government Association actively pursue legislative review by an independent body as recommended by the Keelty recommendation which states:  
*“Recommendation 2 (TOR 5)  
Emergency Management Western Australia establish an inter-agency working group to continue the development of the new single emergency services Act.”*

CARRIED 5/0

|                                  |   |
|----------------------------------|---|
| <b>OCM018/08/13</b>              | <b>Nominations for Tonkin Highway Extension Executive Team</b>  |
| Author:                          | Richard Gorbunow – Chief Executive Officer  |
| Date of Report:                  | 26 July 2013  |
| 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:**

Once the Honourable Minister for Transport signs off on the Strategic Business Case for the proposed Tonkin Highway Extension, a Gateway review process will commence which requires representatives from the Shire of Serpentine Jarrahdale on the Executive Team.

**Background:**

Due to various changes in the Shire's administration over the past 12 months a revision of the Shire's nominations for the Tonkin Highway Extension Working Group is required.

The Gateway Review Process is a process of the Department of Finance that examines major projects at key decision making points in their lifecycle. For example, a Gateway review of a business case should occur several weeks before the business case is submitted through the relevant approval process. This enables the recommendations of the business case to be addressed and examined before the business case is submitted for approval.

The review provides the approval authority (in this case Transport/Treasury) with independent guidance that can improve or advance the project. The primary purpose of a review is to add value to the project team's own expertise in order to help them be more successful in delivering the project.

**Community / Stakeholder Consultation:**

No community consultation is required.

**Comment:**

The extension of the Tonkin Highway is critical to the successful growth of the Shire as it will provide a key transport link from South West Highway to the existing Tonkin Highway, which currently terminates at Thomas Road in Oakford. The extension will provide future residents of Byford and Mundijong easy access to the southern corridor of Perth without having to travel through built-up communities on the South West Highway and other local roads.

It is recommended that Council nominate key staff to this team to ensure the recommended outcomes and ongoing implementation of any recommendations are consistent with the Shire's strategic objectives.

**Attachments:**

Nil

**Alignment with our Strategic Community Plan:**

|                  |  |
|------------------|--|
| Objective 3.1    | Urban Design with Rural Charm  |
| Key Action 3.1.2 | Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors. |
| Objective 4.1    | Sustainable Industries   |
| Key Action 4.1.3 | Develop transport, communication technology and utilities infrastructure                                 |
| Objective 6.1    | Engaged Community  |
| Key Action 6.1.1 | Provide a range of facilities and services that accommodate different lifestyles and cultures.           |

**Statutory Environment:**

Not applicable

**Financial Implications:**

There are no financial implications as a result of the officer's recommendation.

**Voting Requirements:** Simple Majority

**OCM018/08/13 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Wilson, seconded Cr Atwell  
That Council:

1. **Nominate the Shire's Chief Executive Officer and Senior Strategic Planner as its representatives on the Executive Team of the Tonkin Highway Extension Community Working Group.**
2. **Advise the Acting Chair of the Community Working Group and Executive Officer of Main Roads Western Australia accordingly.**

**CARRIED 5/0**



**COUNCIL DECISION****Moved Cr Wilson, seconded Cr Piipponen****That Council receive Late Item OCM019/08/13 – Councillor Annual Expense Reimbursement for discussion.****CARRIED 5/0**

| <b>OCM019/08/13 Late Item - Councillor Annual Expense Reimbursement (SJ1219)</b> |   |
|--|---|
| Author:  | Casey Mihovilovich, Manager Finance and Customer Services   |
| Senior Officer:  | Alan Hart, Director Corporate and Community   |
| Date of Report:  | 25 July 2013  |
| 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**

Council is requested to resolve to pay an annual allowance for information and communications technology of \$3,500 per year, to cover rental charges in relation to telephone, facsimile machines, mobile phone and any other expenses that relate to information and communications technology such as internet service provider fees, and call charges.

**Background:**

In accordance with *Local Government (Administration) Regulations 1996* and the Determination of Local Government Elected Members by the Salaries and Allowances Tribunal in June 2013, Council can resolve by absolute majority to approve an annual allowance for information and communications technology instead of paying actual costs incurred by the Councillor. The allowance will be in-lieu of payment of actual expenses and would mean that all internet, data, mobile, telephone and other charges will be paid by the Councillor and they would not be entitled to seek reimbursement for these expenses.

**Relevant Previous Decisions of Council:**

There is no previous Council decision relating to this issue.

**Community / Stakeholder Consultation:**

There was no community/stakeholder consultation required.

**Comment:**

Councillors can be reimbursed for information and communications technology by the Local Government for actual expenses, in accordance with the *Local Government Act*, or if they resolve by absolute majority, an annual allowance in-lieu of reimbursement can be made to the Councillor.

The Western Australia Salaries and Allowances Tribunal issued a determination of Councillor remuneration and other allowances on the 21 June 2013, which included a maximum allowance for information and communications technology of \$3,500 per year. All Councillors must be paid the annual allowance if Council agree to be paid the allowance

compared to being reimbursed for actual expenses. This would mean that internet costs, mobile phones, telephones, facsimile machines and associated rental and charges will be borne by the Councillor, and an allowance will be received to cover the costs incurred by the Councillor. The allowance will be paid monthly in arrears and based on a pro-rata annual amount, with the allowance not exceeding \$3,500 in one financial year.

**Attachments:**

There are no attachments related to this issue.

**Alignment with our Strategic Community Plan:**

This proposal aligns with the specific objectives outlined in the Strategic Community Plan, ie:

|                  |   |
|------------------|---|
| Objective 1.4    | Listening and Learning  |
| Key Action 1.4.2 | Use appropriate tools and methods to maximise opportunities for the community to access and participate in decisions made by council. |

**Statutory Environment:**

Part 5: Annual Allowances in Lieu of Reimbursement of Expenses of the Western Australia *Salaries and Allowances Act 1975* – Determination of the Salaries and Allowances Tribunal on Local Government Elected Council Members states that a Local Government may decide to pay, pursuant to section 5.99A of the *Local Government Act 1995*, to all Council members in-lieu of reimbursement of expenses of a particular type under section 5.98A of the *Local Government Act 1995*.

**Financial Implications:**

The allowance has been included in the 2013/2014 Budget and there are no additional financial implications as a result of this recommendation.

**Voting Requirements: Absolute Majority**

**OCM018/08/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Wilson, seconded Cr Urban**

**That Council resolve to pay an annual allowance for information and communications technology of the maximum amount payable of \$3,500 per annum to all Councillors in-lieu of actual expenses incurred, for the 2013/2014 financial year.**

**CARRIED 5/0 by Absolute Majority**

**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 meeting closed at 8.19pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 26 August 2013.

.....  
Presiding Member

.....  
Date