



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting

Confirmed Minutes

7.00pm

Monday, 16 December 2019

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In Person

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



www.sjshire.wa.gov.au

**Councillor Attendance Listing**

In accordance with Special Council Meeting, 27 November 2017, Resolution SCM162/11/17, clause 10 – “That Council requests the Chief Executive Officer to maintain an attendance register of Councillor Attendance at all Council and Committee Meetings, as well as other meetings and official functions of Council”, below is the attendance listing of Council Meetings and PCF’s.

Council October 2019 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Denholm	Cr McConkey	Cr Strange	Cr Strautins
21/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/11/19	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/11/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

A – Apology

LOA – Leave of Absence

NA – Non Attendance



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The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the *Local Government Act 1995* (Section 5.25(1)(e)) and *Council's Standing Orders Local Law 2002 (as amended)* – Part 14, Implementing Decisions. No person should rely on the decisions made by Council until formal advice of the Council resolution is received by that person.

The Shire of Serpentine Jarrahdale expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 16 December 2019 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7.00pm and welcomed Councillors, and Staff, and members of the gallery, and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to their Elders past and present.

The Shire President, Councillor Rich acknowledged and welcomed Freeman John Kirkpatrick, and past Councillors Sandra Hawkins and Barry Urban.

Minutes

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

In Attendance:

- Councillors:** M Rich Presiding Member
 D Atwell
 M Byas
 R Coales
 M Dagostino
 B Denholm
 K McConkey
 L Strange
 D Strautins

- Officers:** Mr P Martin.....Chief Executive Officer
 Ms H Sarcich.....Deputy CEO / Director Community Services
 Mr F Sullivan Director Corporate Services
 Mr A TrosicDirector Development Services
 Mr S HardingDirector Infrastructure Services
 Dr K Parker Manager Governance
 Mr B OliverCoordinator Corporate Communications
 Ms A LierschAgendas and Minutes Officer (Minute Taker)

Observers:

- Members of the Public – 29
 Members of the Press – 1



2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting – 18 November 2019

Question asked by **Mrs Lee Bond, Box 44, Armadale WA 6112**, at the Ordinary Council Meeting, 18 November 2019. A letter was sent to Mrs Bond on 28 November 2019. (OC19/25011).

Question 3

How many litigation cases against the Shire exist as at this date?

Response

The Shire is defending two cases of litigation.

2.2 Public questions:

Public question time commenced at 7.01pm.

Mrs Sandra Hawkins, Windrow Gove, Whitby

Because the following questions have been put to the Shire at a meeting with the CEO, I am obliged to ask for the result of them in Public Question time for the benefit of the ratepayers.

Question 1

Would you be able to give me an answer regarding the situation with the owner of the IGA shopping complex and yourselves over the lack of the replacement of the footpath at the rear of said shops which front George Street?

It has been many years since the owner removed the SHIRE footpath, that this has ignored by the owner and it was part of the agreement when other planning consents was given. Plus, I don't see anyone else removing Shire property and getting away with it.

Response (Director Development Services)

The Shire continues to investigate this issue, and discussing the matter with the owner of the IGA complex. The Shire met with the owner last week, and continues discussions on this specific issue and moving towards an outcome. A further meeting is planned with the owner, myself and the Director Infrastructure Services, to continue to progress the issue towards an outcome.



Question 2

When are the Shire going to enforce the regulation that any new subdivision plans must include a second entry and exit road to a new area? Point in example, the Whitby Estate only has one entry and no feasible exit for residents.

Response (Director Development Services)

The development of Whitby reflects the adopted Structure plan and subdivision approvals, both of these are ultimately approved by the Western Australian Planning Commission. The Shire does not support single access only developments. The Shire has the opportunity to recommend conditions on subdivision applications, but cannot forcefully impose conditions. Future stages of subdivision that are submitted by the applicant will be assessed according to the prevailing planning framework, including issues of emergency management.

Mr David Oates, Managing Director, Demeter Cormack Pty Ltd, 92 Hope Valley Road, Hope Valley WA 6165

Question 1

We object to the shed being built unless a fully complies with the town planning regulations which we understand that the structure needs to be set back a minimum of 10 metres from our boundary. We also require that this structure needs to have suitable screening as suggested in Ryan Fleming's email dated 12 December 2019. In respect to this objection we reserve our legal rights and if necessary we will get legal representation to ensure that this structure is not built any less than a minimum of 10 m from our boundary?

Response (Director Development Services)

The applicant is seeking to vary development requirements, which requires development approval. Council are considering the application at this meeting. The setback variations and grounds of objection receive detailed discussion in the officer report.

Question 2

In respect to the sea container dwelling we do not regard this type of dwelling to be appropriate for the area as it appears temporary in nature and substandard to other dwellings in close proximity and gives the potential of devaluing the properties nearby and in this respect we object to the current plans as they stand. Our view is a dwelling in this area needs to be of similar standard and specification to those in close proximity?

Response (Director Development Services)

In relation to the construction of the single dwelling, there are no specific development requirements in this area of the Shire which relate to size, appearance or built form materials. The Town Planning Scheme does require Officers to consider the compatibility of all development to its surroundings. As part of considering this issue and the concerns raised during public consultation, Officers have recommended a condition requiring the façade of the development to be



timber clad. This picks up prevailing elements of natural character which exist in the area. The retention of the existing stand of trees, as well as the existing mature tree between the proposed dwelling and the common boundary, are considered to screen the development also.

Question 3

For almost the past 12 months this property has been left untidy and resembles a junkyard it is appropriate for the Shire to make an assessment in respect to the visual impact regulations. In addition, building materials and tarps often when windy blow from this property and landed on our property which really is unacceptable?

Response (Director Development Services)

Officers are currently dealing with an unapproved sea container on the land. Compliance officers will visit the site in question; given the concerns you have raised in your question and deal with any issues accordingly.

Written questions were received from Mr Trevor Moffat, Lot 75, 8 Phizam Place, Darling Downs WA and Mrs Lee Bond, Box 44, Armadale WA 6112. As Mr Moffat and Mrs Bond were not in attendance at the meeting, written responses will be provided to Mr Moffat and Mrs Bond's questions.

The Shire President, Councillor Rich, asked if there were any public questions from the floor at 7.09pm.

Chris Trowbridge, 74 Dalray Court, Darling Downs WA 6122

Question 1

I oppose the sea container development at lot 67 Dalray Court. The sea containers will devalue the area.

Response (Director Development Services)

The officer report deals with the proposed development tonight. The officer report details submissions received, and analyses the key planning issues for Council consideration.

Question 2

I have previously spoken to Shire Officers advising that the sea containers are being used as a dwelling. What is being done regarding this issue?

Response (Director Development Services)

Compliance Officers will be asked to attend the property to investigate the sea containers being used as temporary accommodation.



Phil Wright, 154 Linton Street North, Byford WA 6122

Question 1

With the rezoning of the land, owners will be losing out on property values. Why are you rezoning my land?

Response (Director Development Services)

The draft Local Planning Strategy and draft Local Planning Scheme are currently out for consultation. We encourage all residents to make submissions on the draft documents. The rationale for proposed zoning is to include a consolidated zoning that captures the 2-4ha lots that are group on this northern edge of Byford.

Question 2

How many years has this been a rural property?

Response (Director Development Services)

This question will be taken on notice and a response provided to Mr Wright.

Public question time concluded at 7.18pm.

3. Public statement time:

Public statement time commenced at 7.18pm.

Mrs Sandra Hawkins, Windrow Gove, Whitby

With the fire season well and truly upon us, once again regulations have been totally ignored when it comes to new residential estates within the Shire. Are you going to wait until there is a catastrophe and loss of life before developers are made to comply with establishing a second exit and entry to the Whitby Estate? The Shire Councillors approved the plans. Do they want it on their conscience that they are responsible for a possible loss of life. The Shire Officers are also responsible for ensuring that conditions are met which has not always been the case. The Whitby Estate is surrounded by bush with one road in which has abundant bush at it point of exit.

As spokesperson for the Residents Association, I am voicing a very grave concern about this situation, as this matter has been brought to my attention on a number of occasions leading up to summer. It is a matter that requires immediate action.

There is a huge fire risk present, especially now, so can we expect some action in the very near future please?

Thank you



Mr Barry Gaskin, 589 Southwestern Highway, Byford WA 6122

Objection to the Shire of Serpentine Jarrahdale Draft Local Planning Strategy and Local Planning Schedule No 3.

To whom it concern:

Scope: From the SJ Information sheet:

1. The Draft Local Strategy will guide the Shire's progress towards its vision to provide a rural lifestyle of choice.
2. Offering an unique and attractive environment to work live and visit.
3. It provides strategic direction, which over the long term, will deliver a more consolidated urban form where residents will live closer to local shops, services and employment with easy access to public transport and greater ability to walk or cycle.
4. The Draft Local Planning Strategy promotes urban consolidation by making better use of existing infrastructure and land for growth.

We purchased out property about 18 months ago after looking at many properties for sale. We sold our special rural property in Forrestdale after living there for about 27 years. Some small information on my background, I had a Fabrication business in Kwinana fabricating for the mining industry workshop and on-site up to \$6M contracts, employing at times upwards of 130 people and 14 years ago \$25,000,000 in sales. After I sold the business, I fabricated in Thailand and shipped items into Australia until my wife fell ill with the cancer. I am not a man that can sit around on a block not being allowed to use it for the purpose I intended when I purchased it.

Due to the restrictions of Special Rural we decided after selling Forrestdale we would not buy this type of property again and specifically looked for Rural Zoning. We were happy to pay a premium price for rural as the restrictions are a little more relaxed than Special Rural or your change in name to Rural Residential. We could have bought closer to the city a similar type home for around \$850,000 - \$900,000 we chose to move further out into a cheaper area and still had to pay over \$1m for our current property.

We are currently retired I am 68 and my wife is 73 with Stage 4 cancer. We purchased in Byford anticipating setting up business in partnership with our children (2 off) 47 and 49 years old.

I have been working on our Byford land over the last year eradicating obnoxious weeds like Pig Mellon, Cape Tulip, Patterson's Curse and Woolly Bush, also renovating the house and when complete my intention is to look at the type of business that will offer services lacking in the area which would also create employment in the area.

My property is unique, it has access direct to and from the Southwestern Highway. As does my next-door neighbour. I think only our three blocks are like this and currently all Zoned Rural.

I am investigating:

Rural traders, the nearest is Mundijong or Oakford Byford is well known for a haven for horse properties but has no local supplier, this would also require employing people in the area.



I am situated in a very high position with 180 degree views over the scarp and can see Fremantle and Rockingham on an evening, I have had a building Engineer assess the structure of the house with a view to removing all the internal walls and turning it into a high-class restaurant specializing in Weddings, Funerals, Anniversaries' and birthdays, the population of Byford is booming along and residents will require more and better services

I start at the top with extracts from the information put out by SJ Draft and I make note:

1. to provide a rural lifestyle of choice .
2. Offering a unique and attractive environment to work
3. will live closer to local shops, services and employment with easy access to public transport and greater ability to walk or cycle.
4. by making better use of existing infrastructure and land for growth.

I comment:

Item 1 I purchased my block because it is Zoned Rural, that was my lifestyle of choice!

Item 2 By changing the zone and placing many restrictions the SJ council would be doing the opposite from offering a unique and attractive environment to work.

Item 3 I do not understand how changing my zoning to residential rural will achieve being closer to shops, services, employment, public transport and greater ability to walk or cycle?

Item 4 How will the zone change making better use of existing infrastructure and land for growth SJS ate placing huge restrictions on land usage and hog tying me from being able to use the land for which I intended to use it when we purchased it a year ago .

Should we have known this was on the cards we would have looked in another Shire.

We request our zoning be unchanged. We have a situation in the village where we have commercial bursting to find property and many businesses are being run from what was residential houses, we have 4000M2 properties being sub-divided and squashed hi-density housing on very small blocks.

We have street front directly facing the Southwest Highway 6.3acres and SJC are restricting our uses.

I am 500 metres north of the Thomas Road traffic lights and we believe it will soon be required to supply showrooms. I come from Forrestdale and have seen what you are going to go through. I was the Chairman for the Forrestdale Community Association and negotiated for all things as is happening in the early stages. This thing will go like a fireball and you will need properties like mine for infrastructure does not lock it up full of restrictions.

If one travels to the end of Kangaroo Way to the left, there is a parcel of land owned by the Main Roads Dept. We were led to believe this was for the purpose of being made into a feeder road for the area of my block and the ones either side if/ when they are re-zoned to multiply use or high density. We are closer to the township than Byford on the Scarp.



With the above in mind, we request S.J. Council:

1. Consider not to change our zoning and maintain it as Rural.
2. If SJC do change it for Planning for Growth and future requirements, then please consider loosening of restrictions and re-zone with more usage types like Rural Township or Mixed Use.
3. Once our block is locked into Rural Residential the opportunity to create and employment is lost. We shall strongly object to being re-zoned to Rural Residential and will seek legal action through the State Administrative Tribunal.

We feel personally at this stage that any view to rezoning should be postponed for 5-10 years. Council should sit on the decision at this stage.

Ms Eileen Davis, Unit 2, 84 Warrington Road, Byford WA 6122

The Heritage Country Choir

It was 1998 when The Heritage Country Choir was formed under the umbrella of The Byford Learning Centre. We had an array of different classes enjoyed by the young and the old. Over the years, the community commitment for The Learning Centre deteriorated as Byford grew. It is a well-known fact that a small town has a bigger community commitment and as the town grows the sense of community disappears. Ironically as the number of people increases the sense of community often decreases and people can feel quite isolated and retreat to their homes, bringing an array of problems such as mental health and even suicide issues.

The Heritage Country Choir survived even though The Byford Learning Centre folded. One of the many reasons for the power of singing is the importance of sense of inclusion and sense of community and having something to look forward to and as quoted by John Rutter (a respected writer and composer of music) choral music comes from the heart of our humanity and our sense of Community and our soul. Even if a choir is not the greatest the fact they are meeting together has a social value. As anybody that has sung in a choir will tell you they feel better from singing in company. Whatever the cares of the day, somehow you leave your troubles at the door. For those couple of hours singing with a group that is the only thing that matters and you walk away refreshed and that is a value that goes on beyond music itself. I can tell you when we created The Heritage Country Choir, I can personally say I am thankful the choir got me through some very dark times.

The Shire I am sure are well aware that there are some areas that need to be addressed regarding mental health, loneliness, exclusion and social isolation particularly in older people. The choir do have some younger members but are predominantly over 50 year olds. Joining a choir is clearly of special benefit to older people.

The Heritage Country Choir have a vital role to play in the shire to be of service on a voluntary basis. In the past the shire has given the choir a donation for our services but this has not happened for many years now. The choir are very proud to be supporting the Shire on Australia Day, Anzac Day (6am morning service also the 9am service) Byford Carols, Seniors morning Tea. The choir also sing carols at The Armadale Hospital on the closest Saturday before Christmas. We visit most of the wards much to the delight of the patients and staff. We have been performing there for probably close to 20 years, plus many more events that we may be asked to sing at to bring a special event to life. These events are all performed with enthusiasm for the enjoyment not only to ourselves but for the enjoyment of the Shires ratepayers all on a voluntary basis.



We have many costs involved in running the choir including insurances, advertising, trailer license, specialised sound equipment, speakers, specialised voice coaching, voice workshops. Music is our biggest cost as every choir member has to have a copyright copy, so we have to order more than we need usually 30 copies as music does get lost or taken and not returned. To sing just one song can cost \$150 because of copyright laws. The choir also supports all the local schools in the area. At the end of the year, one student is chosen who has excelled musically is donated a beautiful music book with a cd to encourage that student to continue whether it be singing or playing an instrument. The Shire should also be aware that our service provision includes not only singing as a Choir, but also the provision of the service of the sound system, and it's management over the time of the performances.

Our uniforms are also purchased from our own pockets.

The weekly fee is only \$5 per person and even though we have 22 members some weeks we only have 12 members turn up for choir.

As you can see the choir has a vital role to play in the community but we have many costs and this has to cover all expenses. We do apply for grants for music and equipment and have been very lucky to have received these grants in the past but do obviously have to contribute as well to get these grants.

I see the annual hire fee for Briggs park excessive for a voluntary group that provides a service to the shire and its ratepayers on a regular basis. Of course we realise we have to contribute and would like to offer and for you to consider \$500 as an annual fee the same as last year. I would like to mention we do have time out where the hall is not used, usually after a concert and of course at Christmas time.

I think this is fair as for example the dog park does have running costs and so does the skate park and I do not begrudge the users those facilities at all. I think it is marvellous for them, but they get to use and enjoy at no cost to them.

I would like to think the Shire do appreciate all that we do on a voluntary basis and agree to our offer for the hire of the hall, I would hate to think the choir may have to disband or move to another shire.

Public statement time concluded at 7.32pm.



4. Petitions and deputations:

4.1 Petition - David Oates, Managing Director, Demeter Cormack Pty Ltd, 92 Hope Valley Road, Hope Valley WA 6165

Councillor Rich presented a petition from Mr David Oates, Dalray Court objecting to the proposed sea container dwelling at 67 Dalray Court.

Background

A petition has been received objecting to the proposed sea container dwelling at 67 Dalray Court. For a petition to become effective, Council's Standing Orders Local Law 2002 (as amended) states it needs to meet the requirements of 3.6 (1)(a) – (f). Clause 3.6(1)(g) is not applicable for this petition.

3.6 Petitions

- (1) A petition, in order to be effective, is to —
 - (a) be addressed to the President;
 - (b) be made by electors or residents of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the names, addresses and signatures of the electors or residents making the request, and the date each signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (g) be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is —
 - (i) a proposal to change the method of filling the office of President;
 - (ii) a proposal to create a new district or the boundaries of the Local Government;
 - (iii) a request for a poll on a recommended amalgamation;
 - (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (4) The only question which be considered by the Council on the presentation of any petition shall be:
 - (a) that the petition shall be accepted; or
 - (b) that the petition not be accepted; or
 - (c) that the petition be accepted and referred to a committee for consideration and report; or
 - (d) that the petition be accepted and be dealt with by the Council at a subsequent meeting.



This petition does not meet all of the requirements of 3.6(1) however, as the petition relates to an item being considered at this Ordinary Council Meeting, it is recommended that this petition be accepted as non-conforming.

A copy of the non-conforming petition has been provided to Councillors and Executive. A copy of the non-conforming petition is also available on the Shire's website, with the Minutes from this Meeting.

OCM271/12/19

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Strange

That Council accepts the (non-conforming) Petition in its existing form.

CARRIED UNANIMOUSLY 9/0

4.2 Deputation - Chris Thomas, Byford Professionals regarding item 10.1.5 - Proposed Commercial Development at Lot 506 (2) Ballawarra Avenue, Byford.

Good Evening Councillors, my name is Chris Thomas.

I have been a member of our community for the past 13 years, I have experienced first-hand the massive changes to local infrastructure as I have worked in my family's real estate business, I have chosen to raise a family in our amazing Shire and play an active volunteer role at the Byford & Districts Rotary Club.

I am also the applicant for Lot 2, 506 Ballawarra Ave Byford.

We have no issue with the report in terms of how it has assessed the application nor with the conditions of approval recommended. I would like to say thank you to the planning officers who have provided guidance and given their support along the journey, it has been a long road and we are looking forward to getting started.

Given the Officers clear recommendation to approve this development, I now ask for the council's support.

Thank you for your time.



5. President's Report:

Good evening and welcome to the final Ordinary Council Meeting for 2019.

With 2019 drawing to a close, it was exciting to see three key projects completed over the past month– the new dog park in Byford is now open, Abernethy Road is now open, end-to-end, and the Shire's new and improved website was launched last week.

Firstly, thank you to residents and businesses for your patience throughout the year as we completed the Abernethy Road upgrade project.

The launch of our new website is also an important step as we continue to improve the customer service experience for our residents and stakeholders.

I would like to thank our community for their input over the past two years with the design and development of the new dog park in Byford. The number of people and their dogs who have been using the dog park has been fantastic to see.

It will be great to celebrate this new community facility on Friday, 17 January from 5pm – 7pm with the Paws in the Park event for the official opening and naming of the park. I encourage dog owners to come along for a fun afternoon including a sausage sizzle, rangers and dog trainers proving tips and advice as well as a doggie gift bags for the first 100 people.

It was great to see residents at the various Byford businesses on Saturday as part of our Christmas Extravaganza. Santa paid an early visit to Byford with his Elves, offering an opportunity for photos and last minute Christmas present requests.

I would also like to take a moment to let residents know that Opera at the Mill will return in 2020 with tickets on sale from today. This year's event was a huge success and I encourage everyone to purchase a ticket to a wonderful night of opera under the stars in Jarrahdale. Information can be found on the Shire's website.

At the November Citizenship Ceremony, we welcomed 33 new citizens from 8 different countries around the world. Including Ghana, India, Pakistan, Philippines, Sri Lanka, United Kingdom, Zambia and Zimbabwe.

On 20 November, the Chief Executive Officer and I met with the Department of Planning, Lands and Heritage where we had a positive discussion around future planning for our region.

Later that day, the Chief Executive Officer and I attended the WALGA People and Place session, which discussed how to take advantage of place as a core business. Moving forward we want to ensure that our Shire is an even better place for people to live and interact.

The Shire's Planning for Growth Community and Business Consultation sessions continued over the past month with great attendance across the five sessions

I attended 4 sessions held in Mundijong and Serpentine and it was great to see so many people take advantage of the one-on-one sessions offered by Shire planning staff to learn more about our Draft Local Planning Strategy and Draft Local Planning Scheme No 3.

A big congratulations to Shire staff for engaging in such detail with the community across the five sessions.

I encourage anyone who is still interested in providing feedback to do so before the close of the public comment period which has been extended to Friday, 10 January 2020.



The Shire's Community BBQ Series also concluded last month with events in Oakford, Byford, Jarrahdale, Whitby, Mundijong, Keysbrook, Cardup and finally in Serpentine on 21 November.

It was great to meet with so many residents at the final two BBQs as well as Neighbourhood Watch group members and the Mundijong Police.

The Bushfire Advisory Committee held their final meeting for the year on 21 November. I commend the group and our volunteer firefighters for the great work they are doing to ensure our Shire is prepared this bush fire season.

On 27 November, the first committee meeting of the Planning Reform - Local Government Stakeholder Reference Group was held in Perth. It is an honour to be one of only three Local Government Councillors from across the State to be on the committee and I am excited about what the Reference Group can achieve going forward.

In the evening, the Shire held it's SJ Tourism Forum for local tourism owners and operators. The forum was well attended and there was great optimism about the future of tourism in the Shire.

The following evening, the Shire's first Procurement Information Session was held as part of our commitment to support local businesses to understand our tendering and procurement processes. The Shire will be delivering sessions in the New Year and I encourage all businesses in the Shire to attend one of these sessions.

It was a pleasure to host Leader of the Opposition the Hon. Liza Harvey MLA along with Member for Darling Range Alyssa Hayden MLA on December 3 and update them on the Shire's key projects and advocacy priorities.

Our local volunteers were front and center on 5 December with the Shire's annual Thank a Volunteer Day lunch held at the Byford and Districts Country Club. The skills, advice, experience, friendship, leadership and inspiration that our volunteers provide to the community is second-to-none, and many local community groups simply would not exist without their assistance.

I would like to once again thank our volunteers for the hard work they do and for making Serpentine Jarrahdale a spirited community that we can all be proud of.

On 8 December, I attended the Community Cabinet meeting in Pinjarra where I had productive discussions with a number of Ministers including the Premier regarding priorities for our community.

I spoke to Premier Mark McGowan on key infrastructure projects within the Shire including Metronet, Tonkin Highway extension and the Mundijong freight rail realignment.

I addressed illegal construction and demolition waste operators and a proposal to open up the Gooralong Brook camping area in Jarrahdale with Minister for Environment Stephen Dawson.

I also spoke to Minister for Sport and Recreation Mick Murray about trails and Minister for Tourism Paul Papalia regarding tourism opportunities in the Shire and invited him to attend our Opera at the Mill event.

I addressed the Shire's Integrated Water Management Strategy and requested a meeting to discuss funding for implementation with Minister for Water Dave Kelly.



To close out discussions I spoke with Minister for Industrial Relations Bill Johnson about state agreements and Minister for Emergency Services Fran Logan about a Metropolitan Fire and Rescue Station for Mundijong and additional support for our volunteer fire brigades.

Overall, it was a great meeting to be a part of and I look forward to working with the Ministers in the future to make these projects a reality.

On 9 December, Councillors and Shire staff met with Main Roads WA where they gave a briefing on the Tonkin Highway extension and the Mundijong freight rail realignment. Both projects are vital for the Shire's future growth and our community can expect to hear more from Main Roads WA as part of their community engagement process in the New Year.

On 10 December, I attended Woodland Grove Primary School's End of Year event. It was great to see students celebrate the past year and their achievements, and I congratulate the school staff for making it such a great evening.

On 11 December, Councillor Dave Atwell and I attended the CEO appraisal training held here at the Shire Administration Office, and that evening I attend the information session held for Mardella residents by Main Roads and the Western Australian Planning Commission, offering residents an opportunity to get a better understanding of the Tonkin Highway and Mundijong freight rail realignment projects and the direction going forward.

We also met with Federal Member for Canning Andrew Hastie in Mandurah on 13 December where we discussed local issues.

I also want to congratulate the Keysbrook Community Association and the Volunteer Fire Brigade on their fantastic Christmas tree event held on 14 December.

Finally, I would like to thank my fellow Councillors and Shire staff for all their work this year. We have achieved so much and there is a lot for us to be proud of and to celebrate.

This year has also been one of change and renewal – welcoming three new Councillors as well as our new CEO and Director of Development Services. I am looking forward to a productive and successful 2020 as we continue to deliver positive outcomes for our community.

To our community, we would like to wish you a Merry Christmas and a safe and Happy New Year.

While it is an exciting time of year, it can also be a challenging and overwhelming time for others.

I encourage you to reach out to someone you know who may appreciate a phone call or a visit this Christmas.

We hope you find the time to rest and spend time with those near and dear to you this Christmas, and enjoy the spoils of the festive season. If you are travelling on our roads, please be safe.

I look forward to seeing you in 2020.



As always, my full calendar can be viewed on the pages below.

Date	Details	Location
18 November 2019	Professional Photo Shoot	Shire of Serpentine Jarrahdale
	Ordinary Council Meeting	Shire Civic Chambers
19 November 2019	Meeting with Alyssa Hayden MLA	Byford
	Community BBQ	Cardup
	Australian Citizenship Ceremony	Shire Civic Chambers
20 November 2019	Weekly Meeting with CEO	Perth
	Meeting with PDC - Andrew Ward	Perth
	Meeting with Dept Planning, Lands and Heritage	Perth
	WALGA - People and Place: How to take advantage of Place as a core business	Victoria Park
	Draft Local Planning Strategy and Scheme Community Consultation	Shire Offices
21 November 2019	Introduction for SJ Shire Investment Tour	Shire Offices
	Photo - New Mobile Phone Tower	Serpentine
	Community BBQ	Serpentine
	Bushfire Advisory Committee Meeting	Shire Offices
22 November 2019	Meeting with Dynamic Planning	Shire Offices
	Filming at Dog Park	Byford
25 November 2019	Council Strategic Planning Session 1	Shire Offices
27 November 2019	Planning Reform - Local Government Stakeholder Reference Group	Perth
	SJ Shire Tourism Forum	Shire Offices
28 November 2019	Peel Harvey Catchment Farmer Regenerative Pasture Trial "Final Field Day"	Serpentine
	Peel Zone Meeting	Shire of Murray
	Local Suppliers Procurement Information Session	Shire offices
30 November 2019	Draft Local Planning Strategy and Scheme 3	Mundijong
	City of Armadale Annual Civic Dinner	Armadale
2 December 2019	Council Strategic Planning Session 2	Shire Offices
	CEO Employment Committee Meeting	Shire Civic Chambers
3 December 2019	Meeting with Lisa Harvey and Alyssa Hayden	Shire Offices
	WALGA Presidents Cocktail Function	Perth
4 December 2019	Weekly Meeting with CEO	Shire Offices
	State Council Meeting	Perth
5 December 2019	Thank a Volunteer Day 2019 Luncheon	Byford



Continued

Ordinary Council Meeting Minutes Monday 16 December 2019

Date	Details	Location
	SJ Landcare Christmas Function	Mundijong
6 December 2019	Native Vegetation Issues Paper - Local Government Sector	Perth
	PDC Board Christmas Function	Mandurah
	CA07 Working Group Meeting No. 1	Teleconference
	SJ Shire Staff Christmas Function	Mundijong
	Court Grammar School Presentation	Mundijong
7 December 2019	Carols by Candlelight	Byford
8 December 2019	Community Cabinet Community Reception	Pinjarra
9 December 2019	Meet and Greet Armadale Police District Leadership Group	Shire Offices
	Main Roads WA Presentation	Shire Civic Chambers
	Audit Risk and Governance Meeting	Shire Civic Chambers
	Agenda Briefing	Shire Civic Chambers
10 December 2019	Woodland Grove Primary School Twilight Book Awards	Byford
11 December 2019	CEO Performance Appraisal Training	Shire Offices
	Freight Rail Realignment Mardella residents meeting	Shire Offices
12 December 2019	Meeting with Principal Byford Secondary College	Shire Offices
	Meeting with Garry and Vicky Tomlinson	Shire Offices
	Business Forum for the Local Planning Strategy and Scheme No.3	
13 December 2019	Peel Regional Leaders Forum Meeting	Shire of Murray
	Meeting with Andrew Hastie	Mandurah
14 December 2019	Radio Interview Heritage FM Byford (Shire Christmas Extravaganza)	Byford
	Keysbrook Christmas Tree	Keysbrook



6. Declaration of Councillors and Officers interest:

Chief Executive Officer, Mr Paul Martin declared a Financial Interest in item 8.3, CEO Employment Committee as the Committee is considering matters associated with his employment. Mr Martin will leave the Chambers while this item is discussed.

Councillor Denholm declared an Impartiality Interest in item 10.1.1, as the applicants are family friends of Councillor Denholm.

Councillor Strautins declared an Impartiality Interest in item 10.1.5, as Councillor Strautins lives approximately 250 metres from the property being discussed, but his property does not border the property subject to the matter.

Councillor Rich declared a Financial Interest in item 10.2.1, as several of the tendering companies are clients of Councillor Rich's family business. Councillor Rich will leave the Chambers while this item is discussed.

Councillor Rich declared a Financial Interest in item 10.2.2, as several of the tendering companies are clients of Councillor Rich's family business. Councillor Rich will leave the Chambers while this item is discussed.

Chief Executive Officer, Mr Paul Martin declared an Impartiality Interest in item 10.3.7, Review of Committees and Groups as the report deals, in part, with the CEO Employment Committee.

Councillor Atwell declared an Impartiality Interest in item 10.4.3, as Councillor Atwell is a Life Member of the Centrals Junior Football Club.

Councillor Denholm declared an Impartiality Interest in item 10.4.3, as Councillor Denholm volunteers a lot around the Club.

7. Confirmation of minutes of previous Council meeting(s):

7.1 Ordinary Council Meeting – 18 November 2019

OCM272/12/19

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Denholm

That the minutes of the Ordinary Council Meeting held on 18 November 2019 be CONFIRMED (E19/15183).

CARRIED UNANIMOUSLY 9/0



8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meeting:

8.1 Local Emergency Management Committee – 12 November 2019

OCM273/12/19

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Atwell

1. That Council RECEIVES the [Unconfirmed Minutes](#) of the Local Emergency Management Committee held on 12 November 2019 (E19/15139).
2. That Council ADOPTS Local Emergency Management Committee Resolution 5.1/11/19 and ENDORSES the Deputy Chief Executive Officer/Director Community Services as the Local Recovery Coordinator; ENDORSES the Manager Community Development as the Local Welfare Liaison Officer; ENDORSES the Shire of Serpentine Jarrahdale Local Recovery Plan (Attachment 2) and Local Emergency Management Arrangements (Attachment 4) as amended; ENDORSES the Shire of Serpentine Jarrahdale Local Emergency Management Committee Terms of Reference (Attachment 6) as amended to reflect the change of Local Recovery Coordinator and retention of the Shire President as a member and Committee Chair; and REQUESTS the Chief Executive Officer, once formally reviewed, to provide a copy of the amended Shire of Serpentine Jarrahdale Local Recovery Plan and Local Emergency Management Arrangements to the East District Emergency Management Committee and the Local Emergency Coordinator.

CARRIED UNANIMOUSLY 9/0

8.2 Bush Fire Advisory Committee – 21 November 2019

OCM274/12/19

COUNCIL RESOLUTION

Moved Cr Denholm, seconded Cr Atwell

1. That Council RECEIVES the [Unconfirmed Minutes](#) of the Bush Fire Advisory Committee held on 21 November 2019 (E19/15472)
2. That Council ADOPTS Bush Fire Advisory Committee Resolution 6.1.3/11/19 and NOTES the Bush Fire Advisory Committee's support for Council seeking State Government consideration for a Career Fire Station for the Mundijong Emergency Services Precinct.

CARRIED UNANIMOUSLY 9/0



8.3 CEO Employment Committee – 2 December 2019

Chief Executive Officer, Mr Paul Martin declared a Financial Interest in item 8.3 and left the Chambers at 7.51pm prior to this item being discussed.

Deputy CEO / Director Community Services, Ms Helen Sarcich, assumed the role of Chief Executive Officer at 7.51pm.

OCM275/12/19

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Byas

1. That Council RECEIVES the [Unconfirmed Minutes](#) of the CEO Employment Committee held on 2 December 2019 (E19/15578).
2. That Council ADOPTS CEO Employment Committee Resolution CEO012/12/19 and APPOINTS Price Consulting Group to undertake the development of the Chief Executive Officer Key Performance Criteria, conduct the Chief Executive Officer Probationary Performance Assessment and the Annual Chief Executive Officer Performance Review as per the quotation contained within confidential attachment 1, subject to agreement by the Chief Executive Officer; and REQUESTS the Shire President write to the Chief Executive Officer Mr Paul Martin to request an extension of the time period for the setting of the performance criteria to be completed by 29 February 2020; and DETERMINES that an assessment of achievements against the key duties/responsibilities as contained in the Position Description for the Chief Executive Officer will be the method of determining the successful completion of the Chief Executive Officer probationary period.

CARRIED UNANIMOUSLY 9/0

The Chief Executive Officer, Mr Martin returned to the Chambers at 7.52pm and assumed the role of Chief Executive Officer.

The Shire President advised the Chief Executive Officer of the Council Resolution for this item



8.4 Audit, Risk and Governance Committee – 9 December 2019

OCM276/12/19

COUNCIL RESOLUTION

Moved Cr Strange, seconded Cr Coales

1. That Council RECEIVES the [unconfirmed minutes](#) of the Audit, Risk and Governance Committee Meeting held on 9 December 2019 (E19/15884).
2. That Council ADOPTS Audit, Risk and Governance Committee Resolution ARG021/12/19 and ADOPTS the 2018/2019 Annual Financial Report including Independent Audit Report from the Office of the Auditor General as per attachment 1, in accordance with Section 7.2 of the *Local Government Act 1995*; and RECEIVES the Office of the Auditor General Audit Management Report as per attachment 2.

CARRIED UNANIMOUSLY 9/0

9. Motions of which notice has been given:

Nil.



10. Chief Executive Officer reports:

10.1 Development Services reports

Councillor Denholm declared an Impartiality Interest in item 10.1.1

10.1.1 - Retrospective Placement of Fill and Removal of Vegetation - Lot 401, 49 McKenna Drive, Cardup (PA19/586)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Mr B Marshall
Owner:	Mr B Marshall
Date of Receipt:	10 June 2019
Lot Area:	1.02ha
Town Planning Scheme No 2 Zoning:	'Rural Living A'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of the report is for Council to consider a retrospective development application for the placement of fill and removal of vegetation at Lot 401, 49 McKenna Drive, Cardup.

The application is presented to Council as it is considered 'high impact' under Local Planning Policy 4.7 - Placement of Fill in Non-Urban Areas (LPP4.7). This Local Planning Policy requires 'high impact' proposals to be determined by Council.

The proposal is considered consistent with the objectives of LPP4.7 and therefore the report recommends that Council approve the development application subject to conditions.

Relevant Previous Decisions of Council

Nil.



Background

Existing Development:

The subject site is a rear battle-axe lot located within a rural residential area in Cardup. A Water Corporation drain directly abuts the site to the east. The site is undeveloped with vegetation located within the eastern half of the lot. Currently the land slopes from east to west with the highest point being 17.8 AHD at the eastern lot boundary (rear) and 17 AHD at the western lot boundary (front).

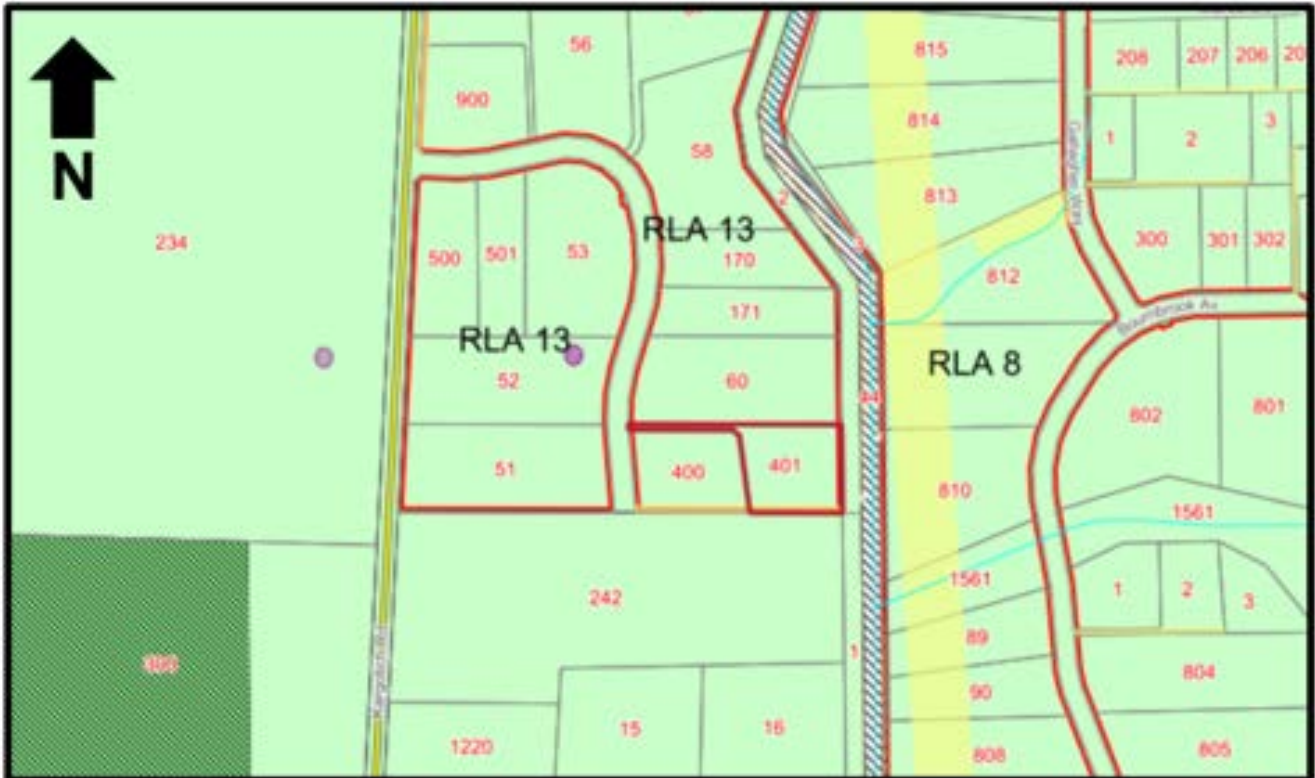


Figure 1: Aerial imagery

The subject site was created as part of a subdivision approved by the Western Australian Planning Commission (WAPC) on 9 June 2016. A condition of this subdivision approval stated as follows:

“The land being filled, stabilised, drained and/or graded as required to ensure that:

- (a) lots can accommodate their intended development, and*
- (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting, and*
- (c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system”*

This condition was imposed to ensure that drainage is managed appropriately. Ensuring that finished levels at boundaries are coordinated with abutting land, enables current water flow paths to be maintained.



Retrospective Development:

The application seeks retrospective approval for the placement of fill and vegetation removal, the works of which have been undertaken. Full details of the proposed works are contained within **attachment 1**.

The purpose of the fill is to improve the functionality of the land to support the future development of a house and an outbuilding.

The proposal seeks retrospective approval for the fill that has been placed on the western half of the lot as depicted on the plan below (figure 2). The fill covers an area of approximately 4,750m² ranging from 200mm at the front of the lot to 450mm towards the centre.

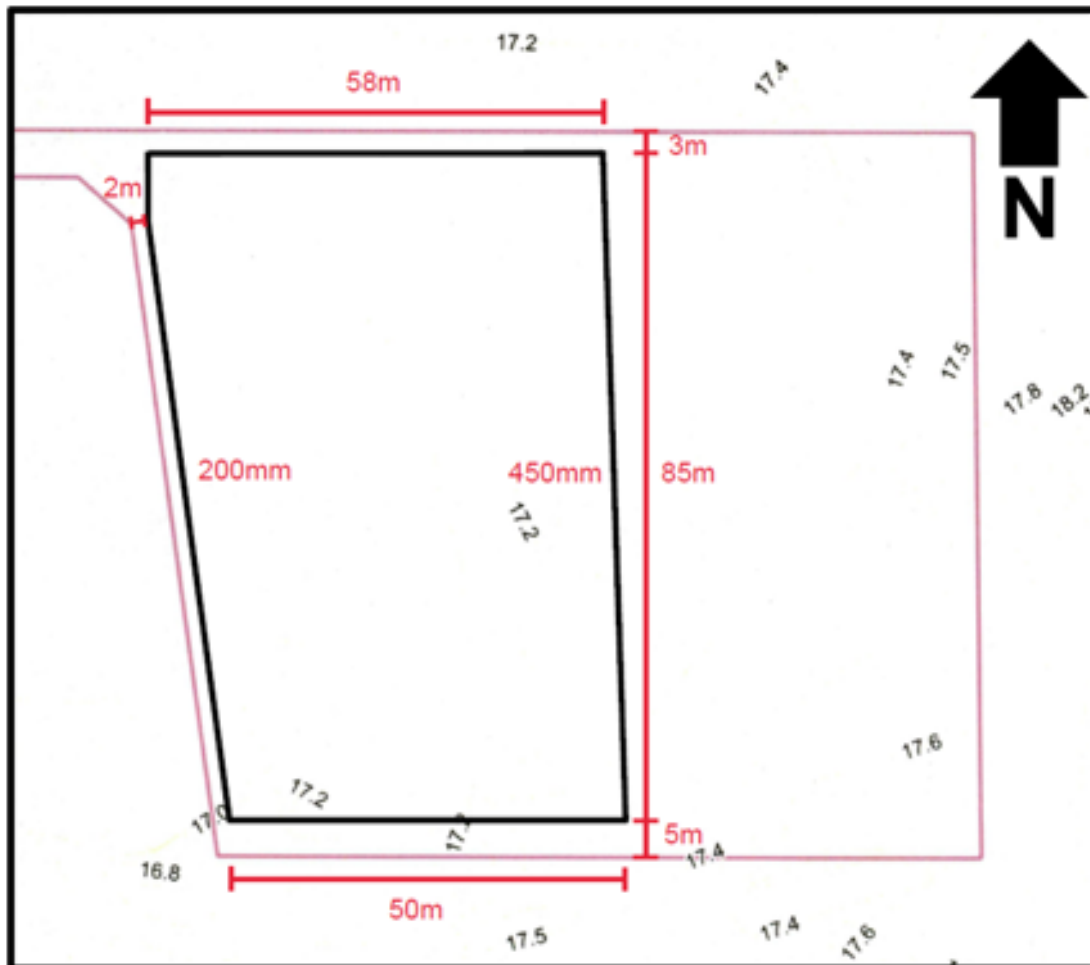


Figure 2: Extent of retrospective fill



Community / Stakeholder Consultation

Public Consultation:

Clause 64 of the Deemed Provisions sets out when an application for development approval must be advertised. It states:

“(1) An application for development approval must be advertised under this clause if the proposed development –

(b) relates to a use if –

(i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and

(ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given”.

As such, advertising was carried out for a period of 21 days, from 11 July 2019 – 1 August 2019, whereby two submissions were received, objecting to the retrospective development. The submissions are summarised and addressed in the table below:

Nature of Concern	Officer Comment
<ul style="list-style-type: none"> The placement of fill on the driveway has caused increased drainage issues along the property boundary. 	The applicant has advised that no fill has been placed on the driveway.
<ul style="list-style-type: none"> Fill on the property has resulted in flooding of adjacent properties pastureland. 	Following the submission, the applicant has set the fill back from the property boundary to ensure that existing drainage flows are maintained and the fill will not direct water to neighbouring properties. A condition is proposed to ensure this occurs and fill is set back from property boundaries.
<ul style="list-style-type: none"> Removal of vegetation has caused an increase in surface water. 	It is acknowledged that trees have been removed without development approval. The applicant has advised that these have been replaced. A condition requiring a landscaping plan is recommended to be imposed to ensure trees are replaced appropriately.
<ul style="list-style-type: none"> No new drainage measures have been put in place. 	The setting back of the fill from property boundaries will ensure there are no adverse drainage impacts to adjoining landowners.
<ul style="list-style-type: none"> Dust/noise impacts of fill delivery. 	No further fill is proposed to be brought to the site.
<ul style="list-style-type: none"> The above accumulated cause an adverse impact on animals of neighbouring properties. 	The above concerns are considered to have been addressed through setting the fill back and by the imposition of conditions.



Statutory Environment

Legislation:

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Metropolitan Region Scheme*
- Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2

State Government Policies:

- State Planning Policy 2.5 – Rural Planning (SPP2.5)

Local Policies:

- Shire of Serpentine Jarrahdale Rural Strategy Review 2013
- Local Planning Policy 4.7 – Placement of Fill in Non-Urban Areas
- Local Planning Policy 1.4 – Public Consultation for Planning Matters

Planning Assessment

Clause 67 of Deemed Provisions sets out the matters to be considered as part of an assessment of a development application. As such, a full technical assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed in **attachment 2**.

For the purposes of this report, the reasons resulting in the item being presented to Council or where Council is required to exercise discretion will be discussed.

Land Use:

The subject site is currently vacant and there is no established land use. Although the applicant has advised that fill is for the purposes of the future dwelling and outbuilding ('Residential – Single House') this land use has not yet been established.

Clause 3.2.5 of TPS2 states *"If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- a) Determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- b) Determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 64 of the deemed Provisions in considering an application for planning consent".*

There is discretion to permit the use under TPS2 subject to Council being satisfied that the objectives of the zone have been met and following advertising. The objectives of the zone are discussed in the following section of the report.



Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2):

Clause 5.12.1 of TPS2 states that the purpose of this zone is set out in the Rural Strategy. The proposal has been assessed against the Rural Strategy below.

Rural Strategy 2013 Review:

The subject site is designated as 'Rural Living A' under the Strategy. This Rural Living area provides an opportunity to establish residential uses in a rural setting. The relevant objectives for Council to consider are as follows:

- *“Provide for additional choice in style and location of residential land not available within the Shire’s urban nodes; and*
- *Protect Local Natural Areas and encourage revegetation.”*

The fill is to allow for future residential development, a use consistent with the objective of the Strategy. It is acknowledged that vegetation has been removed from the site without development approval. The number of trees removed are unknown however the aerial imagery below provides an indication.



Figure 3: Aerial imagery prior to tree removal and fill placement. Dated 7 July 2017.



Figure 4: Aerial imagery after tree removal and fill placement. Dated 16 July 2019.

The applicant has agreed to revegetate the site with native species to ensure consistency with the objective of the Rural Strategy. It has been advised that almost 60 saplings have been replanted, which are of the Eucalyptus species. These trees have already been replanted within the eastern area of the lot and along the western boundary of the battle-axe property (seen above in figures 3, 4 and 5). A condition is recommended to ensure a landscaping plan is provided to demonstrate that the lost vegetation has been appropriately replaced and a commitment to maintaining it.



Figure 5: Saplings viewed from the north-east corner of the property, looking internally.

The subject area is low-lying and it is common for fill to be brought to properties to facilitate development and decrease the area which is not useable due to inundation. Officers consider the filling of the site is consistent with the purpose of the 'Rural Living A' zone by making the land more suitable for accommodating development and is therefore capable of being considered for approval.

Given Officers consider that the land use raises no concerns, it is a matter of the scale and design of the fill which requires consideration, especially to avoid impacts on surrounding landowners. This assessment has been guided by Local Planning Policy 4.7 – Placement of Fill in Non-Urban Areas (LPP4.7).

Local Planning Policy 4.7 – Placement of Fill in Non-Urban Areas:

LPP4.7 sets out requirements for the placing of fill in non-urban areas. The objectives of the policy are to ensure that the filling of land does not adversely impact on the amenity or the environment and to ensure visual impact is minimised on neighbouring properties.

The policy includes an Impact Significant Matrix which is a guide in determining the impacts associated with the fill. The proposal has been addressed against the characteristics of the policy, as contained within the Technical Assessment, and is considered to fall within the 'high impact' characteristics in relation to 'Residential/Rural Residential Fill' and 'Water Resources'. All the other elements of the proposal are considered 'low impact' or 'moderate impact'.

**Residential/Rural Residential Fill:**

The proposal falls into the 'high impact' category of LPP4.7 due to the amount of fill and its location. 'High Impact' in this regard under the policy relates to fill where its use is proposed for other than building pads and vehicle access. This is a trigger for rigorous assessment and detailed information to be provided to the satisfaction of the Shire, before a proposal can be considered for approval. The main impacts resultant from filling a large area is the potential visual impact and drainage.

The relevant objective of LPP4.7 in this regard is to *“ensure visual impact is minimised on neighbouring properties”*. As previously stated, the subject area is low lying and it is expected that fill will be utilised to facilitate development and make outdoor space that is subject to inundation more useable. Although the proposal involves filling a significant portion of the lot, it is considered that the overall height would not adversely impact on the visual amenity of neighbouring properties. The photograph below shows the site with a portion of the fill already having been placed.



Figure 6: Viewing the extent of the fill from the south-western corner of the property.

With regard to drainage, the relevant objective of LPP4.7 states *“Ensure that the filling of land does not adversely impact on the amenity, environment or cultural features of the locality in which it is being undertaken.”*

Following the submissions raising concerns in relation to drainage, Officers have been in discussion with the applicant to ensure that the fill does not impact on the current flow paths and would not result in flooding of adjacent properties. During the assessment period, the applicant has set the fill back from the property boundaries to ensure that drainage flows are maintained and the fill will not direct water to neighbouring properties. A condition is proposed to ensure this occurs and fill is set back 2m from property boundaries.



The amount of fill, ranging from 200mm at the front of the lot, graduating to 450mm towards the centre of the site, is considered by Officers to be an appropriate amount of fill to allow for future development of the site whilst not adversely impacting on adjacent residents. The pre-development and post-development flow paths for water are shown in the diagrams below:



Figure 7: Pre-development flow plan

Figure 7 shows that prior to fill being placed on the site, water moves from south-east to north-west.

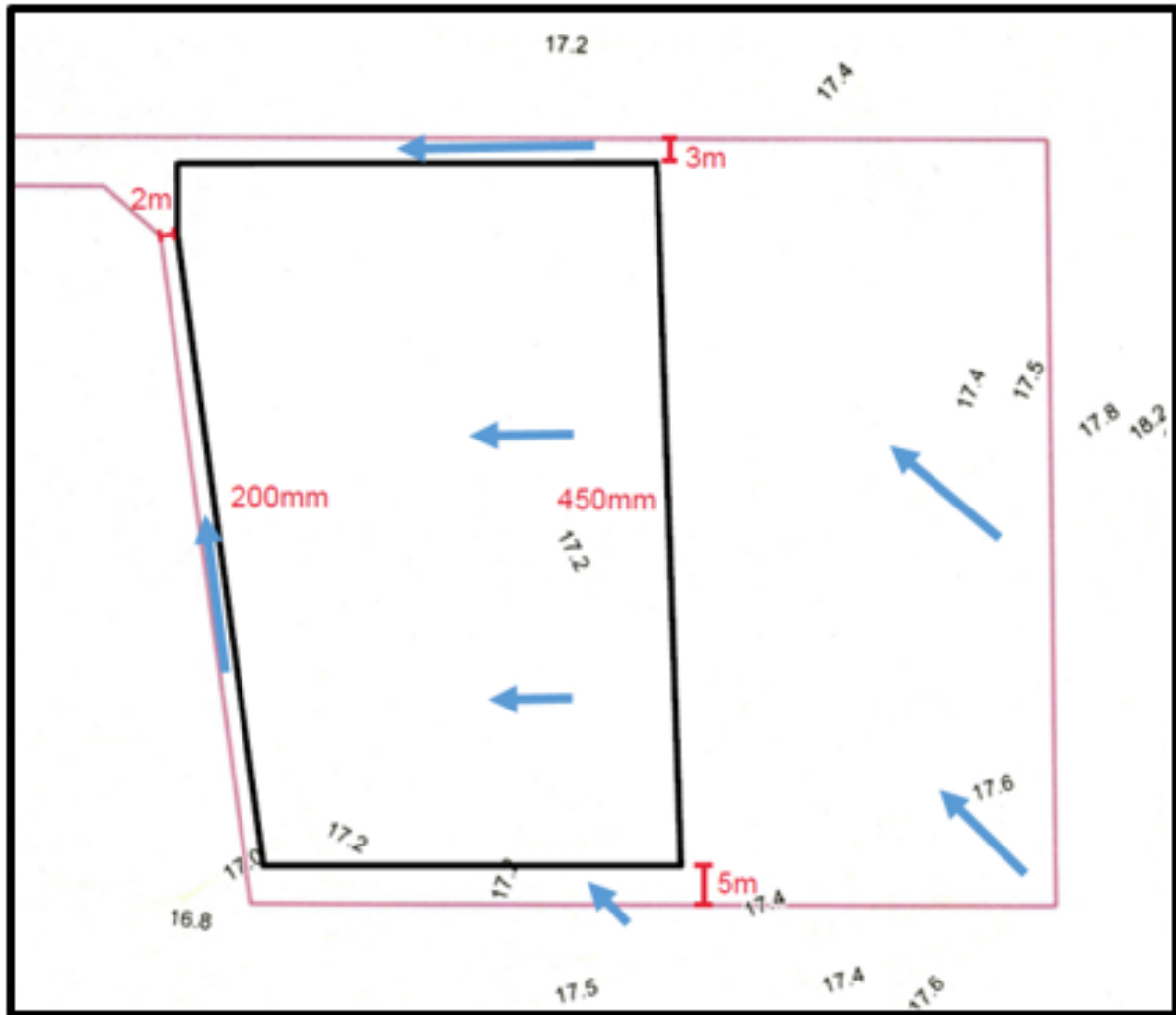


Figure 8: Post-development flow plan

Figure 8 shows that after filling the land, water continues to flow from south-east to north-west. Setting back of the fill would ensure that water is channelised around the fill and pre-development flow paths are maintained with a negligible impact on neighbouring properties. Furthermore, the imported fill is sand fill. As such, this would not result in additional run off from the land as it is more permeable than the existing soil on the subject site.

It is considered that although the amount of fill results in the proposal falling within the category of 'high impact' under the policy, the proposal is consistent with the policy objectives and drainage can be managed effectively.



Water Resources:

A 'watercourse' is defined under LPP4.7 as *"any channel that acts as a conduit for water"*. A 'high impact' proposal in this regard is considered as fill within 40m of a watercourse. The subject site is located adjacent to a surface drain on the Water Corporation's land to the east of the subject site. As this is a 'conduit' for water, for the purpose of the policy it is considered a watercourse.

As previously stated, water runoff from the site traverses from south-east to north-west. It is considered that the fill will therefore not adversely impact on the watercourse by way of run off, consistent with LPP4.7.

Options and Implications

With regard to the determination of the application for development approval under Town Planning Scheme No. 2, Council has the following options:

Option 1: Council approves the application subject to appropriate conditions.

Option 2: Council refuses the application giving reasons for its decision.

Option 1 is recommended.

Conclusion

The application seeks retrospective development approval for the placement of fill. The applicant has demonstrated that the impacts of the proposal can be appropriately managed on-site and that the proposal is generally consistent with development expectations in this localised Rural Living area. The applicant has sufficiently demonstrated to Officers that the proposal is appropriate and as a result, Officers have no concerns with the proposal and recommend that it be approved.

Attachments

- [Attachment 1](#) – Development Plans (E19/15002)
- [Attachment 2](#) – Technical Assessment (E19/15005)
- [Attachment 3](#) – Submissions (E19/15138)

Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council refuse the development and the application is appealed to the State Administrative Tribunal	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.



Voting Requirements: Simple Majority

OCM277/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Denholm, seconded Cr Coales

That Council

1. APPROVES the retrospective development application for the placement of fill and removal of vegetation at Lot 401, 49 McKenna Drive, Cardup as contained within attachment 1 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:

a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 received at the Shire's Offices on 7 October 2019.
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b. No further fill or infrastructure shall be placed within 2m of the lot boundaries unless otherwise approved by the Shire of Serpentine Jarrahdale.

c. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

d. Within 60 days of the date of the approval, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating suitable replacement of the lost trees. Once approved, the Landscaping Plan shall be implemented and maintained in its entirety to the satisfaction of the Shire of Serpentine Jarrahdale.

CARRIED UNANIMOUSLY 9/0



10.1.2 – Dwelling, Outbuilding and Two Water Tanks – Lot 77, 67 Dalray Court, Darling Downs (PA19/771)

Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer/s:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Istvan and Larrine Stempin
Owner:	As proponent
Date of Receipt:	25 July 2019
Lot Area:	5,000m ²
Town Planning Scheme No 2 Zoning:	'Rural Living A'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for a dwelling, outbuilding and two water tanks at Lot 77, 66 Dalray Court, Darling Downs, against the 'Design Principles' of State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes).

The application is presented to Council as two objections were received during the advertising process. Officers do not have delegated authority to determine applications where objections cannot be addressed by way of amendments to the proposal or through planning conditions, in accordance with Delegated Authority 11.1.1 and 12.1.1 – Determination of Development Applications.

It is considered that the Design Principles of the R-Codes are met and as such, the report recommends that Council approve the development application subject to conditions.



Background

Existing Development

The subject property measures 0.5ha in area and is located within the rural lifestyle area of Darling Downs. The area is characterised by lots generally between 0.4 to 1ha, which allows for a variety of residential and low scale rural use activities. The subject site is currently undeveloped.



Figure 1: Aerial image

Proposed Development

The application seeks approval for a dwelling, outbuilding and two water tanks. The dwelling would be constructed using two sea containers and have a total floor area of 44.8m². Officers consider the sea container dwelling is small in scale though still falls within the definition of a dwelling. The dwelling would be located 4m from the closest lot boundary to the rear (north).

The proposed outbuilding would measure 196m², with a wall height of 3.2m and a ridge height of 5m. It would be located 6m from the side (west) lot boundary and 10m from the rear (north) lot boundary.

Two water tanks are also proposed to provide stormwater management. The water tanks are compliant with the deemed-to-comply requirements of the R-Codes and as such, do not require the discretion of Council to be exercised.



Full details of the proposal are contained within **attachment 1** to this report.

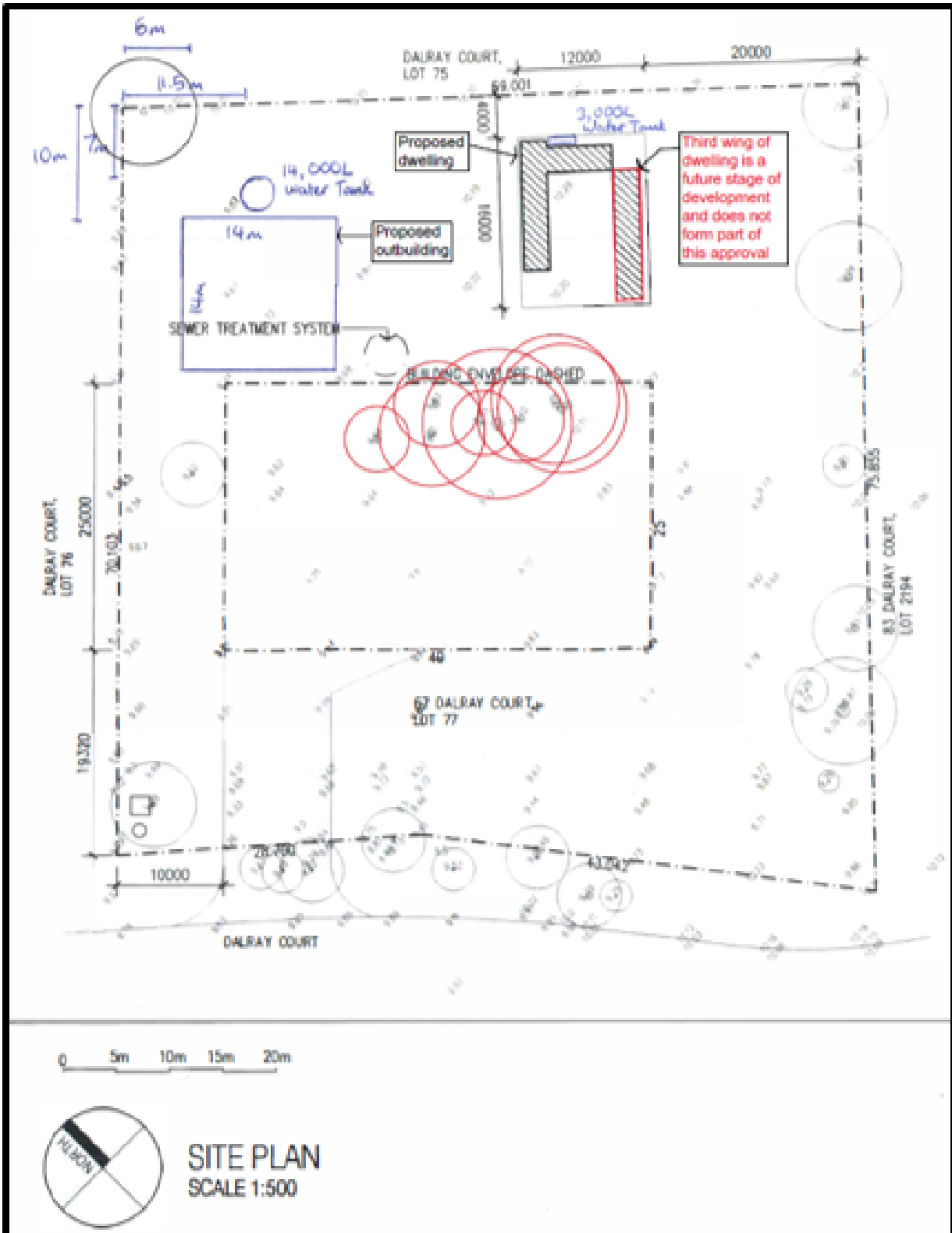


Figure 2: Site plan detailing proposed development



The proposal seeks variations to the deemed-to-comply requirements of the R-Codes in relation to the rear setback of the proposed dwelling, and the wall height, ridge height and floor area of the outbuilding.

Community / Stakeholder Consultation

The application was advertised for a period of 21 days to the adjoining landowners to the east and south. The consultation was conducted from 5 August 2019 – 26 August 2019 in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4). During this period, two submissions were received objecting to the proposed development. The submissions can be viewed in full in **attachment 2**. The submissions are summarised and addressed in the table below:

Submitter	Submitter Comments	Applicant Comment	Officer Recommendation
1 D and M Oates	What is the purpose of the outbuilding and its use? Toilet and shower indicate it may be used for a dwelling.	The applicant has stated in a meeting and over the phone, that the toilet and shower facilities are for when working in the shed or on the property and allow for ease of access to facilities, rather than having to walk to the house. The shed would not be used for habitation. The windows on the walls of the outbuilding are to allow for natural lighting, not for residential purposes.	Officers consider that the shed would not be used for living in as a dwelling is being applied for simultaneously. A condition shall be applied to the notice of determination ensuring the outbuilding is not used for habitation purposes. Also, that the dwelling must be constructed prior to the outbuilding.
	The outbuilding has a ridge height of 5m and suitable vegetative screening should be put in place.	Agreed to provide vegetative screening along the side (west) boundary where the 6m setback variation will be. The applicant has suggested conifers to be planted	Officers recommend a condition requiring a landscape management plan be submitted to the Shire. This should entail mature Conifer trees which can act as suitable screening.
	The setback should be 10m.	Agreed to an additional setback, 10m to the rear boundary and 6m to the side (west).	A reduction to the 10m setback requirement is permissible, subject to complying with the design principles of the R-Codes. This is addressed in the Form of Development and Amenity section of this report.



Submitter	Submitter Comments	Applicant Comment	Officer Recommendation
	The outbuilding will block a fire access gate from being opened.	Nil	The additional setback provided by the applicant allows for sufficient access to the fire access gate.
2 T Moffat	The height, wall length and proximity of the shed to the boundary create an adverse / imposing visual amenity impact. The bulk and materials would further add to this. Further, this reduces the peacefulness and lifestyle of adjoining properties.	The applicant was willing to relocate the shed from 4m of the north and west boundaries to be 10m off the north (rear) boundary and 6m off the west (side) boundary. The applicant also agreed to change the colour of the outbuilding from 'off-white' to 'pale eucalypt'.	Officers consider that the setback, scale and size of the shed is consistent with development within the 'Rural Living A' zone. This is expanded further in the Form of Development and Amenity section of this report.
	Possible noise impacts due to the proximity to neighbouring boundaries.	N/A	Officers are satisfied with the setback variation and consider this to not result in further potential noise issues resultant from activities within the outbuilding.
	The dwelling is to be made of sea containers, which do not have an adverse visual impact. Will it be permanent?	The sea container is to be clad in a dark brown wooden material.	Officers consider the use of colours and materials acceptable to ensure the proposal would not adversely impact on visual amenity. A condition is recommended to ensure a schedule of colours and materials is provided and approved by the Shire prior to commencement of works. A condition also specifically require a wooden cladding, which connects with the natural character of the area.
	The location of the shed would be better towards the east,	Nil	The applicant has not proposed this in their application. Officers believe



Submitter	Submitter Comments	Applicant Comment	Officer Recommendation
	closer to the bridal path.		the proposed location can be supported.
	A sea container is currently 3m from the fence. Is this approved as a dwelling?	Nil.	Subject sea container is not approved as a dwelling and appears to be used for storage, identified upon site visit. Approval for this sea container is not granted through this application. A retrospective DA will be required to be submitted for this.

Statutory Environment

Legislation:

Planning and Development (Local Planning Schemes) Regulations 2015

State Government Policies:

State Planning Policy 7.3 – Residential Design Codes Volume 1

Local Planning Framework:

Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)

Local Planning Policy 1.5: Exempted Development

Rural Strategy Review 2013

Planning Assessment

A full technical assessment was carried out against the current planning framework in accordance with Clause 67, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which can be viewed in **attachment 3**. For the purpose of this report, discussion is confined to the objections resulting in the item being presented to Council and where Council is required to exercise discretion.

Land Use:

The dwelling and outbuilding are considered to fall within the land use of 'Residential – Single House' which is a permitted land use within the 'Rural Living A' zone in accordance with the Shire's TPS2.

Form of Development and Amenity:

The proposal seeks variations to the deemed-to-comply requirements of the R-Codes in relation to the rear setback of the proposed dwelling, and the wall height, ridge height and floor area of the outbuilding. All other aspects of the proposal are compliant with the Deemed-to-Comply requirements and as such do not require the discretion of Council to be exercised.



The table below highlights the variations to which Council must determine whether the relevant 'Design Principle' has been met:

R-Code Variation Table and Corresponding Design Principles				
Structure	Variation	Deemed-to-comply requirement	Proposed	Design Principle
Dwelling	Setback (rear boundary)	10m	4m	Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Outbuilding	Wall height	2.4m	3.2m	Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.
	Ridge height	4.2m	5m	
	Floor area	60m ²	196m ²	

Each of the applicable design principles has been addressed as follows.

Dwelling:

In order to determine whether the proposed dwelling meets the design principle identified in the variation table, it can be considered within four key components. Buildings should:

1. Reduce impacts of building bulk on adjoining properties.

Officers consider that despite the reduced setback to the rear boundary (4m in lieu of 10m), the proposed dwelling will not impose undue building bulk on to the neighbouring property to the rear. The dwelling would be modest in scale, with an overall internal floor area of 44.8m². The wall length that will be visible from the neighbour's property to the rear would be 8.55m and the height of the walls only 2.59m. Officers consider this would not appear visually overbearing. The neighbour to the rear recently received development approval for a dwelling which would be 17m away from the subject proposed dwelling. Officers note that the neighbour has oriented their dwelling so that the front of the dwelling faces the subject property, with their garage directly opposite the proposed dwelling. This will mean that the neighbours private recreations space to the rear of their dwelling will not be impacted by the subject proposed dwelling and further so by the presence of the garage, which is considered to provide further screening

The proposed dwelling comprises of two sea containers which would be cladded with a vertical dark brown cladding. It is considered that this wooden cladding will ensure the dwelling would not have an adverse impact on the visual amenity of the area. The cladding with its earthy brown/wooden colour will cause the dwelling to blend into the rural landscape.



As seen in figure 3, there is a mature tree on the neighbours side of the fence which will provide a significant amount of screening to their property.



Figure 3: The proposed location of the dwelling with the rear boundary in the background

2. Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties.

The dwelling is proposed along the north (rear) boundary of the property, resulting in the shadow it casts being to the south and will remain internal to the site and not effect adjoining properties. As discussed earlier, the dwelling is small in scale, with a floor area of 44.8m² and a height of 2.59m. Officers consider that despite the reduced setback, the proposal would not impact sunlight and ventilation to the property to the north.

3. Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

Notwithstanding the setback variation, there are no major openings proposed that would face the property to the north and no active habitable spaces raised above 0.5m. This results in the proposal being compliant with the deemed-to-comply requirements of the R-Codes.



Outbuilding:

In order to determine whether the proposed outbuilding meets the design principle identified in the variation table, it can be considered within two key components:

1. Outbuildings should not detract from the visual amenity of the streetscape.

The proposed outbuilding is set back 48.32m from the primary street. Therefore, Officers are satisfied that it will not have an adverse impact on the visual amenity of the streetscape.

2. Outbuildings should not detract from the visual amenity of the residents and neighbouring properties.

The application, as initially received, proposed a 4m setback from the north (rear) and west (side) lot boundaries. Officers considered that this reduced setback would have a detrimental impact on the amenity of neighbouring properties. Subsequently, the applicant has amended the proposal to increase the setback to 10m from the rear boundary resulting in compliance with the deemed-to-comply requirements of the R-Codes. The setback from the side boundary was increased from 4m to 6m.

Furthermore, the applicant has agreed to provide landscaping in this location to visually screen the development. It is considered that the modest setback variation sought with the landscaping would ensure that the proposal does not adversely impact on the visual amenity of the neighbour to the west.

Officers consider that larger outbuildings are commonplace within the 'Rural Living A' zone with reduced setbacks. For example, the following image of surrounding properties shows the surrounding locality, and where outbuildings in excess of 150sqm are located.



Figure 4: An assessment of outbuildings greater than 150m² within the 'Rural Living A' locality (highlighted in yellow circles)

Based on this analysis, the proposal would not appear out of character with development in the surrounding area. Originally, the outbuilding was proposed to be an 'off-white' colour, though after negotiating with the applicant this has been amended to 'pale eucalypt' which is a shade of green. Officers consider the external appearance of the outbuilding and the screening would ensure that the proposal would not adversely impact on the visual amenity of neighbouring residents.



Other Considerations

Water:

Officers consider that the large proposed outbuilding allows for adequate water storage. Water is required to be reserved for drinking and general residential use as the locality around Dalray Court does not have access to scheme water. The proposed outbuilding provides a large roof catchment area for this purpose.

Building Envelope:

The proposal is located outside of the building envelope which was created under a condition of subdivision approval. The building envelope is where it is expected that development will occur.

Clause 5.12.9.d) of TPS2 states, *“no building shall be constructed on a lot other than within the approved building envelope without the written approval of the Council.”* Therefore, Council can consider the proposed dwelling, outbuilding and associated water tanks outside the building envelope.

In this case, the applicant has advised that in the future, a further dwelling is proposed within the building envelope and the dwelling subject to this application would be converted to an ancillary dwelling. As such, the building envelope is proposed to remain undeveloped at this time.

It is noted that there are several mature trees located towards the rear of the building envelope currently. These are the only mature vegetation on the property. Construction of the proposal outside of the building envelope would allow for the retention of these trees. In this case and in light of the retention of the trees, the construction of development outside of the building envelope is supported.

However to ensure the long term protection of these trees, it is appropriate to condition protection of these trees, notwithstanding their location within the building envelope. This is shown following:

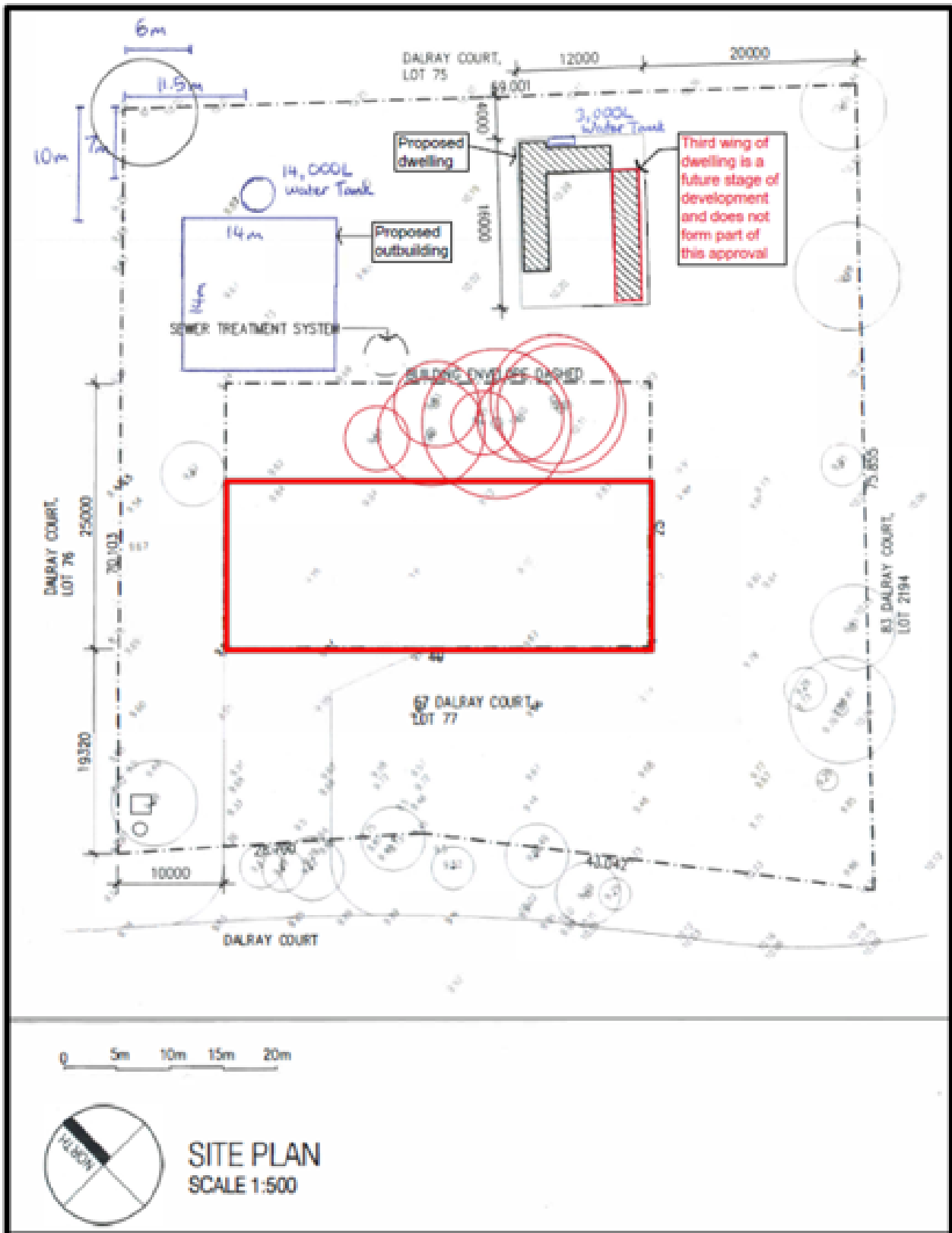


Figure 5: Recommendation for amended building envelope



Options and Implications

With regard to the determination of the application for development approval under Town Planning Scheme No. 2, Council has the following options:

Option 1: Council approves the application subject to appropriate conditions.

Option 2: Council refuses the application giving reasons for its decision.

Option 1 is recommended.

Conclusion

The application seeks approval under the 'Design Principles' of the R-Codes for a variation to the setback of the dwelling, and the wall height, ridge height variation to the outbuilding. The application has received an objection from an adjoining neighbour and this item is therefore presented to Council for determination. Officers consider that the application meets the design principles of the R-Codes for the reasons outlined in the report and is therefore recommended for approval.

Attachments

- [Attachment 1](#) – Development Plans (E19/15026)
- [Attachment 2](#) – Submission (E19/15030)
- [Attachment 3](#) – Technical Assessment (E19/15028)

Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council refuse the development and the application is appealed to the State Administrative Tribunal	Unlikely (2)	Minor (2)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **4** has been determined for this item.

**Voting Requirements:** Simple Majority

Officer Recommendation

1. That Council APPROVES the development application for the dwelling, outbuilding and two water tanks at Lot 77, 67 Dalray Court, Darling Downs as contained within attachment 1 subject to the following conditions:

a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	Plans P1-P6 received at the Shire's Offices on 8 August 2019 and the attached Bushfire Attack Level Assessment dated 8 October 2018.
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- b. The mature trees shown in red on the approved plans being protected in perpetuity to the satisfaction of the Shire of Serpentine Jarrahdale. In order to affect this, the existing building envelope shall be formally modified, prior to the issue of a Building Permit, to locate the mature trees marked in red outside of that envelope, to the satisfaction of the Shire.
- c. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- d. Prior to commencement of works, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented and maintained in its entirety to the satisfaction of the Shire of Serpentine Jarrahdale.
- e. Prior to commencement of works, a schedule of colours and materials shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to specifically identify a natural wood cladding for the single dwelling, and a compatible green colour for the outbuilding, to the satisfaction of the Shire. Once approved, the development shall be carried out in accordance with the schedule of colours and materials. The dwelling shall have its walls cladded with brown, wooden cladding to the satisfaction of the Shire of Serpentine Jarrahdale.
- f. All existing trees / revegetated areas on the lot shall be retained and protected for the duration of any approved works.
- g. The outbuilding hereby approved shall not be used for human habitation unless otherwise approved by the Shire of Serpentine Jarrahdale.
- h. The single dwelling forming part of this development approval is to be constructed and completed prior to completion of the outbuilding, to the satisfaction of the Shire.

NOTE 1: In relation to condition c, the Landscaping Plan shall demonstrate suitable screening between the proposed outbuilding and the west (side) lot boundary, to the satisfaction of the Shire of Serpentine Jarrahdale. Vegetation planted shall include conifers with a minimum height of 2m, spaced so that the outbuilding will be suitably screened from neighbouring properties. The vegetation planted shall not be planted in front of the fire access gate.



NOTE 2: In relation to the existing sea container on site, this is not approved as part of this decision. A separate application for retrospective development approval must be submitted for this sea container within 28 days of the date of this approval.

OCM278/12/19**COUNCIL RESOLUTION**

Moved Cr Rich, seconded Cr Strautins

1. That Council **APPROVES** the development application for the dwelling, outbuilding and two water tanks at Lot 77, 67 Dalray Court, Darling Downs as contained within attachment 1 subject to the following conditions:

a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	Plans P1-P6 received at the Shire's Offices on 8 August 2019 and the attached Bushfire Attack Level Assessment dated 8 October 2018.
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b. The mature trees shown in red on the approved plans being protected in perpetuity to the satisfaction of the Shire of Serpentine Jarrahdale. In order to affect this, the existing building envelope shall be formally modified, prior to the issue of a Building Permit, to locate the mature trees marked in red outside of that envelope, to the satisfaction of the Shire.

c. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

d. Prior to commencement of works, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented and maintained in its entirety to the satisfaction of the Shire of Serpentine Jarrahdale.

e. Prior to commencement of works, a schedule of colours and materials shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to specifically identify a natural wood cladding for the single dwelling, and a compatible green colour for the outbuilding, to the satisfaction of the Shire. Once approved, the development shall be carried out in accordance with the schedule of colours and materials. The dwelling shall have its walls clad with brown, wooden cladding to the satisfaction of the Shire of Serpentine Jarrahdale.

f. All existing trees / revegetated areas on the lot shall be retained and protected for the duration of any approved works.

g. The outbuilding hereby approved shall not be used for human habitation unless otherwise approved by the Shire of Serpentine Jarrahdale.

h. The single dwelling forming part of this development approval is to be constructed and completed prior to completion of the outbuilding, to the satisfaction of the Shire.



- i. The single dwelling is to be relocated a further 6m from the northeast boundary with Lot 75 Dalray Court, to achieve a minimum setback of 10m. Details to be submitted with the Building Permit application.
- j. The setback of the outbuilding to the northwest boundary being increased from 6m to a minimum of 10m. Details to be submitted with the building permit application.

NOTE 1: In relation to condition c, the Landscaping Plan shall demonstrate suitable screening between the proposed outbuilding and the northwest lot boundary, and between the single dwelling and the northeast boundary, to the satisfaction of the Shire of Serpentine Jarrahdale. Vegetation planted shall include conifers with a minimum height of 2m, spaced so that the outbuilding and single dwelling will be suitably screened from neighbouring properties. The vegetation planted shall not be planted in front of the fire access gate.

NOTE 2: In relation to the existing sea container on site, this is not approved as part of this decision. A separate application for retrospective development approval must be submitted for this sea container within 28 days of the date of this approval.

CARRIED 8/1

Councillor Coales, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Rich, Atwell, Byas, Dagostino, Denholm, McConkey, Strange and Strautins voted FOR the motion.

Councillor Coales voted AGAINST the motion

Reason for difference to Officer Recommendation

The alternative recommendation will enable an increased setback to the northeast and northwest boundaries. This increased setback will enable landscaping to be implemented in that increased setback area, helping to reduce the impact of the development outside the building envelope. This will also enable landscaping to be achieved without impacting the requirement of a fire break.



10.1.3 - Amendment to Local Planning Policy 1.1 – Development Assessment Unit Policy (LPP1.1) (SJ2963)

Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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Report Purpose

The purpose of the report is for Council to consider amending Local Planning Policy 1.1 – Development Assessment Unit Policy (LPP1.1). The amendments reflect the focus for continued review and improvement of process as it pertains to the assessment and determination of development applications.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 23 July 2018 – extract

OCM063/0/18 *COUNCIL DECISION / Officer Recommendation:*

That Council:

1. *Pursuant to Clause 4(3)(b)(i & ii) of Part 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to adopt the new and revised Local Planning Policies as listed within OCM063.2/07/18.*
2. *Revokes the following Local Planning Policy contained within OCM063.8/07/18 in accordance with Clause 6(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015;*
(a) LPP 80 – Development within Structure Plan Areas which Development Approval is not Required
3. *Pursuant to Clause 4(4) of Part 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, publish a notice of the adoption of new and revised Local Planning Policies within OCM063.2/07/18.*



Background

LPP1.1 was adopted by Council on 23 July 2018 and is contained within **attachment 1**. The purpose of this LPP was to set out the procedure for dealing with development applications to include the presentation of these at the Shire's Development Assessment Unit (DAU). The objective of the LPP was to ensure that development applications are dealt with in a timely and efficient manner.

The State Government's Action Plan for Planning Reform proposes several reforms to the planning system including targeting the reduction in timeframes for lower-risk development proposals. In light of this, Officers consider that the development application process could be further streamlined and be made more efficient, now that the current process has been in operation for nearly 18 months. The process for dealing with development applications has been reviewed and amendments to LPP1.1 prepared, as contained within **attachment 2** and track changes as per **attachment 3**. The amendments include a fast-track procedure for dealing with low-risk development applications, which reflects the risk based approach advocated by the reform agenda and Action Plan.

This reflects the continued pursuit for efficiencies to provide the best levels of customer service in the process of regulating land use and development.

Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No.2*

Local Planning Framework

- Local Planning Policy 1.1 Development Assessment Unit Policy

Comment

Currently under LPP1.1, there is no risk based threshold set to determine which development applications require DAU discussion. The planning system requires Local Governments to focus their planning efforts from a risk-based perspective. Naturally, proposed developments that present medium or high-risk issues, must be carefully assessed with input provided from relevant staff members. Conversely, low-risk applications do not require the same level of input from relevant business units as their risks are adequately considered and determined by skilled and qualified officers.

There are a number of inefficiencies created by applications returning to DAU on a number of occasions. It is considered a more effective DAU process would result in the assessing Officer briefing all the relevant internal staff together, and then an informed discussion occurs in relation to any particular issues. In terms of our current DAU process, applications return to DAU up to 3 times, which is not considered to be efficient.



The principles behind the new procedure will be:

- Pre lodgement and engagement with our customers. Before an application is prepared and submitted, officers can meet with customers to review a proposal and provide without prejudice comments on issues, opportunities and information. This will be emphasised as a without prejudice process, and focussed on ensuring the right levels of information are submitted the first time to enable efficient processing to occur;
- Establishing a threshold in order to filter out low risk applications for DAU. This will provide a more efficient service to our customers, through enabling a fast track approach for low risk development applications. This is a requirement being asked of all Local Governments as part of the Minister's Planning Reforms;
- For non-low risk applications, it is proposed that these are required to be presented to DAU once only. However there is an opportunity for these to be presented twice where further discussion is required in relation to referral comments or conditions.

The procedure will ensure the key principles are followed in a consistent dependable manner.

As set out in the revisions to the LPP, it is proposed that applications considered low-risk would include the following:

- Residential/Incidental development;
- Signage;
- Minor amendments to already approved development; and
- Sheds in the 'Rural' zone for the purposes of a 'rural use'.

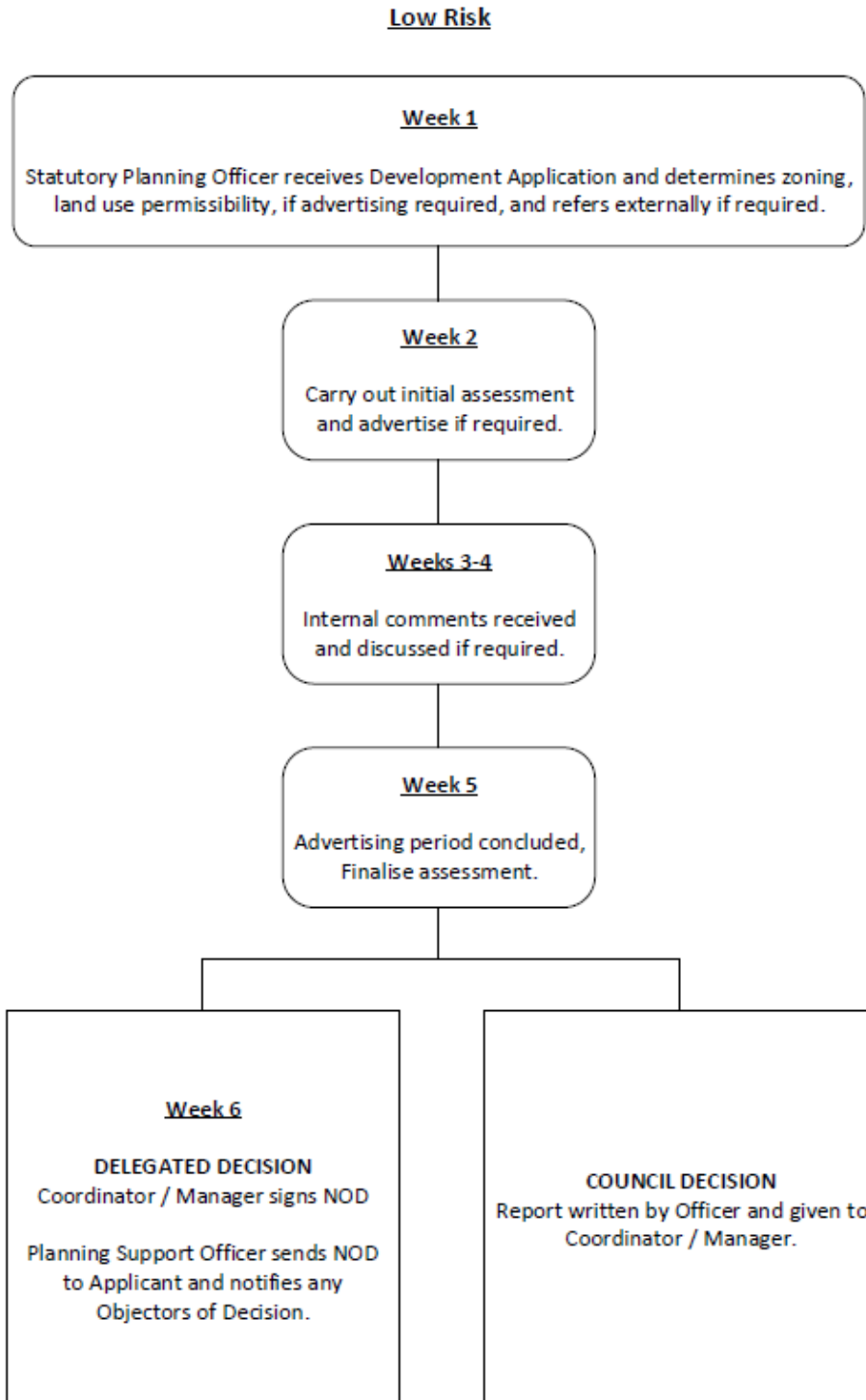
These development types are considered low-risk and generally do not require the same level of discussion with other internal departments, if at all, as more complex development applications.

A large percentage of development applications received by the Shire are for these development types and it is considered that there would be significant efficiency savings by removing the requirement to be presented at DAU. The internal referral process for these simpler applications is also proposed to be reduced from 2 weeks to 1 week to further reduce timeframes.



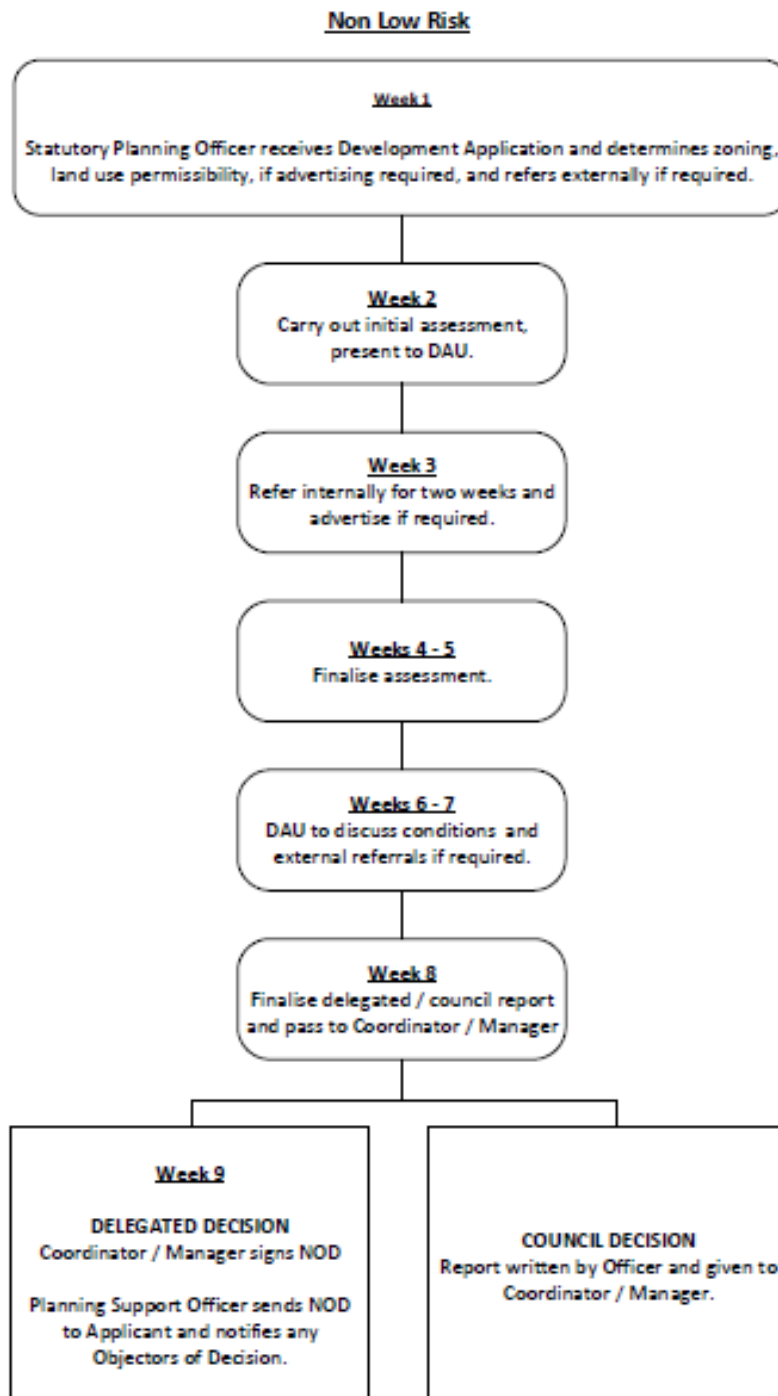
This is as follows:

Low-Risk Applications





Non-Low Risk Applications





Options and Implications

Option 1

That Council approves the amendments to Local Planning Policy 1.1 – Development Assessment Policy, as contained within attachment 3, and determines that these amendments are minor in accordance with Clause 5(2) of the Deemed Provisions.

Option 2

That Council resolves not to amend Local Planning Policy 1.1 – Development Assessment Policy.

Option 1 is recommended.

Conclusion

As part of the State Government's Action Plan for Planning Reform, Officers consider that significant efficiency savings can be made to the process for determining development applications. The new process will reduce timeframes for low-risk development applications whilst resulting in a more efficient planning process.

The revisions to the LPP will be supported by a new BOP, to provide the updated clear procedure for the amended process.

Attachments

- [Attachment 1](#) – Local Planning Policy 1.1 – Development Assessment Unit Operative Policy Adopted 23 July 2018 (E18/8851)
- [Attachment 2](#) – Local Planning Policy 1.1 – Development Assessment Unit Policy (clean version) (E19/15607)
- [Attachment 3](#) – Local Planning Policy 1.1 – Development Assessment Unit Policy (tracked changes) - (E19/15610)

Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

The amended LPP is considered to provide both efficiency savings for the Local Government and provide an improved service to applicants and members of the community, in line with the Strategic Community Plan.

Financial Implications

Nil



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not amending LPP1.1	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Officer Recommendation

Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.

Voting Requirements: Simple Majority

OCM279/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Byas

That Council APPROVES the amendments to Local Planning Policy 1.1 – Development Assessment Policy in accordance with Provision 5(2) of the Deemed Provisions, as contained within attachment 3.

CARRIED UNANIMOUSLY 9/0



10.1.4 - Proposed Educational Establishment – Lot 180,145 Summerfield Road, Serpentine (PA19/1077)

Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer/s:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Mary Agnes McKay-Walton
Owner:	As above
Date of Receipt:	22 October 2019
Lot Area:	64ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of this report is for Council to consider a development application for the expansion of an existing 'Educational Establishment' known as 'Eton Farm Education' at Lot 180, 145 Summerfield Road, and Serpentine.

The establishment has approval for music, art and nature play lessons for pre-kindergarten and kindergarten age groups to be undertaken in an existing building. The facility was approved to cater up to 15 children from the age of two years, three days a week.

The current application seeks approval to upgrade/expand the existing facility to a formal school in line with the Department of Education Curriculum to enable enrolment of primary school students from Pre-Kindergarten to Pre-Primary, to commence in 2020.

This item is presented to Council for determination as an objection was received during the consultation period. Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or conditions, in accordance with Delegated Authority 11.1.1 and 12.1.1 – Determination of Development Applications.

The report recommends that Council approve the development application subject to conditions.



Relevant Previous Decisions of Council

There is no previous Council decision relating to this application/issue.

On 5 November 2019 – Officers, under delegated authority, approved a retrospective 'Change of Use' from Single House to Educational Establishment.

Background

Existing Development

The subject land has a total area of 64ha comprising of two land parcels. One land parcel is located to the north of Summerfield Road with an area of 49.9ha and the second one, which includes the subject land for the school, is 14.57ha in area and located to the southern side of Summerfield Road, midway of Richardson Street and South Western Highway. The site for the school is proposed to occupy an area of approximately 0.9ha of the site.

The general locality comprises of rural living properties used for a variety of rural uses that include grazing, equestrian activities, cattle studs and rural lifestyle lots. The locality also consists of 'Farmlet' zoned properties located to the western side of the subject site, which are predominantly hobby farms, used for rural pursuits. The Serpentine Townsite is located approximately 1.5km to the south of the subject site, and the Serpentine River is on the southern portion of the site as shown on Figure 1 below.

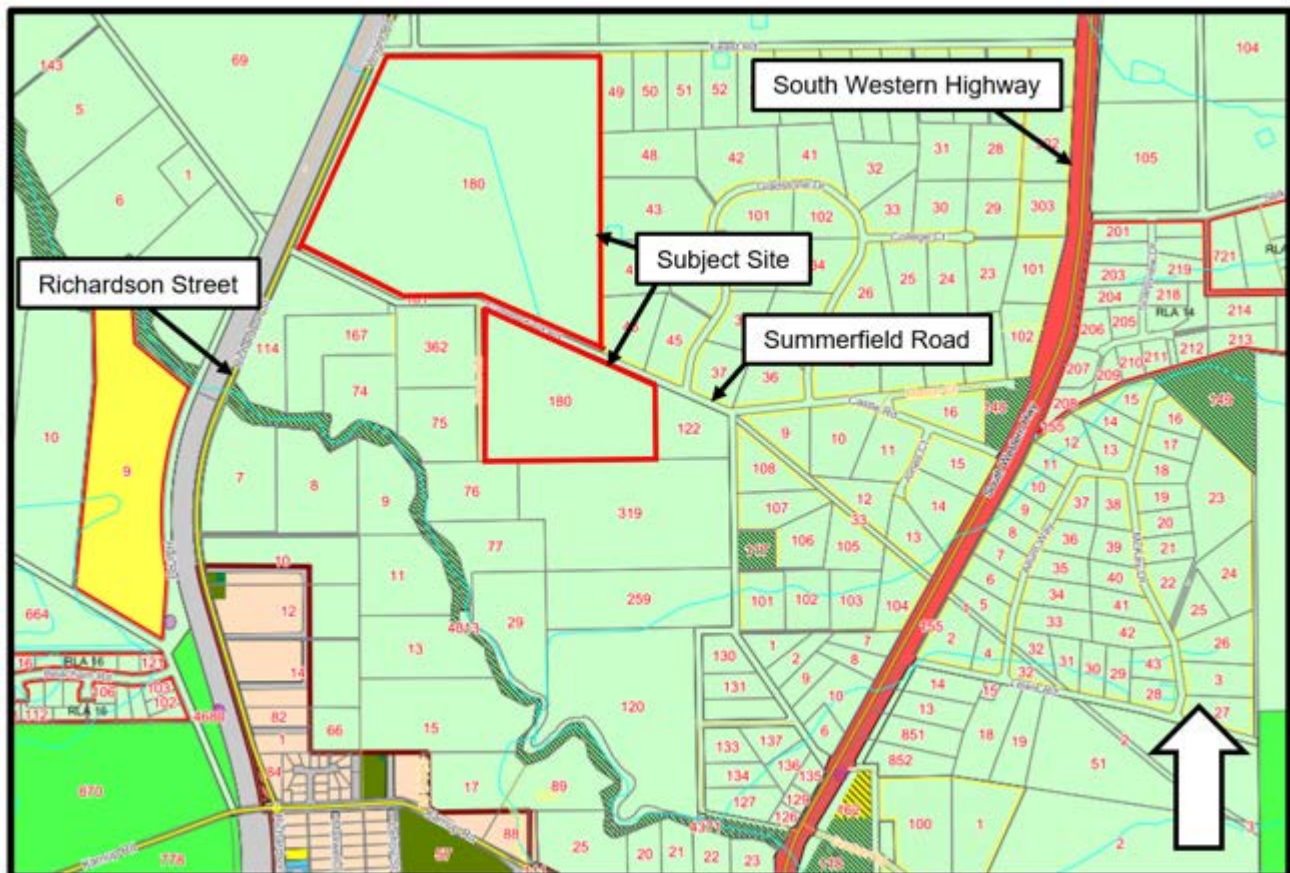


Figure 1 - Location Map



Figure 2 - Aerial Photograph

The subject site is developed with two dwellings and farm buildings, which are located on the eastern portion of the site. One of the dwellings (subject of this application) has been converted to an Educational Establishment through a change of use application as mentioned above. In addition, the site is a working farm associated with a number of rural land uses that include agistment of horses and rearing of beef cattle that has been occurring for a number of years. The site is generally cleared, containing dense vegetation along the southern, western and eastern boundaries of the property as shown on Figure 2 above.

Proposed Development

The development application seeks approval for stage one expansion of the existing Eton Farm Educational establishment to accommodate a maximum of fifty students from Kindergarten to Pre-Primary commencing in term 1 of 2020. The applicant provided information that the school population and levels may increase in future over a number of years depending on demand and the necessary approvals. It should be noted that any future expansion will be subject to a separate planning application.

The current proposal comprises of the following:

- Renovations to the existing building which comprises of 3 activity rooms (classrooms), store, office and kitchen/meals room;
- Placement of a transportable building which consists of an activity room (classroom) and an office;
- Construction of an undercover outdoor door activity space attached to the main building;
- Construction of an ablution block consisting of a 3 toilets including a disabled toilet;



- Construction of a car park with 13 car parking bays including one disabled bay;
- Enrolment of 15 full time 5 year old students for Pre-Primary five days a week (Monday to Friday);
- Enrolment of 12 part time 4 year old students for Kindy for only two days a week (Tuesday & Thursday);
- Enrollment of 10 part time 3 year old students for pre-Kindy for two mornings a week (Wednesday & Friday); and
- Staff numbers include one full time and two part time teachers and two part time administration staff.

Full details of the proposal are contained within **attachment 1**.

Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 24 October 2019 to 14 November 2019, within a radius of 250m, in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period.

During this period, one submission was received, contained within **attachment 2** objecting to the development. The objection relates to the following issues, which are discussed in the relevant headings of the report forming part of the Officer assessment:

- Increased traffic on Summerfield Road;
- Devaluation of surrounding properties;
- Potential noise from traffic and operations of the school; and
- Potential generation of dust from the proposed unsealed carpark.

Consultation with other Agencies:

Department of Fire and Emergency Services (DFES)

The Shire referred the application, including the Bushfire Management Plan (BMP) prepared by prepared by B J Marsh Pty Ltd to DFES. The BMP was referred to DFES on the basis that an 'Educational Establishment' is identified as a vulnerable land use under State Planning Policy 3.7- Planning in Bushfire Prone areas (SPP3.7).

DFES provided its response to the Shire on 5 November 2019 raising no objection to the proposal. The Department was satisfied that BMP had adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved.

DFES advised that section 3.2 of the BMP needed to be amended to reflect the correct BAL-LOW rating. It also further advised that this modification would not affect the development design; it can be undertaken without further referral to DFES. The applicant has since made the amended to the satisfaction of the Shire's Emergency Services Department.



Department of Education

The application was referred to the Department of Education on 25 October 2019 and the Shire received no response. The applicant has provided information that regulatory approvals were currently being sought from the Department of Education non-Government Schools section.

Statutory Environment

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- *Metropolitan Region Scheme*
- *Town Planning Scheme No. 2*
- *Draft Local Planning Scheme.3*

Local Planning Framework

- Rural Strategy Review 2013
- State Planning Policy 2.5 – Rural Planning
- Draft Local Planning Strategy
- Draft Local Planning Scheme No. 3

State Planning Policies

- State Planning Policy 2.5 – Rural Planning

Planning Assessment

Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) lists matters to be considered in the determination of development applications. A full assessment carried out against the applicable matters relevant to this proposal can be viewed within **attachment 3**. For the purposes of this report, the objection resulting in the proposal being presented to Council are discussed as well as where Council is required to exercise discretion.



Land Use

In determining the land use of the proposal, it is considered the proposal best fits within the TPS2 definition of 'Educational Establishment' which is defined as follows:

"means a school, college, university, technical institute, academy, or other educational centre, but does not include a reformatory or institutional home."

An 'Educational Establishment' is an 'AA' use within the 'Rural' zone, meaning that Council has discretion to permit the use.

Under the Shire's Draft Local Planning Scheme No. 3, the subject land is identified to remain zoned 'Rural' whereby the land use of 'Educational Establishment' is an 'SA' use, meaning the land use can be approved at the discretion of Council subject to the application being advertised and any submission considered in making a decision. In this case the application has been advertised and one submission was received which has been discussed in detail within the assessment.

Car Parking

The parking requirements under TPS2 for the proposed development are detailed in the table below:

Land Use	Minimum No Parking Space	Car Bays required	Car Bays (provided)
Educational Establishment: Primary School	1.25 spaces per for classroom	Minimum required for 3 classrooms/Activity : 4 bays	A total of 13 bays has been provided on the plan

Based on the TPS2 requirements, adequate car parking provisions has been provided by the applicant for the proposed development.

Orderly and Proper Planning

Clause 67 of the regulations, specifically A – J, considers State and Local Planning Policy frameworks including Draft Schemes, Strategies, State Planning Policies, Local Planning Policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning, current amenity and character, and importantly intended amenity and character of an area. When considering the State and Local Planning framework the following documents are relevant:



Objective of the zone under TPS2

The development falls within the 'Rural' zone under TPS2, the objective for which is to accommodate the full range of rural pursuits and associated activities conducted within the Scheme area. The term 'rural pursuit' is not defined in TPS2 however, the State Administrative Tribunal (SAT) have consistently hold that a rural pursuit is something that is 'relating to, or a characteristic of the country'. In that regard, and arguably the proposed 'Educational establishment', which is not 'rural' in any way, is not a characteristic of the country and can be found in both rural and urban areas, therefore inconsistent with the objective of the Rural Zone.

Officers however are of the opinion that the proposal, due to its nature and scale, is an 'associated activity' that supports carrying out of rural pursuits. Officers have been guided by the following Tribunal ruling of 017 WASAT 159 ; which concluded that a Place of Public Worship is an 'associated activity' that **supported** the carrying out of rural pursuits and is consistent with the purpose and intent of the Rural zone. SAT extract discussed the following:

The Zoning Table of the Scheme establishes the permissibility of different categories of rural use classes, as well as, assists in identifying other use classes that may be considered as 'associated activities' that support the carrying out of 'rural pursuits' in the Rural zone. For instance, it may be appropriate to approve a 'Consulting Room', which on its face could not be described as a rural activity, but is a land use that may be needed to service the medical needs of the local community, thereby supporting the carrying out of rural pursuits in the Rural zone. Interestingly, it would seem that the scale of the 'associated activities' within the Rural zone has been considered in the designation of permissibility of use classes in Table 1, as for example, a 'Consulting Room' is a discretionary use, whereas, a 'Medical Centre' is a use not permitted in the Rural zone.

The Tribunal, therefore, does not consider the use class 'Public Worship - Place of' to be inconsistent with the purpose and intent of the Rural zone as provided for in TPS 2 as this use class is considered to be an associated activity that supports the carrying out of rural pursuits in the Rural zone and as such, is consistent with the purpose and intent of the Rural zone. However, as to whether it is appropriate to exercise discretion to approve an application for a place of worship on land zoned Rural will be dependent on the circumstances of the case.

In view of the above, Officers considered that the proposed change of use to facilitate an 'Educational Establishment' could be supported for the following reasons:

- The proposal is considered an associated activity that supports the carrying out of rural pursuits in the rural zone and as such, is consistent with the purpose and intent of the rural zone.
- The land use is needed to provide a service to the educational needs of the local community, thereby supporting the carrying out of the rural pursuits in the Rural zone.
- The size of the proposal is considered to be of scale that would not impact or inhibit the carrying out of existing rural farming and equestrian activities on the subject site.
- By virtue of its scale, Officers consider that the proposed land use is compatible within the settings of the Rural Zone. The activities will be carried about within the existing residential dwelling, which is not out of character with the locality.



Rural Strategy 2013 Review:

The Shire's Rural Strategy is a strategic land use-planning document that identifies a range of distinct policy areas and policy overlays that provides a clear direction for strategic planning of the Shire's rural areas. The subject land is identified within the 'Rural Policy' area under the Shire's Rural Strategy 2013 Review. The policy area seeks to protect land for productive agriculture and preserve the rural lifestyle and character of the area. The policy area also promotes alternative agricultural land uses with economic benefits and less land degradation. The objectives of this policy area relevant to this proposal are:-

- *To promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.*
- *To retain and enhance the rural lifestyle and character of the area.*
- *To protect Local Natural Areas and encourage revegetation”.*

Officers have considered that the proposal can be supported in the policy area as it presents an 'alternative' agricultural use. The subject site is approximately 64ha in area, and the proposed change of used to an 'Educational Establishment' facility will occupy an approximate area of 3000m², which translates to approximately 1% of the total area. Officers consider that the proposed development will not impact on the agricultural capacity or prevent carrying out of any rural pursuits on the subject site in the future. It is considered that the proposed development would not unreasonably reduce land available for agricultural activities on the site.

As such, Officers consider that the proposed land use is consistent with the objectives of the Rural Policy Area under the Rural Strategy Review .The proposal, by way of its design is considered to have no adversely impact on the rural character of the area, consistent with the objectives if the Rural Strategy Review 2013.

State Planning Policy 2.5

The subject site is zoned Rural under TPS2 and reference to the policy is therefore relevant. The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome. The intent of this policy is therefore to protect rural land and encourage a diversity of compatible rural land uses. In the policy measures at section 5.1 of SPP2.5, the Western Australian Planning Commission (WAPC) will seek to protect rural land as a State resource by:

- (a) requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or scheme;
- (b) comprehensively planning for the introduction of sensitive land uses that may compromise existing, future and potential primary production on rural land.

The relevance of SPP 2.5 is limited to the consideration of ensuring compatibility between land uses and is relevantly focused on the need to assess potential impacts that may arise from non-rural activities on nearby rural land use and include such matters as traffic volumes, amenity, visual compatibility and noise.

Officers have considered that the proposal is supportive of the rural economy even though the change of use to Educational Establishment is not planned for the Shire's strategic documents. The proposal will not adversely impact on the environmental and landscape values. The



proposed development will not prevent land from being used for rural purposes due to its scale in relation to the lot size and therefore consistent with the objectives of SPP2.5.

Built Form and Amenity

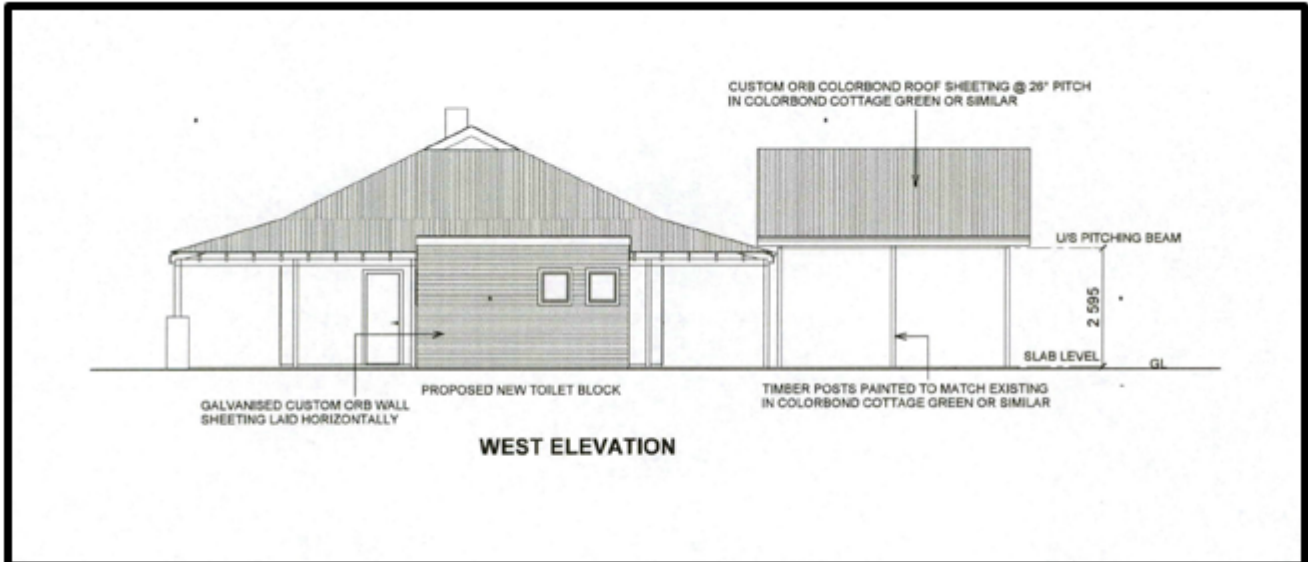


Figure 3 – West Elevation

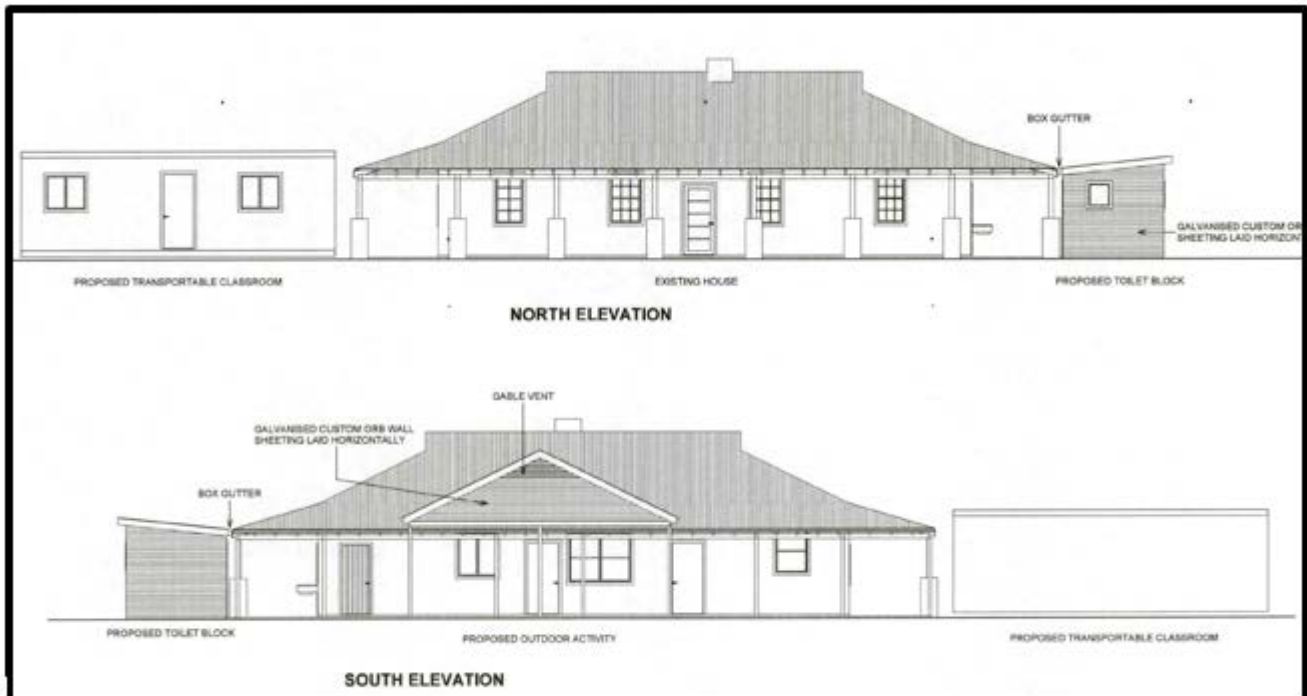


Figure 4 – North and South Elevation



The proposed school will predominantly be operating from the existing dwelling, which has been converted and will be further modified internally to suit the educational use. As depicted in Figure 3 above, the building will be extended to the south as shown on the western elevation to incorporate an outdoor under cover activity area in the form of a patio and an ablution block comprising of three toilets. The patio/under cover area is of similar height to the existing building therefore conforming to the existing built form. In addition, the undercover roof is proposed to be constructed of colorbond sheeting with a cottage green colour matching the roof to the existing building thereby breaking up the appearance of building bulk.

The proposed transportable building has a floor area of 27m² and would be located to the eastern side of the main building next to the proposed outdoor under cover area as depicted in Figure 3 and 4 above. The transportable building would incorporate a verandah to improve the visual appearance of the building. It is considered that these additions in the form of an undercover, ablution block and transportable being clustered to the existing building and would not unduly impact on the amenity of the streetscape or that of neighbouring properties.

Other Considerations

Noise

During the consultation period, concerns were raised regarding potential noise generation from the school activities particularly from the children and traffic movements. In assessing noise impacts from the school, Officers identified potential noise generating sources to be from the small vehicle movement trips in the peak periods, one way vehicle movements of a small rigid vehicle for waste collection, and noise associated with the outdoor children's play area.

Officers are satisfied that potential noise generated from the school would not have a detrimental impact on the adjoining neighbouring properties notwithstanding the submission received. Given a school is not an industry, there are no guidelines under the Environmental Protection Authority's Guidance Statement 3 stipulating separation distances between a school and sensitive receptors (dwellings). Figure 5 below shows that there are three nearby sensitive receptors within close proximity of the subject site and are located outside the 100m buffer. It is therefore considered that noise from school activities would not adversely impact on their amenity given the scale of the development and the hours of operation which are proposed to be between 8:45am and 3:15pm, Monday to Friday.

Furthermore, the development must generally comply with the assigned noise levels under Regulation 7 of the *Environmental Protection (Noise) Regulations 1997*. However, to address the concerns of the submitter and ensure that the amenity of the area is not adversely impacted upon, Officers recommend that a Complaint Management Plan (CMP), which includes a complaint log be prepared to the satisfaction of the Shire. The CMP is required to record all complaints received and list strategies and measure that can be implemented to address complaints. The register will be required to be made available to Shire Officers on request.



Figure 5

Traffic

The category of the vehicles associated with the proposed development comprise of small passenger vehicles and a small rigid vehicle for waste collection. The development is proposed to generate 60 small vehicles trips in peak periods, 30 inbound and 30 outbound in the AM peak, and the reverse in the PM peak.

During the consultation period, concerns were raised regarding the increase of traffic on Summerfield Road and its capability to accommodate increased traffic volumes. The applicant provided a Traffic Impact Statement (TIS) in accordance with the Department of Planning Lands and Heritage (DPLH) Guidelines for Transport Impact Statement. The TIS modelled traffic generated by the proposal and concluded that traffic generation is considered low and would not cause any significant delay for traffic in the locality. Importantly, will not adversely impact the capacity, safety and functionality of the Summerfield Road or the surrounding road network. The TIS is contained within **attachment 4**.

The TIS also identifies the need to upgrade the existing 2.5m wide crossover to a minimum of 6.2m wide in order to accommodate two way vehicle movements. This forms a condition of approval.

To further address the safety of vehicle movements in and out of the site, the applicants are proposing to reduce the speed during drop off and pick up times of the portion of Summerfield Road directly adjoining the site from 80km/h to 60km/h. This will form part of a separate process which involves Main Roads Western Australia's approval.



Dust

Access to the subject site is currently via an unsealed driveway from Summerfield Road. Concerns were raised with regard to the potential generation of dust from traffic movements and the proposed unsealed carpark. Officers consider that the dust on site can be adequately managed so as to not adversely impact on the amenity of neighbouring properties. As such, a condition is recommended for a Dust Management Plan to be provided and subsequently implemented to address these concerns raised by the submitter. The applicant will also be required to seal the first 6 metres of the driveway to the satisfaction of the Shire.

Devaluation of properties

During the consultation period, concerns were raised regarding potential devaluation of properties as a result of the proposal. Officers consider that perceived impacts on property values are neither accepted as a planning argument nor as a valid reason for refusing development approval. The Shire does not have the ability to consider this factor when assessing development applications under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Options and Implications

With regard to the determination of the application for planning approval under Town Planning Scheme No. 2, Council has the following options:

Option 1

That Council APPROVES the application subject to appropriate conditions.

Option 2

That Council REFUSES the application providing appropriate reasons.

Option 1 is recommended.

Conclusion

The application seeks approval for the expansion of an existing educational establishment. For the reasons outlined and discussed within the report, Officers have considered that the proposed built form is consistent with the zone.

Notwithstanding the objection received, it is considered that the land use is capable of approval, any potential amenity impacts resulting from the proposal can be managed and mitigated through the conditions that have been recommended. Officers are satisfied that the proposal would not adversely impact on the amenity of the area or that of neighbouring residents. As such, for the reasons outlined in the report it is recommended that Council approve the application subject to conditions.

Attachments

- [Attachment 1](#) – Application Details (IN19/26270)
- [Attachment 2](#) – Technical Assessment (E19/15120)
- [Attachment 3](#) – Summary of Submission (E19/13660)
- [Attachment 4](#) -Traffic Impact Assessment (IN19/27231)



Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Nil

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council refuse the development and the decision is appealed to the SAT.	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

Consequence		Likelihood				
		Insignificant	Minor	Moderate	Major	Catastrophic
	1					
	2					
	3					
	4					
	5					
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **9** has been determined for this item.



Voting Requirements: Simple Majority

OCM280/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Strange

That Council **APPROVES** the development application for the 'Educational Establishment' as contained within attachment 1 at Lot 180,145 Summerfield Road, Serpentine subject to the following conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1- P6 received at the Shire 'Offices on the 22 October 2019 and Bushfire Management Plan prepared by B J Marsh Pty Ltd and dated 18 October 2019. Traffic Impact Statement prepared by ML Traffic Engineers dated 21 November 2019
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2. This approval allows for a maximum of 50 students only to be enrolled at the school at any time.

3. Prior to the occupation of the site, the applicant shall submit a Complaint Management Plan to the satisfaction of the Shire of Serpentine Jarrahdale. The Complaint Management Plan must include a complaint register, and a log to list the measures and strategies taken in response to complaints received. The log must be made available to the Shire on request.

4. Prior to the occupation of the development on site, the vehicle parking areas, access way(s) and crossover shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

5. Prior to the occupation of the development on site, the applicant shall upgrade the property access in accordance with the Traffic Impact Assessment to the satisfaction of the Shire of Serpentine Jarrahdale.

6. A signage strategy detailing the location, sizes, materials, colours and wording of the above signage is to be submitted for the approval of the Shire.

CARRIED UNANIMOUSLY 9/0



Councillor Strautins declared an Impartiality Interest in item 10.1.5.

10.1.5 - Proposed Commercial Development (Shop, Office, Restaurant and Community Facility) at Lot 506 (2) Ballawarra Avenue, Byford (PA19/987)	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer/s:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Joe Algeri (Altus Planning)
Owner:	Christopher Alan Thomas & Denis D'Agnone
Date of Receipt:	26 September 2019
Lot Area:	927m ²
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban, Urban Deferred

Report Purpose

The purpose of this report is for Council to consider a development application for a commercial development comprising of a Shop, Restaurant, Office, Cafe and a Community Facility at Lot 506, 2 Ballawarra Avenue, Byford. Full details of the proposal are contained within **attachment 1**.

The application is presented to Council as objections were received during the consultation period. Officers do not have delegated authority to determine development applications where objections cannot be satisfied by way of amendments or conditions, in accordance with delegated authority 11.1.1 and 12.1.1 – Determination of Development Applications.

For the reasons outlined in the report, the proposal is recommended for approval subject to conditions.



Relevant Previous Decisions of Council

There are no previous relevant decisions of Council.

Background

Existing Development:

The site is currently 927m² in area located on the south-eastern corner of the Kardan Boulevard and Ballawarra Avenue intersection. A laneway (Mele Mews) runs along the southern boundary of the site. The site is zoned 'Urban Development' under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2) and is designated as 'Neighbourhood Node' under the Redgum Brook South Local Structure Plan.



Figure 1 - Lot 506 (2) Ballawarra Avenue, Byford

The site is currently vacant, however, as depicted above was previously developed with a demountable building located to the north-west portion of the site and a car park. The building was used as the former sales office for the Redgum Brook Estate. Landscaping is present alongside Kardan Boulevard.

The surrounding area comprises predominantly of medium density residential development. Commercial development exists approximately 450 metres to the north of the site (Puma and McDonalds).



Proposed Development

The application seeks approval for a commercial development comprising of 'Office', 'Shop', 'Restaurant' (including service window for takeaway) land uses and a Community Facility. It is envisaged that the larger office will be occupied by Byford Professional real estate. No tenants for the other uses have been secured to date. The community facility would be privately run and open for use by individuals and community groups.

The building is proposed to resemble the built form of the surrounding residential development in the locality as depicted below:



Figure 2 - Proposed Floor Plan



Figure 3 - Proposed Elevation

Community / Stakeholder Consultation

Advertising was carried out for a period of 21 days, from 24 October 2019 to 14 November 2019. Letters were sent to adjoining neighbours within a 250m radius of the site in accordance with LPP1.4 – Public Consultation for Planning Matters. At the conclusion of the consultation, a total of 11 submissions were received, eight objecting the proposal, two providing support and one providing no comments.

The objections with a detailed Officer response is contained within **attachment 2**. The following is a summary of the objections received which are addressed under the relevant headings of the report:

- Built Form;
- Traffic;
- Parking;
- Noise.



Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 4.2 – Activity Centres for Perth and Peel

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Activity Centre Strategy
- Redgum Brook Estate – South
- LPP1.4 – Public Consultation for Planning Matters

Planning Assessment

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the matters which a Local Government is required to consider as part of an assessment of a development application. A comprehensive technical assessment has been undertaken in accordance with section 67 of the Deemed Provisions and is contained within **attachment 3**.

For the purpose of this report, discussion is confined to the objections resulting in the item being presented to Council and where Council is required to exercise discretion.

Land Use:

In determining the land use for the proposal, Officers have classified the proposal as falling into the following land uses as defined under TPS2.

“Shop – means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collectors yard, timber yard or land and buildings used for the sale of vehicles or for any purposes falling within the definition of industry.”

“Office – means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature”.

“Restaurant – means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.”

‘Use Not Listed’ - Community Facility – there is no definition or use category for Community Purpose. Officers consider such uses are associated for the benefit of the community. Often associated with clubs and community groups.

The site is zoned ‘Urban Development’, and has its development objectives framed through the associated structure plan. Clause 27(1) of the Deemed Provisions states; *“A decision-maker for*



an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.”

The subject site lies within the Redgum Brook Estate South Local Structure Plan (LSP). In considering land use permissibility, the subject site is designated as ‘Neighbourhood Node’ under the LSP. The objective of the ‘Neighbourhood Node’ designation is to establish a focal centre for the localised community. The ‘Neighbourhood Node’ is not a zone that appears in TPS2. As such, due regard must be given to the provisions of the LSP when determining the permissibility of the land uses.

The LSP provides a short list of acceptable land uses which includes a “*Corner Store (100m² – 200m²), Medical centre and Day Care Centre*”. There is also a significant emphasis towards the site being developed for community facilities. This is considered to include land uses that provide a public service to or foster cultural or social development within the community and may include the following land uses: Civic Building, Educational Establishment, Exhibition Centre, Hospital Special Purposes, Place of Public Worship, Private Recreation and Public recreation.

Officers consider that as the development provides for a small commercial centre which will act as a focal point for the community in the area, the proposed land uses are considered consistent with the LSP. Importantly, it will provide for a community space which will be available to be used by community groups and clubs.

Built Form

An objection was received relating to the built form and overall consistency of the development with the existing residential streetscape along Ballawara Avenue and Kardan Boulevard. Officers advise that there are no specific built form requirements for the site prescribed within the LSP or TPS2. In acknowledging the uniqueness of the designation under the LSP, and in considering the existing residential developments adjoining the site, the proposal has been designed to be sympathetic to its surroundings.



The development is proposed to be a single-storey pitched roof development with a wall height of 3.2 metres. The proposed colour and materials schedule includes earthy materials (timber, stone) and the use of neutral colours. Large windows are proposed throughout the development to increase the visual appeal and importantly provide the connection between the public and private space as depicted below:

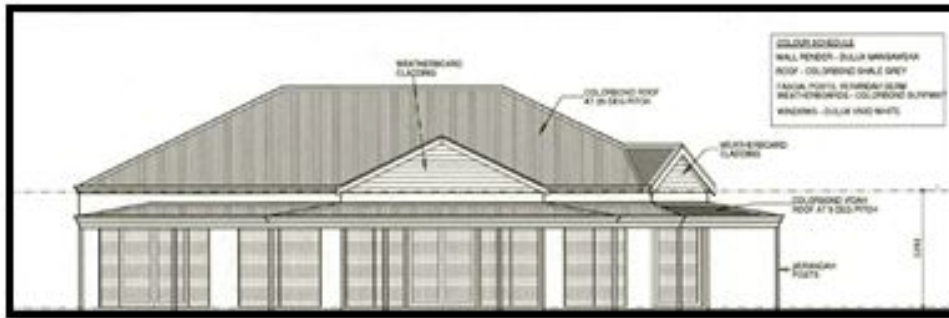


Figure 4 - North Elevation



Figure 5 – North-West Elevation – Artist Impression



The Kardan Boulevard elevation will focus largely around the Shop and Restaurant uses. The elevation consists of windows, doors, a sleeved verandah and a small service window for take away consumables. The building staggers towards Ballawarra Road to avoid the construction of large blank walls and to further mimic the appearance of a dwelling. The site has already been slightly elevated and retained as part of the previous approval which is consistent with adjoining developments. The proposed building line is setback adequately from the boundary to reduce the presence of bulk from the street.



Figure 6 - West Elevation



Figure 7 – Artist Impression of West Elevation

The Ballawarra Road elevation focuses largely around the Office land use. The building line is setback adequately from both Ballawarra Road, again similar to the surrounding developments. The verandah from Kardan Boulevard continues towards Ballawarra Road to reinforce the residential element of the development. Pedestrian access to the site is via Ballawarra Road.

A further objection was received in relation to the site being viewed as being overdeveloped. The site has a total area of 927m² with the proposed building occupying approximately 339m² resulting in an overall site coverage of 36.5%. Generally, lots in the surrounding area have a density that allows for 55% site coverage. As such, it is considered that the development would not have an appearance of being over developed.

Officers consider that the building has been designed towards being sympathetic to its surroundings. A condition requiring a materials and colour schedule will be recommended to ensure the colours and materials to be used complement existing development in the area.



Traffic

Access to the site is proposed via Mele Mews laneway from Kardan Boulevard. The existing verge along Ballawarra Avenue is proposed to be reinstated and landscaped. Mele Mews is currently 6 metres in width, designed for two-way movements. The laneway connects to Fawcett Road and Paaluc Way laneway.

During the consultation process, objections were received by nearby landowners raising concerns over the increased vehicle movements to the site and the use of the laneway as the primary access. The applicant submitted a Transport Impact Statement as part of the application. The Transport Impact Statement identified that the total traffic volumes to and from the site will not exceed more than 10 vehicles per hour and approximately 100 movements per day. These movements are considered low with no adverse impacts on the capacity of the local road network. As such, considered acceptable by the Shire.

In relation to the use of the laneway, it extends approximately 25 metres from Kardan Boulevard to the access to the site as depicted below:



Mele Mews Laneway

The Western Australia Planning Commission's Liveable Neighbourhoods document prescribes laneways to have a capacity of 300 vehicle movements a day. There is no existing traffic counts available for Mele Mews laneway. In determining the existing vehicle movements through the laneway, 19 dwellings were identified as potentially using Mele Mews as a thoroughfare to access their property. Nine movements a day were then assigned per dwelling as prescribed within the Roads and Traffic Authority Guide to Traffic Generating Developments. Officers calculated a total of 171 vehicle movements per day through the laneway. In considering the 100 vehicle



movements proposed as part of the development, the vehicle movements in total would be 271. This is below the 300 vehicles per day threshold requirements under Liveable Neighbourhoods.

Council should note that the above is solely based on vehicles entering the site using Mele Mews. This does not consider the alternative movement of vehicles accessing or leaving the site via Paaluc Way laneway, moving south towards Kardan Boulevard. The network of laneways within the structure plan area have been designed to evenly distribute traffic, providing for alternative routes where possible to reduce bottlenecks at intersections. In this instance, Paaluc Way laneway provides an alternative option for vehicles accessing or exiting the development site, potentially reducing the development's reliance on Mele Mews.

Access via Ballawarra Ave is not a recommended solution particularly due to the high concentration of vehicles and proximity to the existing roundabout.

Officers consider that due to the low volume of traffic generated from the proposed development, there will be no adverse impacts to the road network. However, officers consider that traffic issues will most likely arise during the construction phase of the proposal. As such, Officers will be recommending a condition requiring a Traffic Management Plan (as part of the Construction Management Plan) to be submitted during construction to ensure the safe movement of vehicles with minimal disruption to the locality.

Parking

TPS2 requires car parking to be supplied onsite and is based on the proposed land uses. The proposed development provides for 11 onsite car parking bays. Objections were received raising concerns over the amount of bays to be provided onsite.

Table V- Car parking requirements of TPS2 sets out the following parking requirements for each of the proposed land uses:

Land Use	TPS2 Provision	Car bays Required	Car Provided	Bays
Office/Retail (94m ²)	Office – 1 bay per 40m ² GLA, with a minimum of 2 bays for each office unit. Shop – 1 bay per 20m ² GLA	Minimum – 4 Car bays Maximum – 4-7 Car bays (~5)		
Shop (25m ²)	Shop – 1 bay per 20m ² GLA	1.25 (~1) Car bay		
Café/Retail (36m ²)	Restaurant – 1 bay for 4 persons accommodated. Fast Food/Takeaway – 1 bay per 10m ² GLA	The proposed site plan shows an indicative seating arrangement of 15 chairs. Restaurant - 3.75 (~4) car bays. Fast Food/Takeaway - 3-6 (~4) car bays		
Community Facility	Use is unlisted in Table 5 of TPS2			
Total	Minimum – 9 Car bays Maximum – 11 bays		11 car bays	

Figure 8 – TPS 2 Parking Calculations



The table shows that a minimum of 9 and a maximum of 11 car bays are required under TPS2, depending on the ultimate land uses. The provision of parking proposed is therefore compliant with TPS2.

In relation to the Community Facility, there are no parking requirements listed within TPS2 for such land use nor are there requirements under the LSP. Officers consider that as this portion of the building is primarily to be used by the local community within a walkable catchment, car usage will be replaced by the use of alternative forms of transport. Kardan Boulevard is located on a Transperth bus route and comprises of well-connected pedestrian footpaths connecting the community to the site. Officers consider that as the development is small scale and acknowledging that the users of the Community Facility are likely to reside within the locality, the proposed 11 bays are sufficient. Additionally, there are on-street parking bays available along Kardan Boulevard and Ballawarra Avenue that can be utilised if required.

Amenity

The main impact on amenity resultant from the proposal is noise. The proposal is for commercial facilities in a residential area that do not currently have specific tenants to be able to provide exact details by way of noise sources and customer numbers. There is the potential for increased noise from the premises, in particular the kitchen areas depending on the type of food produced. Taking into consideration the Noise Regulations and the nearby sensitive receptors, it is considered that the hours of operation should be limited to between 7am to 7pm Monday to Saturdays and 9:00am to 7:00pm on Sundays and public holidays. Once a tenant has been sourced for each use, there will be an opportunity for further details to be provided in relation to noise sources and how these can be managed to achieve compliance with the Noise Regulations.

Based on the information provided, the proposal includes one commercial air-conditioning unit facing towards the carpark and nearest dwelling which could also be a source of noise that could impact upon amenity. This dwelling is 1m from the property boundary and is considered a noise sensitive premises. It is recommended that a Noise Impact Assessment be provided by way of a condition to show the impact on the surrounding community and how the centre as a whole will comply with the *Environmental Protection (Noise) Regulations 1997*. Officers consider that the noise generated from the development is capable of compliance and therefore the information can be provided by way of a condition.

Overall, Officers consider that the proposed development will provide for an opportunity for local vibrancy in the area. The restaurant and café activities balance well with a typically less active office based use. This balanced approach, coupled with the small scale nature of the development, significantly reduces any perceived impacts to the current amenity of the area as it is unlikely that the operations will significantly intensify to an unacceptable level. As such, Officers support the proposal.



Draft Local Planning Scheme No.03 (LPS3)

Draft LPS3 commenced advertising on 19 August 2019 and therefore is considered a seriously entertained document. Furthermore, Clause 67 (b) of the Deemed Provision requires for the consideration of *“any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving.”*

The subject site is identified under draft LPS3 as Residential (R30). Within the ‘Residential’ zone under LPS3, an ‘Office’, ‘Shop’ and ‘Restaurant’ are prohibited land uses and therefore had LPS3 been the current Scheme there would be no discretion available to permit the use.

Officers however note that the designation in LPS3 is incorrect and was as a result of an administration error which will be addressed once the consultation phase for the draft LPS has been completed. This will need to designate an appropriate set of additional uses, reflective of the structure plan showing the neighbourhood node indication as a central focus for that 400m walkable neighbourhood.

Officers note that the site will most likely be zoned to facilitate commercial development as designated within the Redgum Brook Estate Local Structure Plan. As such, in giving due regard to LPS3, Officers do not consider the zoning under this Scheme warrants refusal of the development application.

Options and Implications

Option 1

That Council choose to APPROVE the development conditionally

Option 2

That Council choose to REFUSE the development.

Option 1 is recommended.

Conclusion

The proposal seeks approval for a commercial development at Lot 506 (2) Ballawarra Avenue, Byford comprising of Offices, Restaurant, Shop, Community Facility on a site designated as ‘Neighbourhood Node’ within the LSP. Notwithstanding the concerns raised during the advertising process, relating to noise, traffic, parking and built form, Officers consider that the proposal has adequately addressed the objectives of the LSP and TPS2 requirements.

Attachments

- [Attachment 1](#) – Development Plans (IN19/26264)
- [Attachment 2](#) – Summary of Submissions (E19/13639)
- [Attachment 3](#) – Technical Assessment (E19/14707)



Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not approving the development application and the Shire facing a SAT appeal	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

Consequence \ Likelihood		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.

Voting Requirements: Simple Majority

OCM281/12/19

COUNCIL RESOLUTION / Officer Recommendation



Moved Cr Coales, seconded Cr Byas

That Council

1. APPROVES the development application for the mixed use development as contained within attachment 1, at Lot 506 (2) Ballawarra Avenue, Byford subject to conditions:

a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	Plans received at the Shire Offices on 26 September 2019
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b. A stormwater management plan being submitted and approved prior to the issue of a Building Permit. This is to demonstrate the management of stormwater, consistent with the overall Urban Water Management Plan that exists, to the satisfaction of the Shire.

c. Prior to commencement of works on site, a detailed Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved the Landscaping Plan shall be implemented and maintained in its entirety.

d. Prior to commencement of works on site, a schedule of colours, materials and finishes shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development shall be constructed in accordance with this approved schedule.

e. Prior to commencement of works on site, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development shall be constructed in accordance with the approved Construction Management Plan.

f. Hours of operation shall be limited to between 7:00am to 7:00pm Monday to Saturdays and 9:00am to 7:00pm on Sundays public holidays, unless otherwise approved by the Shire of Serpentine Jarrahdale.

g. Prior lodgement of a Building Permit, a Noise Impact Assessment to include details of the air conditioning unit(s) shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Any recommendations shall be implemented thereafter to the satisfaction of the Shire of Serpentine Jarrahdale.

h. Prior to Occupation a Waste Management Plan must be submitted to the Shire of Serpentine Jarrahdale for approval. Once approved, development shall be in accordance with the approved Waste Management Plan.

i. Bin storage areas shall be appropriately screened from all road and lane frontages to the satisfaction of the Shire of Serpentine Jarrahdale.

k. An area of the building of no less than 30m² shall be dedicated as a Community Facility use at all times unless otherwise approved by the Shire of Serpentine Jarrahdale.

Note: In relation to condition f, to support a variation to the recommended hours of operation, an operational management plan including a Noise Assessment/Noise



Continued

Ordinary Council Meeting Minutes
Monday 16 December 2019

Management Plan is required to be provided to the Shire to demonstrate compliance with the Noise Regulations.

CARRIED UNANIMOUSLY 9/0



10.1.6 - Dog Exercise Area(s) – Result of Community Consultation (SJ1418)	
Responsible Officer:	Acting Manager Ranger and Emergency Services
Senior Officer/s:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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Report Purpose

The purpose of this report is for Council to consider the outcomes of the recent community engagement undertaken in respect of the current and future designation of Bill Hicks Reserve as an “off-leash dog exercise area.”

The report provides Council with the results of Community Consultation and Survey results, which formed a public consultation process following Council’s resolution at the 16 September 2019 meeting.

Contextually, the Shire has 4,139 registered dogs of which 1,271 are located in Byford.

Relevant Previous Decisions of Council

- OCM079/05/16 - Resolved that areas suitable for the establishment of a Dog Exercise Area/s within Byford be identified and that community consultation be undertaken;
- SCM011/07/16 - Adoption of 2016/2017 Statutory budget with Budget item BDP900 Byford Dog Park;
- OCM152/08/16 - Noted the progress to date in regards to the community consultation undertaken and supported the preparation of a detailed project plan for the establishment of dog exercise area(s) that considers the outcomes of the consultation process;
- OCM218/12/16 - Resolved Bill Hicks Reserve, Plaistowe Boulevard, Byford as the most suitable park for an unfenced off-leash dog exercise area and to run the park as a trial for 12 months, with officers bringing options back to Council in December 2017.
- OCM164/12/17 - Motion lost to determine future designation of Reserve



16/09/2019 - OCM206/09/19 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

1. *RESOLVES that Reserve R50321 - Bill Hicks Reserve, Plaistowe Boulevard, Byford, be designated as an "off leash dog exercise area", with the following conditions:*
 - a) *A short term designation UNTIL 31 December 2019 as an off leash dog exercise area.*
 - b) *During this short term designation, the Shire consult with the community on the future designation of Bill Hicks Reserve as an off leash park OR not an off leash dog park, given the Shire's new dog park is 260m away from this reserve.*
 - c) *That a report be presented to Council at the Ordinary Council Meeting in December 2019 with a recommendation on whether to retain Bill Hicks Reserve as an off leash dog exercise area or not.*
2. *RESOLVES that Reserve R52198, Lot 8010 Larsen Road, Byford (new dog park under construction) as an off leash dog exercise area.*
3. *IMPLEMENTS resolutions 1 and 2 pursuant to Section 31 of the Dog Act 1976 as prescribed in Section 1.7 of the Local Government Act 1995.*

Background

Council at its May 2016 Ordinary Council Meeting resolved to engage with the community regarding the possibility of establishing dog exercise areas in Byford. Officers completed community consultation with nearby affected landowners on five parks. As a result of this process, the Shire received a number of submissions that included support and objections to proposals.

Officers recommended that the Bill Hicks Reserve be identified as the most suitable park for an unfenced off-leash dog exercise area in December 2016 (**attachment 1**). It was resolved that this be run as a trial for 12 months, with Officers bringing options back to Council in December 2017. This occurred, however, at the time a decision was not made whether to formalise this reserve as a permanent off leash dog park. Specifically, since December 2017, there has been no formal decision to permanently designate Bill Hicks Reserve as an off leash dog park under the *Dog Act 1976*.

With the passage of time, Council committed to establishing a new purpose built dog park on Larsen Road, approximately 260m south of Bill Hicks Reserve (**attachment 2**). This has now opened to the community.

In accordance with Council's resolution, this report is presented back for a decision.



Map detailing locations between the two dog parks. The distance between the two parks along Portwine Avenue is approximately 260 metres

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	26 August 2019
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Gossage, Cr McConkey, Cr See

Community Consultation:

Council resolution OCM206/09/19 resolved to undertake a short term designation as an off leash dog exercise area until 31 December 2019, to enable consultation to occur.

Officers prepared an Engagement Plan, in order to establish the range of avenues in order to receive community feedback in accordance with Council's resolution. A copy of this is provided at **attachment 3**.

The Engagement Plan identified the key stakeholders, key communication methods and activities to enable the necessary approach to community engagement. Activities undertaken for this were as follows:

Story in Scarp Voice	The Examiner advert	25 Oct
Story in SJ Matters	eNewsletter	25 Oct
Public Notice advertising engagement	The Examiner	28 Oct
Email Elected Members and Shire staff about Community Engagement activity to be carried out	Email	1 Nov
Send Media Release to local media	Email	1 Nov
Website goes live	Website	4 Nov
Email Community/sporting groups, local vets and schools promoting community engagement	Email	4 Nov
Email local politicians about engagement opportunities for project if constituents contact them	Email	4 Nov
Promote online survey and pop-up engagement session	Social Media	4 Nov – 18 Nov
Deliver pop up engagement event	Bill Hicks Reserve	6 Nov 4.30pm -6pm

Advertising to surrounding residents formally took place between 4 November and 18 November, however as demonstrated above a number of pre-engagement activities were coordinated to give the best opportunity for broad community involvement in the process.

In terms of the analysis of responses received, the results from the online survey were:

I support Bill Hicks Reserve remaining off lead: **37 votes (48%)**

I do not support Bill Hicks Reserve remaining off lead: **40 votes (52%)**



The results from the hard copy forms collected on the engagement day (9) and delivered to the Administration Centre (4) were:

I support Bill Hicks Reserve remaining off lead: **6**

I do not support Bill Hicks Reserve remaining off lead: **7**

Total responses received were 90 which were:

I support Bill Hicks Reserve remaining off lead: **43 votes (47.8%)**

I do not support Bill Hicks Reserve remaining off lead: **47 votes (52.2%)**

The qualitative feedback is also important to consider in this regard. A summary of key discussion points included:

Those supporting Bill Hicks Reserve remaining off lead:

- Dogs being able to run around with kids, in a family friendly park environment;
- The park being of a good size for dogs to run and catch the ball in an open area;
- Having a space to socialise with other dogs and people;
- Dog owners generally being very responsible;
- Convenient for nearby resident access, and not having to walk too far to access the park;
- The peaceful environment that the area provides.

Those not supporting Bill Hicks Reserve remaining off lead:

- Access by children who sometimes are fearful of large dogs;
- Wanting it to be safer for kids and families;
- Wanting to encourage dogs but only on lead;
- The reserve being used by a lot of people, exercise groups, children, walkers and sports and being too congested for dogs also.

A copy of the full feedback received is provided as **attachment 4**, for information.



Council will also note that respondents were asked to identify any other ideas they would like to see at Bill Hicks Reserve.

A summary of these included:

- More lighting;
- BBQs and amenities;
- Basketball half court and more shade;
- A bigger playground, nature play, shaded;
- Low fencing around the reserve;
- Water fountains;
- More parking.

Statutory Environment

Section 31 of the *Dog Act 1976* specifies that a local government may determine dog exercise areas.

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

The Local Government Act 1995 sets out provisions that permit a local government to allow a dog exercise area. Section 1.7 of the Local Government Act 1995 requires that notice is to be given for a local public matter.

There are no specific policies, legislation, or guidelines that outline how a dog exercise area is to be constructed or managed.

Comment

The Bill Hicks Reserve was determined to be an off leash dog exercise area in 2016, on a trial basis. With the opening of the purpose built dog park 260m south of Bill Hicks Reserve by the Shire, it is an opportunity to revisit Bill Hicks Reserve and determine what its most appropriate use for the future to be, as it pertains to dogs, and other potential community uses.

The community engagement results do not provide clear indication on the views of the community. They reveal a broad range of values, almost equally balanced from the perspectives of those who wish to retain off leash dog exercise status, and those that do not wish for this to be retained.

Key themes that qualitative comments reveal is the high degree of use of the reserve, by a broad range of our community and groups. As revealed in Attachment 4, there are comments that talk to the high usage, and particularly by children. Examples of these comments include:

It is my local reserve so I value the recreational opportunities for my young children, including the playground and opportunities for riding bikes and scooters, and to learn ball skills

The space for children to play

Children safety

It's a place you can go with family and friends to go, for kids to play who may not like dogs.



Conversely, there are comments that talk to the family friendly atmosphere that is created, in the relaxed setting which having dogs off lead is suggested to create. Also the convenience of being able to walk and drive to the reserve. Comments include the likes of:

It's a family park for the kids and dogs. The kids can play whilst I walk around with the dogs

The ability for energetic dogs to enjoy the large open space by running around the park, often with their families.

The off lead dog exercise area has the park more family oriented and safe for children and dog owners to use.

My dog being able to run around with my kids, and have a bit of an explore. Its family friendly, i can chill and play with my dog while kids play in the park

The community also express the desire for future improvement to the reserve, including BBQs, improved play spaces, shade and the like.

This provides some direction that use by families, particularly in the lunch, afternoon and evening hours, is something that the community values. This also suggests times outside the lunch, afternoon and evening could be available for use by dogs off leash, as is sometimes done in respect of time limiting certain activities in public spaces where it is busy.

It is important to also note that if a time limited decision was considered by Council, it would not remove (outside these time limits) the ability for the community to walk dogs on lead. This is important to emphasise especially if members of the community wish to visit the reserve with their children and families as some of the community feedback discussed.

What appears to be an option is for Council to consider applying a morning time period for Bill Hicks Reserve as an off lead dog exercise area, for example 5am to 9am, with all other times to be on lead. These other times, especially lunch, afternoon and evening, coincide with when the community indicate a high degree of use by families at the reserve.

As the Shire can also now offer a purpose built dog park nearby, the option of a time limit a Bill Hicks Reserve appears viable.

The availability of this alternative, with its range of agility based infrastructure in place, represents an alternative which the Shire has the opportunity to now promote given the investment that has occurred in that space.

It is therefore recommended that Council resolves that Bill Hicks Reserve be designated as an "off leash dog exercise area" between the hours of 0500hrs and 0900hrs only.

To effectively inform the community of this proposed change and enable the required notifications in accordance with the *Dog Act 1976* to occur, it is recommended that Council extend the designation of the Reserve as an off-leash area until 14 February 2020. The date of 14 February 2020 is proposed in consideration of the December / January period which coincides with the closure of Shire's office, the printing schedule of the community's local newspaper, and the period where a portion of residents typically holiday.

In addition, it is recommended that Council explore further options in respect of off lead dog exercise areas, to consider whether other options are available within the Byford and Mundijong/Whitby.



Options and Implications

Option 1

That Council resolves to extend the designation for a nominal period to enable the Bill Hicks Reserve to be formally designated as an “off leash dog exercise area” between the hours of 0500hrs and 0900hrs only.

Option 2:

That Council resolves that Bill Hicks Reserve be designated as an “off leash dog exercise area” at all times.

Option 3:

That Council does not resolve that Bill Hicks Reserve be designated as an “off leash dog exercise area” which would result in the area no longer being an off leash area after 31 December 2019.

Option 1 is recommended.

Conclusion

Taking in to account the diverse views that community feedback has revealed, and the indication regarding peak vs off peak use of the reserve, the recommendation seeks to provide a balanced outcome for the benefit of the community. Having a time limitation in place assist ongoing use of the reserve in the morning during off peak times for off lead dog exercise, with late morning, lunch and afternoon times to be restricted to on lead only. This provides a balanced option for the use of the reserve in to the future.

Attachments

- [Attachment 1](#) - Location Plan Bill Hicks Reserve (E19/10539)
- [Attachment 2](#) - Location Plan New Dog Park (E19/10541)
- [Attachment 3](#) - Community Engagement Plan (E19/15602)
- [Attachment 4](#) - Online Survey Results (E19/15603)

Alignment with our Strategic Community Plan:

Outcome 1.1	A healthy, active, connected and inclusive community.
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure.
Strategy 1.1.2	Provide a healthy community environment.

Financial Implications

There is no requirement to change the gazettal for Bill Hicks Reserve. The only cost will be changes to existing signage to specify the new conditions should Council support the recommendation, as well as community education and advertising of the changes. This will incur a cost of approximately \$2,200 which will be met within the existing department budget.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Community does not support the decision	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Risk or Manage by further community consultation.

Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.



Voting Requirements: Absolute Majority

OCM282/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Strautins

That Council:

- 1. RESOLVES to designate the Bill Hicks Reserve as an “off leash dog exercise area” between the hours of 0500hrs and 0900hrs only” from 15 February 2020 to enable publication of a local public notice specifying the limitation per section 31 of the *Dog Act 1976* and REQUESTS that the Chief Executive Officer conduct an information campaign to alert the community of the change and encourage use of the new purpose built dog park;**
- 2. RESOLVES to extend the designation of the Bill Hicks Reserve as an “off leash dog exercise area” until 14 February 2020 to enable the information campaign to be conducted; and**
- 3. REQUESTS that the Chief Executive Officer, in consultation with the community, prepare a report related to the future of dog exercise areas for Council’s consideration no later than the June 2020 Ordinary Council Meeting.**

CARRIED BY ABSOLUTE MAJORITY 9/0



10.1.7 - Proposal to consider recruitment of a joint Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services Community Emergency Services Manager opportunity – recommendation following stakeholder and community engagement (SJ537)

Responsible Officer:	Acting Manager Emergency Services and Community Safety
Senior Officer:	Director Development Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

The purpose of this report is for Council to consider a joint Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services (“DFES”) Community Emergency Services Manager (“CESM”).

This report provides details of the community and brigade consultation that has occurred, following Council’s resolution at the November 2019 meeting, which requested obtaining feedback from key stakeholders and the community to assist in making a decision on the opportunity.

The engagement included the following stakeholders:

The Shire of Serpentine Jarrahdale:

- Acting Chief Bush Fire Control Officer;
- Deputy Chief Bush Fire Control Officers;
- Bush fire brigade Captains;
- Bush fire brigade Volunteers; and
- Broader community.

The report details the feedback obtained, and recommendation to Council as a result.

**Relevant Previous Decisions of Council****COUNCIL RESOLUTION OCM253/11/19**

That Council:

1. *NOTES the opportunities, and issues, which a Community Emergency Services Manager may provide the Shire, and undertakes engagement to gather feedback from the following stakeholders:*
 - a. *The Shire's Acting Chief Bushfire Control Officer;*
 - b. *Deputy Chief Bushfire Control Officers;*
 - c. *Bushfire brigade captains;*
 - d. *Bushfire brigade volunteers; and*
 - e. *The community.*
2. *SEEKS a report back to the February 2020 Ordinary Council Meeting with a recommendation to Council (having regard for this feedback obtained under 1. on whether to proceed forward with a CESM for the Shire.*

Due to the heightened fire risk the Shire faces this fire season, and that stakeholder feedback has now been received from each of the brigades and the community, this report is able to be presented to Council's December meeting. The number of total fire bans already declared this early in the fire season, and the forecast season ahead, means it is too greater risk to delay Council's consideration of the CESM opportunity.

Background

The Shire of Serpentine Jarrahdale comprises six bushfire brigades, with 350 plus members, 260 to 280 of which are active members serving to protect our community in respect of bushfire risk. The Shire's brigades are the '000' first point of response, to bushfire incidents within the Shire.

The Shire also comprises one of the highest bushfire risk profiles in metropolitan Perth, with 97% of the Shire bushfire prone. The Shire comprises a broad collection of landscapes, different risk profiles, and emerging demands especially in respect of more complex firefighting capabilities. Extensive efforts are needed to ensure risks are managed, across the full spectrum of training and development levels, recruitment levels, succession planning, risk management, infrastructure planning, resource planning and grants administration.

As the fastest growing local government in WA, the Shire also provides expert input to issues of planning for bush fire risk.

The Commissioner of DFES, has met the Shire of Serpentine Jarrahdale and offered a joint CESM resource. The Commissioner has indicated this is an option at the absolute choice of the Council to consider, and looks forward to receiving Council's decision into the future.

Engaging key stakeholders and the community on this offer, enables consideration of their feedback by Council.



Community / Stakeholder Consultation

In accordance with the Council resolution of November 2019, a communication plan was implemented and undertaken with the Shire’s brigades and community. This included:

- Discussion with the A/Chief, Deputies and Captains;
- A request for Captains to discuss with their brigade the CESM, and provide a written response;
- Public notice about the CESM was published on the Shire’s website and Facebook page on Wednesday, 20 November 2019, including background information and options for public to provide comment;
- A public comment period (comprising online survey) opened Wednesday, 20 November 2019 and closed 12pm, Monday 2 December 2019;
- Attendance at an open brigades forum, hosted at Serpentine Bushfire Brigade, on 26 November.

The results of the consultation are provided as follows:

A/Chief, Deputies and Captains

To begin the engagement, the Acting Chief Bush Fire Control Officer, Deputy Chiefs and Brigade Captains were made aware of the offer from the Commissioner of DFES. They noted that the Shire would be engaging with both the community and brigades, via their captains.

Outcome of community consultation

A total of nine submissions were received, via the online survey. These are provided verbatim as follows:

Verbatim Comments
The well managed and appropriately appointed CESM should be focused on preparing and overseeing strategic emergency management/Services documents, ie LEMA, BRMP, Response plans, procedures, policies, etc. they can also greatly improve the preparedness and support of local emergency services, ie training, etc. The CESM program allows greater access to DFES resources in achieving this ie volunteer training records, etc.
The CESM must be a local government employee, NOT a DFES one, as the Shire will lose the ability to efficiently manage the role in the best interests of the local residents. In my opinion a DFES employed CESM is a pseudo DFES Area Officer, being subsidised by LG. In my experience and observation, DFES employed CESMs are overly relied upon to respond to emergencies all over the greater metropolitan area that are of no consequence or benefit to the residents paying for the program. It is not the role of LG to be subsidising the State Government for basic emergency response activities, that is what the ESL is collected for. The person ultimately in the role must not be a smoke chaser or the strategic benefits of the program will be completely lost.
Great link to DFES allowing greater training and education to volunteers allowing them to better protect the community as well as supporting volunteers in the management of larger jobs.
As a volunteer firefighter within another Shire I have seen the benefits of a CESM position. The support volunteers feel increases greatly and it feels as though their connection to DFES



Verbatim Comments

increases greatly. It is also a really important resource in the development and delivery of training. It is also beneficial having a go to resource that can manage an incident from a high end level and allow other positions to fulfil other tasks. It is a wonderful opportunity for a keen individual that has completed the necessary training to make a career move into Emergency Services management, especially when they strive to make a noticeable change for all council stakeholders and the volunteers they work with regularly.

Not objections at all to the recommendations put forward.
Only thing I would object to is the council sitting and waiting until it's too late to commence this role. The shire needs an active CESM asap.

Hopefully this will present a cohesive and joint approach to bushfire management, I feel it is important to have as much coordination as possible between services in order to maximise their benefit.

Other shires in the urban rural fringe have them which assist in firefighting operations and make the management easier for all involved.

Yes this is a vital role needed for the shire. I have seen other active shores operate with one present and very important during fire season. The person must have decision-making skills and local knowledge. Just have local fire experience.

As long as it is community engagement and not another person inspection things should want to fine people.

Brigade consultation

In conjunction with the community engagement, was the engagement with the Shire's bushfire brigades. A copy of the submissions received are provided as **Attachments 1 to 6**.

A summary of the key points raised in submissions is provided following:

Summary of key points

Support for a CESM, but a volunteer Chief Bushfire Control Officer

Desire for intensive training and skill development, and strong relationship with the brigades.

Desire for a CESM to be community minded, with strong local knowledge, and with a strong support for volunteerism.

Should have well developed leadership and mentoring skills, and focussed on building the skills base of volunteers.

Involvement of a brigade captain in the selection panel for the CESM. Captain to be nominated by fellow Captains.

**Summary of key points**

Deputy volunteer chiefs to remain appointed by the Shire, and encourage exposure of different volunteers to this role.

Success planning and skill development as a critical strategic priority for the CESM to drive.

Business plan to be discussed with brigades.

Statutory Environment

Nil.

Comment

The overriding key issue expressed is the desire for a Volunteer Chief Bush Fire Control Officer. Officers ideally support this, however further development of skills and experience is needed before this can occur. Officers believe a Volunteer Chief Bush Fire Control Officer would only be possible once the following are in place:

1. A pool of well trained, capable and willing volunteers to take on the role of volunteer Chief exists;
2. A program of training and skill development has taken place over a three year period to create the pool referred to above/CBFCO.

In considering the need for succession planning, the Shire at this time sees a priority to build the advanced skill sets of volunteers, particularly in respect of level 1 incident controller and level 2 incident controller attainment. This represents a realistic goal for the first 3 years of the CESM role, which would be then revisited via a new MOU at that time. There is no reason to consider that a Volunteer Chief Bush Fire Control Officer couldn't be secured at that point.

Should Council support a CESM, setting clear measurable targets will enable accountability at all stages of the role. Below are example performance measures officers have put together, which would be further discussed and workshopped with brigade captains and DFES per the Officer recommendation.



Example performance measures for consideration
Prevention <ul style="list-style-type: none">- Specified number of community education events undertaken- Specified number of local residents engaging with the services of the Bushfire Readiness Group- Increased amount of bushfire mitigation activity funding (compared to previous year) obtained by the Shire
Protocols and standards <ul style="list-style-type: none">- Minimum number of protocols updated and reviewed each year- Minimum number of standards updated and reviewed each year- 100% briefings to all brigades and members on updated protocols and standards
Systems, communications and procedures <ul style="list-style-type: none">- Achievement of minimum internal and external customer service charter requirements- 100% training to brigades on communication protocols and procedures- Prepare BFAC agenda and minutes in liaison with the Director Development Services
Member attraction and promotion <ul style="list-style-type: none">- Increase number of active volunteers in all brigades- Increase number of total volunteers in all brigades- Increase membership and resources for the Bushfire Readiness Group
Training and development <ul style="list-style-type: none">- 100% compliance with training of all volunteers to achieve pathways within X months- Achieve minimum target of X level 1 incident controllers, and Y level 2 incident controllers- 100% design and delivery of contextually specific training as requested by brigade captains
Partnerships and strategic planning <ul style="list-style-type: none">- Completion of risk to resource plan for the Shire within first 12 months of role- Securing funding to deliver new Oakford Station, dependent on the finalisation of a land option

These examples show that through preparation of performance measures, the Shire can be well placed to manage the CESM role for the benefit of its stakeholders and community, and hold a high degree of accountability in place in this regard. These will be workshopped with brigades and DFES, should Council seek to support a CESM.



Options and Implications

Option 1

That Council accepts the offer of a CESM, who is also the Chief Bushfire Control Officer.

Option 2

That Council does not accept the offer and appoints a Chief Bush Fire Control Officer.

Option 3

That Council defers consideration until February 2020 in line with the Council resolution.

Option 4

That Council recruits a replacement Manager Emergency Services and Community Safety who is also a Chief, instead of a CESM / Chief.

Option 1 is recommended.

Conclusion

The purpose of this report is for Council to consider the community and stakeholder engagement that occurred following Council's November decision. This community and stakeholder engagement is discussed in this report, and brigade submissions provided as attachments. In light of considering this feedback, the heightened risks the Shire faces as a 97% bushfire prone region, the current and emerging levels of training and skills, it is recommended that Council accept a joint Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services ("DFES") Community Emergency Services Manager ("CESM").

Attachments:

- [Attachment 1](#) – Byford Volunteer Bushfire Brigade Comments (E19/15743)
- [Attachment 2](#) – Jarrahdale Volunteer Bushfire Brigade Comments (E19/15749)
- [Attachment 3](#) – Keysbrook Volunteer Bushfire Brigade Comments (E19/15745)
- [Attachment 4](#) – Mundijong Volunteer Bushfire Brigade Comments (E19/15746)
- [Attachment 5](#) – Oakford Volunteer Bushfire Brigade Comments (E19/15744)
- [Attachment 6](#) – Serpentine Volunteer Bushfire Brigade Comments (IN19/27350)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.



Financial Implications

The CESM role is 50% funded by the Shire, and 50% funded by DFES. This effectively replaces the 100% Shire funded Manager Emergency Service and Community Safety, representing a cost saving of circa \$60-\$70K.

In terms of operational costs, the following matters should also be noted:

- Overtime for attendance at DFES controlled operational incidents, on-call allowance and any other authorised DFES matters will be approved by the DFES Regional Duty Coordinator and paid by DFES.
- Overtime for authorised attendance at City/Shire controlled operational incidents and any other authorised City/Shire matters will be approved by the appointed City/Shire Officer and paid by the City/Shire.
- All overtime will be paid in accordance with WA Fire Service EBA conditions.
- The vehicle used by the CESM will be by agreement between the City/Shire and DFES.
- The CESM will have commuting access, home garaging and private use within the DFES Region whilst on call.
- The CESM will not have use of the vehicle during periods of leave.
- "Vehicle Costs" – DFES to pay \$11,398 to be invoiced quarterly.

The 50% sharing of main operational costs (vehicle), is also a saving for the Shire.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not endorse the Officer Recommendation	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation

**Risk Matrix**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **9** has been determined for this item.

Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. RESOLVES to accept the offer of a joint Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services Community Emergency Services (DFES) Manager;
2. REQUESTS DFES to begin the recruitment phase as soon as possible, and requires the recruitment panel to include:
 - Shire staff as nominated by the Chief Executive Officer;
 - A representative of the Brigades who is a Brigade Captain as decided by all Brigade Captains;
 - DFES.
3. REQUESTS DFES to place an acting CESM (who is also acting Chief Bush Fire Control Officer) within the Shire in the short term, to assist the Shire and community during the recruitment phase for the permanent CESM; and
4. REQUESTS the Chief Executive Officer and DFES to jointly engage the current acting chief, deputies and captains to provide input to a draft business plan to set key performance measures for the CESM, with this to be presented back to Council in February 2020 for consideration.



Alternative Officer Recommendation

That Council:

1. RESOLVES to accept the offer of a joint Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services Community Emergency Services (DFES) Manager;
2. REQUESTS DFES to begin the recruitment phase as soon as possible, and requires the recruitment panel to include:
 - Shire staff as nominated by the Chief Executive Officer;
 - A representative of the Brigades who is a Brigade Captain as decided by all Brigade Captains;
 - DFES.
3. REQUESTS DFES to place an acting CESM (who is also acting Chief Bush Fire Control Officer) within the Shire in the short term, to assist the Shire and community during the recruitment phase for the permanent CESM;
4. REQUESTS the Chief Executive Officer and DFES to jointly engage the current acting chief, deputies and captains to provide input to a draft business plan to set key performance measures for the CESM, with this to be presented back to Council in February 2020 for consideration; and
5. Prior to the end of the first three year term of the CESM, REQUESTS the Chief Executive Officer to review the CESM arrangements and report to Council on:
 - the strategic performance outcomes of the role;
 - the specific level of training, skill development and succession planning that has occurred for the Shire's brigade volunteers;
 - the potential for a volunteer Chief Bushfire Control Officer to be sourced locally (being a separate role to the CESM) as a result of such training and development which has occurred.

Reason for alternative Officer Recommendation

New point 5 helps to elevate a key performance expectation of the CESM role, being to ensure that a pool of skilled, trained and capable volunteers is created across the Shire's brigades in the first three years of the CESM. This has a specific objective of exploring the option for a volunteer Chief Bushfire Control Officer being sourced from this local talent pool of volunteers in the future.



OCM283/12/19

COUNCIL RESOLUTION / Alternative Officer Recommendation

Moved Cr Rich, seconded Cr McConkey

That Council:

- 1. RESOLVES to accept the offer of a joint Shire of Serpentine Jarrahdale and Department of Fire and Emergency Services Community Emergency Services (DFES) Manager;**
- 2. REQUESTS DFES to begin the recruitment phase as soon as possible, and requires the recruitment panel to include:**
 - Shire staff as nominated by the Chief Executive Officer;**
 - A representative of the Brigades who is a Brigade Captain as decided by all Brigade Captains;**
 - DFES.**
- 3. REQUESTS DFES to place an acting CESM (who is also acting Chief Bush Fire Control Officer) within the Shire in the short term, to assist the Shire and community during the recruitment phase for the permanent CESM;**
- 4. REQUESTS the Chief Executive Officer and DFES to jointly engage the current acting chief, deputies and captains to provide input to a draft business plan to set key performance measures for the CESM, with this to be presented back to Council in February 2020 for consideration; and**
- 5. Prior to the end of the first three year term of the CESM, REQUESTS the Chief Executive Officer to review the CESM arrangements and report to Council on:**
 - the strategic performance outcomes of the role;**
 - the specific level of training, skill development and succession planning that has occurred for the Shire's brigade volunteers;**
 - the potential for a volunteer Chief Bushfire Control Officer to be sourced locally (being a separate role to the CESM) as a result of such training and development which has occurred.**

CARRIED 8/1

Councillor Rich, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Rich, Atwell, Byas, Dagostino, Denholm, McConkey, Strange and Strautins voted FOR the motion.

Councillor Coales voted AGAINST the motion



10.2 Infrastructure Services reports

Shire President, Councillor Rich declared a Financial Interest in item 10.2.1 and item 10.2.2 and left the Chambers at 8.18pm prior to these items being discussed.

The Presiding Member, Councillor Rich vacated the chair, and Deputy Shire President, Councillor Atwell assumed the Chair as Presiding Member at 8.18pm.

10.2.1 - Award Request for Tender – RFT 09/2019 – Wright Road – Shoulder Widening (SJ3132)	
Responsible Officer:	Manager Infrastructure and Assets
Senior Officer/s:	Director Infrastructure Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

To advise Council of submissions received in relation to Tender RFT 09/2019 - Wright Road – Shoulder Widening and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

The project was approved by Council as part of the 2019 /20 Annual Budget.

Background

In order to prepare the Black Spot grant submissions for the 2019/20 round, Shire Officers analysed the prequalified locations eligible to obtain Black Spot funding through either the State Black Spot Program or the Australian Government Black Spot Program. Based on the Main Roads Western Australia crash tool data, there have been twelve crashes at the 3km section of Wright Road between Straight Line Kilometres (SLK) 2.22 to 5.22 in the last five years, including three hospitalisation crashes and three accidents requiring medical attention.

Most of the crashes (9 out of 12) were run-off-carriageway and hitting roadside hazard crashes. An effective treatment to attenuate such crashes is to construct and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guideposts.

Through a successful application to the Australian Government Black Spot Program, the Shire received grant funding to carry out these effective treatments to mitigate the likelihood of further potential crashes at this location.

The total project budget of \$606,000 is fully funded by the Australian Government with no Shire financial contribution required as part of the funding agreement.



Figure 1. Wright Road, Mardella- widening locality map

Community / Stakeholder Consultation

Prior to commencement of site works, notification shall be made to the public via the Shire's website and Facebook page. In addition, the adjacent properties to the roadworks site will be notified via letter drop.



Submissions

The Request for Tender RFT 09/2019 – Wright Road – Shoulder Widening, was advertised on Wednesday 30 October 2019 and closed at 2.00pm on Thursday 14 November 2019.

The Tender was advertised in the following papers:

- West Australian Newspaper
- Examiner (Serpentine Jarrahdale & Armadale)
- Pinjarra/Murray Times (Inc. Mandurah Coastal Times) and
- Sound Telegraph (Rockingham & Kwinana)

Five (5) submissions were received, and the submissions are summarised in **confidential attachment 1**.

All tender submissions comply with the request for tender guidelines and compliance criteria.

Tender submissions were received from the following companies:

#	Company Name
1	Aussie Earthworks Pty Ltd
2	Comiskey's Contracting Pty Ltd
3	HAS Earthmoving
4	Industrial Roadpavers WA Pty Ltd
5	RCA Civil Group Australia Pty Ltd

Evaluation Panel

An evaluation panel was convened and consisted of the following personnel:

- Coordinator Design
- Project Coordinator Infrastructure and Assets
- Technical Officer Infrastructure and Assets

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the tenders. Each member of the panel assessed the submissions separately.

**Evaluation Criteria**

The following evaluation criteria and weightings were used by the tender evaluation panel to assess tender submissions:

EVALUATION CRITERIA	WEIGHTING
Price with quantities	60%
Relevant experience with: <ul style="list-style-type: none">• Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years.	15%
Key Personnel, Skills and Resources with: <ul style="list-style-type: none">• Capacity to deliver the services including:• Key personnel / Professional skills;• Describe the key personnel who will be involved in the work, including past work of a similar nature.	10%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none">• Project schedule;• Process for delivery of goods/services;• Project Management Plan;• Critical assumptions; and• Any additional information.	15%

Comment

All tender submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment and prices are documented in **confidential attachment 1** – RFT 09/2019 – Wright Road – Shoulder Widening – OCM – Evaluation Report.

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by **HAS Earthmoving** was assessed as being the best value for money that meets the Shire's requirements.

The price submitted by HAS is \$616,518.36 and this exceeds the approved budget of \$606,000. In addition, the project will require an additional budget of \$70,000 to cover other work scope within the project such as line marking, project management and miscellaneous works. Additional budget required will be funded from the approved budget, FN200A – Thomas Road Shared Path, as explained in "Financial Implications".

The tender evaluation panel therefore recommends the tender submission made by **HAS Earthmoving** be accepted.



Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.

Council Policy - *Procurement of Goods or Services through Public Tendering* (E19/5672):
Tendering

2. Tender Exemption

The regulations make provision for certain circumstances where tendering is not required. Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;

Options and Implications

The following options have been identified:

Option 1

Award the contract as recommended in **confidential attachment 1** – RFT 09/2019 – Wright Road – Shoulder Widening – OCM – Evaluation Report to **HAS Earthmoving**.

Option 2

Not award the contract and retender.

Option 3

Not award the contract and not retender i.e. – nil action.

Option 4

That Council reassess and appoint an alternative tenderer.

Option 1 is recommended.

Conclusion

HAS Earthmoving has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money.

Therefore, it is recommended that Council support Option 1 and the contract be awarded to **HAS Earthmoving**.

Attachments

- **CONFIDENTIAL Attachment 1** – RFT 09/2019 - Wright Road – Shoulder Widening – OCM - Evaluation Report (E19/15220)



Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live.
Strategy 1.3.3	Enhance community safety.
Outcome 4.1	A resilient, efficient and effective organisation.
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

Financial Implications

Funding of \$606,000 is allocated for this tender in the 2019/2020 Annual Budget to undertake the Wright Rd Shoulder Widening works. However, the recommended tender value together with other project costs necessary to deliver this project exceeds the allocated budget and additional funding will be required.

Due to the presence of Black cockatoos which are listed as Threatened species under the State and Federal Legislation, the Department of Water and Environmental Regulation do not support the removal of native vegetation along the road verge because there are many trees located within the clear zone requirement that are foraging habitat for the Black cockatoos. In order to preserve the native vegetation on Wright Road between SLK 4.22 and Feast road, the Shire propose to install crash barriers to remove the impact of Black cockatoo habitat.

In this respect, the Shire has applied for additional funding from the Metropolitan Regional Road Group (MRRG) responsible for the Black Spot Program to cover for the additional cost to provide the road safety barrier installation that was not included in the original scope of the funding application. As the Shire has not received approval of the additional grant funding from MRRG, it is recommended that the project shortfall be funded from the Thomas Rd Shared Path project in the interim.

It has been identified that the Shire will not proceed with the Thomas Road Shared Path project within the current financial year as it was not successful in its application for the grant funding from the Department of Transport. Council's adopted 2019/20 budget assigned grant funding of \$122,000 and municipal funds were allocated to the value of \$128,000. Therefore, it is recommended that a part of the municipal funding portion of this account be repurposed to execute the project. In addition, further consideration needs to be given in relation to future expenditure on Thomas Road given the impending handover to Main Roads. The current preliminary design for Thomas Road duplication as proposed by Main Roads WA has included a Principal Shared Path on the southern side.

Should the Shire be successful in obtaining the additional funds from MRRG for Wright Road through the Australian Black Spot Program, the money proposed to be transferred from the Thomas Road Shared Path project can then be repurposed.

Account Number	Description	Debit	Credit
SB005A	Wright Road Blackspot (Slk2.22 To Slk5.22) Shoulder Seal, Signage, Guideposts, Culvert Extend	\$80,519	
FN200A	Thomas Road Shared Path Project - Alexander Rd to Tonkin Hwy		\$80,519



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Poor selection of contractor to provide quality works to Council standard	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.



Voting Requirements: Absolute Majority

OCM284/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Denholm, seconded Cr Byas

- 1. That Council AWARDS Tender RFT 09/2019 – Wright Road – Shoulder Widening to HAS Earthmoving to the value of \$616,518.36, excluding GST, as contained within confidential attachment 1.**
- 2. That Council APPROVES the following budget variation to repurpose the unspent Thomas Road - Principle Shared Path Construction budget to fund the shortfall of \$80,519 for RFT 09/2019 – Wright Road - Shoulder Widening:**

Account Number	Description	Debit	Credit
SB005A	Wright Road Blackspot (Slk2.22 To Slk5.22) Shoulder Seal, Signage, Guideposts, Culvert Extend	\$80,519	
FN200A	Thomas Road - Principle Shared Path Project Alexander Rd to Tonkin Hwy		\$80,519

CARRIED BY ABSOLUTE MAJORITY 8/0



Shire President, Councillor Rich declared a Financial Interest in item 10.2.1 and item 10.2.2 and left the Chambers at 8.18pm prior to these items being discussed.

10.2.2 – Award Request for Quote – RFQ 19/2019 – Kingsbury Drive – Shoulder Widening (SJ3129)	
Responsible Officer:	Manager Infrastructure and Assets
Senior Officer/s:	Director Infrastructure Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting quotes, directing operations and setting and amending budgets.
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Report Purpose

To advise Council of submissions received in relation to RFQ19/2019 – Kingsbury Drive – Shoulder Widening and for Council to award the contract to the best value for money respondent as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

The project was approved by Council as part of the 2019/20 Annual Budget.

Background

There have been three crashes in the last five years in this section of Kingsbury Drive between SLK 23.60 to 25.07, which have resulted in hospitalisation. All of the crashes involved running off the carriageway. An effective treatment to attenuate such crashes is to construct and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guideposts.

Through a successful application to the Australian Government Black Spot Program, the Shire received grant funding to carry out these effective treatments to mitigate the likelihood of further potential crashes at this location.

The total project budget of \$388,000 is fully funded by the Australian Government with no Shire financial contribution required for this project.

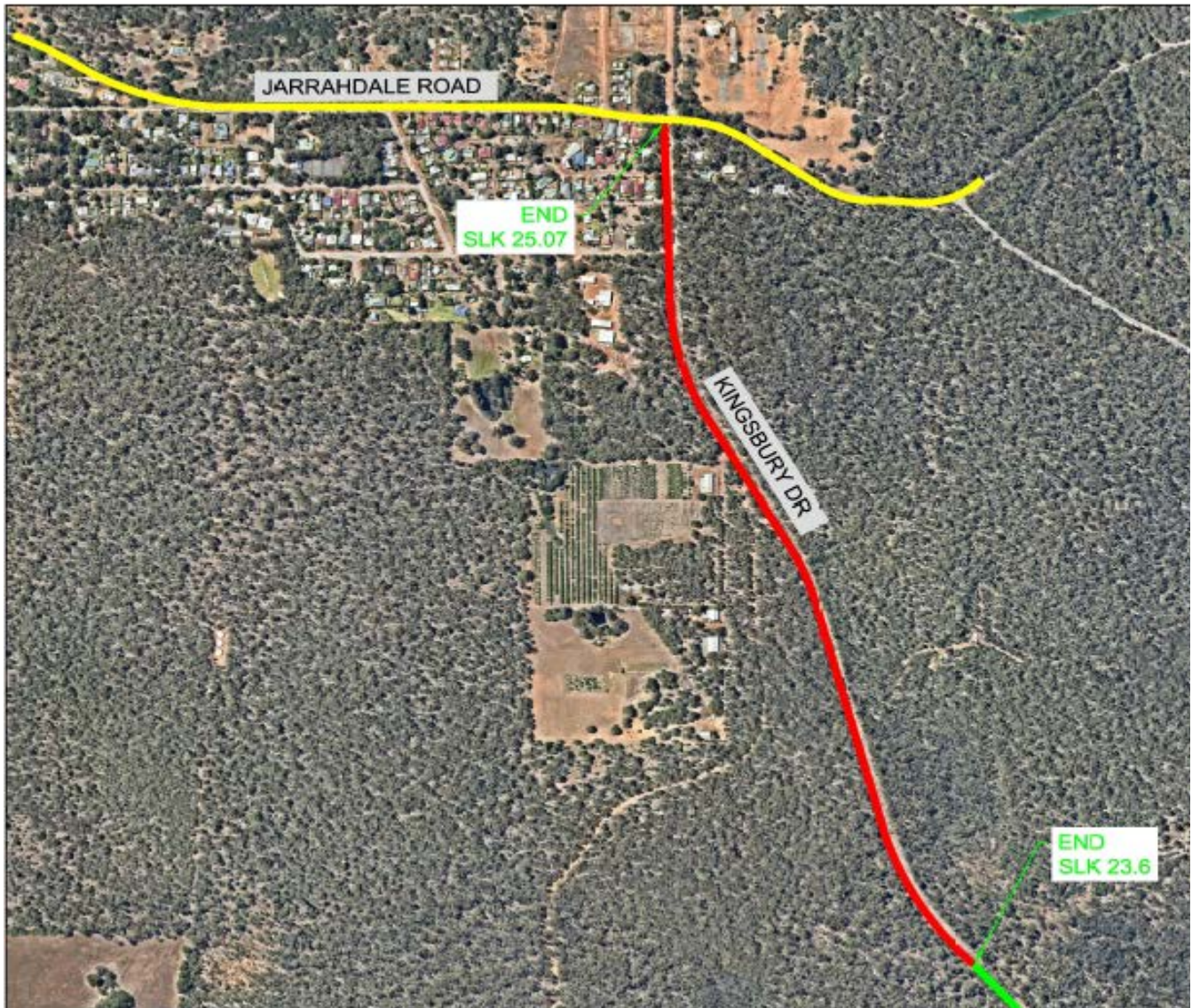


Figure 1. Kingsbury Drive, Jarrahdale – shoulder widening locality map

Community / Stakeholder Consultation

Prior to commencement of site works, notification shall be made to the public via the Shire's website and Facebook page. In addition, the adjacent properties to the roadworks site will be notified via letter drop.



Submissions

The Request for Quote RFQ 19/2019 – Kingsbury Drive – Shoulder Widening, was advertised through WALGA's EQuotes Portal on Friday 18 October 2019 and closed at 2.00pm on Tuesday 5 November 2019.

Two (2) submissions were received, and the submissions are summarised in **confidential attachment 1**.

All quote submissions comply with the request for quote guidelines and compliance criteria.

Quote submissions were received from the following companies:

#	Company Name
1	Aussie Earthworks Pty Ltd
2	RCA Civil Group Pty Ltd

Evaluation Panel

An evaluation panel was convened and consisted of the following personnel:

- Coordinator Design
- Project Coordinator Infrastructure and Assets
- Technical Officer Infrastructure and Assets

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the tenders. Each member of the panel assessed the submissions separately.



Evaluation Criteria

The following evaluation criteria and weightings were used by the quote evaluation panel to assess quote submissions:

EVALUATION CRITERIA	WEIGHTING
Price with quantities	55%
Relevant experience with: <ul style="list-style-type: none"> • Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years. 	15%
Respondents' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none"> • Capacity to deliver the services including: • Key personnel / Professional skills; • Describe the key personnel who will be involved in the work, including past work of a similar nature. 	15%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none"> • Project schedule; • Process for delivery of goods/services; • Project Management Plan; • Critical assumptions; and • Any additional information. 	15%

Comment

All quote submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment are documented in **confidential attachment 1** – RFQ 19/2019 – Kingsbury Drive – Shoulder Widening – OCM – Evaluation Report.

The prices submitted for the recommended Quote are also documented in the **confidential attachment 1**.

Following the assessment of all quote submissions, against the selection criteria, the quote submitted by **RCA Civil Group Pty Ltd** was assessed as being the best value for money that meets the Shire's requirements.

Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite quotes before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.



Options and Implications

The following options have been identified:

Option 1

Award the contract as recommended in **confidential attachment 1** – RFQ 19/2019 – Kingsbury Drive – Shoulder Widening – OCM – Evaluation Report to **RCA Civil Group Pty Ltd**.

Option 2

Not award the contract and requote.

Option 3

Not award the contract and not requote i.e. – nil action.

Option 4

That Council reassess and appoint an alternative respondent.

Option 1 is recommended.

Conclusion

RCA Civil Group Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money.

Therefore, it is recommended that Council support option 1 and the contract be awarded to **RCA Civil Group Pty Ltd**.

Attachments

- **CONFIDENTIAL Attachment 1** – RFQ 19/2019 – Kingsbury Drive – Shoulder Widening – OCM – Evaluation Report (E19/13733)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live.
Strategy 1.3.3	Enhance community safety.
Outcome 4.1	A resilient, efficient and effective organisation.
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.



Financial Implications

The funding for this quote is included in the 2019/20 Annual Budget to undertake the works.

The allocated budget for the work is \$388,000 and the recommended submission of \$293,830.83 ex GST is within this budget.

AUSTRALIAN GOVERNMENT BLACK SPOT PROGRAM			
Project	Shire	Australian Government	Total
Kingsbury Drive	Nil	\$388,000	\$388,000

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Poor selection of contractor to provide quality works to Council standard.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.



Voting Requirements: Simple Majority

OCM285/12/19

Officer Recommendation

Moved Cr Strange, seconded Cr Dagostino

That Council AWARDS Quote RFQ 19/2019 Kingsbury Drive – Shoulder Widening (distributed through WALGA eQuotes) to *RCA Civil Group Pty Ltd*, at \$293,830.83, excluding GST as contained within confidential attachment 1.

CARRIED UNANIMOUSLY 8/0

Councillor Rich returned to the Chambers at 8.20pm and resumed the Chair as Presiding Member.

Councillor Atwell advised the Shire President, Councillor Rich of the Council Resolutions for items 10.2.1 and 10.2.2.



10.2.3 - State of the Environment Report 2019 – Community Consultation (SJ2809)

Responsible Officer:	Manager Subdivisions and Environment
Senior Officer/s:	Director Infrastructure Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to request Council to adopt the final State of the Environment Report 2019. The State of the Environment Report 2019 was released for public comment for a period of 28 days.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 14 October 2019 – OCM224/10/19 – COUNCIL RESOLUTION / Officer Recommendation:

That Council RESOLVES to release the State of the Environment Report 2019 as per attachment 1 and the Appendices to the Report as per attachment 2 for public comment for a period of 28 days and that, at the conclusion of the public comment period, the State of the Environment Report 2019 and any public submissions received be presented to Council.

Background

A State of the Environment Report is an analysis of the trends in the environment of a particular place. State of the Environment Reports are designed to communicate credible, timely and accessible information about the condition of the environment to decision makers and the community.

The community vision developed by the Shire of Serpentine Jarrahdale highlights the importance of protecting the environment in the context of expected growth. To enable the Shire to adapt to the expected growth, it is producing a State of the Environment Report. Development of the Report was initiated by Council, as a Key Performance Indicator for the Chief Executive Officer for the year 2019.

The Shire of Serpentine Jarrahdale's State of the Environment Report 2019 uses the framework of "Condition-Pressure-Response-Implications" and applies it across the themes of Atmosphere, Land, Inland Waters, Biodiversity, Human Settlements and Heritage. These themed chapters are preceded by a discussion of Fundamental Pressures, and followed by an overall summary Outlook and an Action Plan.



A State of the Environment Report is an analysis of the condition and trends in the environment presented in report format. The State of the Environment Report covers six themes, one of which is biodiversity, and finalisation and implementation of the Local Biodiversity Strategy Update will complete one of the actions set forward in the State of the Environment Report. The Local Biodiversity Strategy sets targets and actions to protect biodiversity.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	23 September 2019
Councillors Attendance	in Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr See

The State of the Environment Report 2019 was released for public comment for a period of 28 days from 16 October 2019 to 15 November 2019. A number of State agencies and other statutory authorities were forwarded a link to the document for consultation, including:

- Department of Biodiversity, Conservation and Attractions
- Department of Health
- Department of Mines, Industry Regulation and Safety
- Department of Parks and Wildlife
- Department of Planning, Lands and Heritage
- Department of Planning – Bush Forever Office
- Department of Primary Industries and Regional Development
- Department of Water – Kwinana Peel Region
- Department of Water and Environmental Regulation
- Main Roads WA
- Peel Harvey Catchment Council
- Water Corporation
- Western Australian Planning Commission
- Western Power
- South West Aboriginal Land and Sea Council
- Western Australian Local Government Association – Environment
- Switch your Thinking

There have been 8 formal submissions from statutory authorities and 3 submissions from the community. While many submissions were received after the closing date, they were still able to be considered.



Number	Submitter	Date Received	Comment Summary	Response
1	Switch your Thinking	4/10/19	<ul style="list-style-type: none"> • 3.1 – expand scope with brief acknowledgement of health risks associated with climate change and bushfire • 3.1 – note that the built form of new homes and buildings may multiply the impacts of urban heat island effects and health impacts if buildings are poorly designed • 3.2 – renewable energy does not yet decrease electricity demand in peak times • 3.2 – population increases result in increased vehicle emissions • Suggest extra section 3.2.3 on heatwaves, with associated health risks and increased combustibility of fuel loads • Document lacks consistency in language – review for consistency • Insert an Action 4.8.10 to include working with the Public Transport Authority to increase access to public transport • Suggest Tables 8.1 and 8.2 to include urban heat island as a component • Section 10.1.5 – include comment about canopy cover and tree retention 	<ul style="list-style-type: none"> • Noted and incorporated • Noted and incorporated • Noted and incorporated • Noted and incorporated • Has been included in other sections • Noted and incorporated • Noted and incorporated • Noted and incorporated
2	Department of Primary Industries and Regional Development	6/11/19	<ul style="list-style-type: none"> • The information in the report is valuable for future planning • DPIRD agrees with the statement on p.9 (regarding defined boundaries for rural lifestyle lots) as clear defined boundaries will help to protect productive agricultural land from incompatible developments 	Noted



Number	Submitter	Date Received	Comment Summary	Response
3	Department of Health	7/11/19	<ul style="list-style-type: none">• The DOH commends the Shire on the general detail of the document• It would be appropriate for the update report to provide data to support a submission on DWER's climate change issues paper• The GHD appendices are silent in relation to wastewater management – specific action should be part of the action plan• Consideration should be given to the <i>Government Sewerage Policy (2019)</i> and DOH legislation on on-site sewerage management in section 4.2.3• <i>Appendix B – Water Efficiency Action Plan, Ref. 19</i> should refer to secondary effluent quality in general without recommendation of a specific type of wastewater system	<ul style="list-style-type: none">• Noted• Noted• Noted and incorporated• Noted and incorporated• Noted; this will be incorporated into the next edition of the Water Efficiency Action Plan for Waterwise Councils
4	Main Roads WA	14/11/19	<ul style="list-style-type: none">• No comments• Main Roads requests a copy of the Shire's final determination on this proposal	Noted
5	Jan Star	18/11/19	<ul style="list-style-type: none">• The Shire is commended for this report• A few minor problems and repetition• Table 4.2 – pay attention to possibilities for implementing at least partial offsets for industrial development emissions – revegetation could have the dual function of providing screening• Table 5.2 – consider collaboration with DPIRD to	<ul style="list-style-type: none">• Noted• Noted and amended• Noted and incorporated• Noted and incorporated



Number	Submitter	Date Received	Comment Summary	Response
			<p>foster regenerative agriculture</p> <ul style="list-style-type: none"> • Table 6.1 – mention that most streams are no longer perennial but respond only to direct rainfall • Table 6.1 – there is no mention of moving towards total water cycle management with introduction of “3rd pipe” or recharging aquifers with treated waste water • Table 7.1 – under “regional biogeography”, mention the growing concern at the declining state of the Northern Jarrah Forest • Table 9.1 – there is concern over the effect of climate change on the NJF, plus logging and bauxite mining. The value of the forest to the increasing population should be maintained or improved, and management should optimise its contribution to reducing global warming. There is currently inadequate planning for recreational uses. • Serpentine Heritage Society is no longer active • Table 9.2 – Collaborate with State government to improve the condition of the NJF and improve the potential for low impact recreational uses 	<ul style="list-style-type: none"> • Noted and incorporated • Noted and incorporated • Noted and incorporated • Noted and incorporated • Noted and amended • Noted and incorporated
6	Vicky Kerfoot (for the Jarrahdale Forest Protectors)	18/11/19	<ul style="list-style-type: none"> • The Shire should consider the forest area bounded by Jarrahdale Road and Serpentine River to the Albany Highway 	<ul style="list-style-type: none"> • Noted



Number	Submitter	Date Received	Comment Summary	Response
			<ul style="list-style-type: none"> • The Northern Jarrah Forest is unique – a number of qualities are listed • There is deep concern about health and future of the NJF, with threats including climate change, logging, illegal uses, prescribed burning and mining • Mining is the major threat to high value jarrah, with access increasing without any real review and no proper consideration of the impact on the forest • Rehabilitation does not produce a jarrah forest, with the physical landscape altered and a lack of diversity • Logging and mining both remove the best jarrahs so genetic stock probably deteriorating • The NJF is being destroyed by government and a warming climate • Need to consider other long-term uses of the forest, including science and education, tourism, history and culture, recreation, and health • There should be no further mining or logging east of Jarrahdale • The Shire should consider the above, liaise with DBCA, Alcoa and community to ensure a healthy forest is available for the growing population 	<ul style="list-style-type: none"> • Noted • Noted • Noted • Noted • Noted • Noted • Noted • Noted • Noted and incorporated
7	Jeremy Perey	18/11/19	<ul style="list-style-type: none"> • Concerned that bauxite mining will advance towards Jarrahdale destroying sections of high-quality upland Jarrah forest 	<ul style="list-style-type: none"> • Noted



Number	Submitter	Date Received	Comment Summary	Response
			<ul style="list-style-type: none"> • Discussion and information including maps of historic and current mining of the forest should be provided • Bauxite mining is minimally discussed despite causing large-scale clearing of forests • Historic and current mining in or near the Shire is not discussed • Exploratory drilling north of the Serpentine River is not discussed • This drilling could lead to strip mining of the forest • This is the Shire's remaining unfragmented and unmined forest with many values 	<ul style="list-style-type: none"> • Noted, discussion of mining expanded • Noted – see above • Noted – see above • Noted – see above • Noted • Noted
8	Department of Biodiversity, Conservation and Attractions – Parks and Wildlife Service	18/11/19	<ul style="list-style-type: none"> • The department notes the findings of the report 	Noted
9	Department of Water and Environmental Regulation	18/11/19	<ul style="list-style-type: none"> • The report provides a comprehensive review of and insight into the information available on biodiversity values and conservation within the Shire, outlining (with the Local Biodiversity Strategy) the proposed goals, targets and actions to retain, protect and rehabilitate those values • The incorporation of the actions into the Local Planning Strategy is supported • Ongoing investigation to ensure the Local Planning Scheme No. 3 reflects the Report is supported 	<ul style="list-style-type: none"> • Noted • Noted • Noted



Number	Submitter	Date Received	Comment Summary	Response
			<ul style="list-style-type: none"> • Implementation of the Urban and Rural Forest Strategy will provide for tree preservation, retention of biodiversity values, provision of fauna habitat, reduction in the heat island effect, and enhanced community aesthetic • Tools for biodiversity protection of vegetation proposed by the Shire are commended 	<ul style="list-style-type: none"> • Noted • Noted
10	Peel Harvey Catchment Council	19/11/19	<ul style="list-style-type: none"> • Most actions are not measurable, need to have quantifiable targets where relevant • E.g. Action 4.1.9 (emissions offset) needs a target in addition to revegetation programs • E.g. Action 4.2.6 (sorting of hard waste to increase recycling rates) needs to set a target for the increased recycling rate • Section 4.9 – review bushfire actions to consider impact of prescribed burning on biodiversity and public safety – continued prescribed burning needs to factor in protection of biodiversity as part of risk management and public safety • Section 5.1 – a priority action should be a risk analysis of the impacts of climate change on assets, including local reserves • Section 7.7 – link implementation of Urban and Rural Forest Strategy to the Local Biodiversity Strategy and other targets 	<ul style="list-style-type: none"> • Noted – targets will be set in a subsequent Implementation Plan • Noted – will be in the subsequent Implementation Plan • Noted – will be in the subsequent Implementation Plan • Noted and incorporated • Noted and incorporated • Noted and incorporated



Number	Submitter	Date Received	Comment Summary	Response
			<ul style="list-style-type: none"> Section 8.1 – strongly commend support for Healthy Habitats, Switch your Thinking, Conservation 	<ul style="list-style-type: none"> Noted
11	Department of Planning, Lands and Heritage	25/11/19	<ul style="list-style-type: none"> Tables 9.1 and 9.2 refer to the Shire’s Municipal Inventory – update to current nomenclature of Local Heritage Survey State Register should be referred to as “State Register of Heritage Places” or “Register of Heritage Places” Amend numbers of places on the Register or nominated for assessment to correct discrepancies The reference to the decline in specialist skills and ageing workforce has been identified by DPLH as a matter that requires further consideration Heritage Responses represent sound approaches to heritage management The term “Aboriginal Heritage” is preferred to “Indigenous Heritage” Correct numbers of Aboriginal sites in Table 9.1 Wording of section 9.2.1 Societal Change should be reviewed 9.2.2 accurately raises growing concerns regarding damage from increased visitation and incremental destruction associated with development Table 9.2 does not refer to statutory or strategic frameworks for the identification and protection of Aboriginal heritage 	<ul style="list-style-type: none"> Noted and amended Noted and amended Noted and amended Noted Noted Noted and amended Noted and amended Noted Noted and actions added



Number	Submitter	Date Received	Comment Summary	Response
			<ul style="list-style-type: none"> • Comment in 9.4 regarding cultural differences is a valid one • Report does not adequately address engagement with the Aboriginal community and involvement in the protection of Aboriginal heritage values • Several minor typographical errors • Land Appendix 3.4.3 – review potential action to prohibit waste disposal as this is unlikely to be supported • Human Settlements Appendix 8.2.2 – refer to WAPC Position Statement on the Container Deposit Scheme 	<ul style="list-style-type: none"> • Noted • Noted and incorporated • Noted and amended • Noted and incorporated • Noted and incorporated

Statutory Environment

Not Applicable.

Comment

State of the Environment Reports are designed to communicate credible, timely and accessible information about the condition of the environment to decision makers and the community. While State of the Environment Reports endeavour to be comprehensive, they focus on major environmental issues, so as to draw attention to them and to help set the policy and management agenda. The major pressures that affect all of the themes discussed include climate change, population growth, urbanisation and invasive species and pathogens. The action plan presented in this report addresses these pressures as well as seeking to improve the condition of the themes.

A commonly used, internationally accepted (OECD) framework for State of the Environment Reports is the “Pressure-State-Response” framework. Modified versions of this framework have been used for the Australian (Pressures-State and trends-Effectiveness of management-Resilience-Risks-Outlook) and Western Australian (Condition-Pressure-Response-Implication) Reports. The framework is the underlying structure used across all themes to assess the environment.

- “Pressure” (or threat) refers to human activities that affect the environment.
- “State” (or condition) refers to the quality of the environment and the functioning of important environmental processes.
- “Response” (or actions) refers to initiatives that have / or will be undertaken to address pressures on the environment or to improve or maintain its condition.



The Shire of Serpentine Jarrahdale is the fastest growing local government in Western Australia. Through the extensive consultation and community consultation process associated with SJ2050, the Shire has embraced a strategic framework that aims to accommodate rapid growth while shaping the district in a manner that aligns with community values and aspirations. The Strategic Community Plan 2017-2027 incorporates these values and sets out the objectives and outcomes for the community over time.

To ensure that the vision, aspirations and expectations established by SJ2050 are met, and the Shire of tomorrow is achieved in a way that recognises local character and identity, it is important to plan effectively for the future.

The community vision developed by the Shire highlights the importance of protecting the environment in the context of expected growth. To enable the Shire to adapt to the expected growth, it is producing a State of the Environment Report to communicate credible, timely and accessible information about the condition of the environment to decision makers and the community.

The Shire of Serpentine Jarrahdale's State of the Environment Report uses the Western Australian framework of "Condition-Pressure-Response-Implications". This structure is applied across the six themes of Atmosphere, Land, Inland Waters, Biodiversity, Human Settlements and Heritage, as adapted from the Australian State of the Environment Report. These themed chapters are preceded by a discussion of Fundamental Pressures, and followed by an overall summary Outlook and an Action Plan.

Six themed Condition-Pressure-Response reports were produced for the Shire by GHD. These reports form an attachment to the overall State of the Environment Report, which is based upon the data presented in the six themed reports. The overall Report presents a summary of the State of the Environment; the six themed reports can be viewed in **attachment 2** for additional information.



Implementation of the State of the Environment Report could take the form of a series of strategies or policies, each addressing one of the themes:

State of the Environment Theme	Potential Reports
Atmosphere	<i>Climate Change Strategy and Local Action Plan (existing)</i> Ambient Air Quality Strategy
Land	Land Management Strategy
Inland Waters	<i>Integrated Water Management Strategy (draft – out for public comment)</i> Water Quality Environmental Management Plan
Biodiversity	<i>Local Biodiversity Strategy (existing, update report to be released for public comment)</i> <i>Urban and Rural Forest Strategy (existing)</i>
Human Settlements	<i>Local Planning Strategy (draft – out for public comment)</i> <i>Local Planning Scheme No. 3 (draft – out for public comment)</i>
Heritage	<i>Municipal Heritage Inventory (existing, update proposed)</i> Aboriginal Heritage Management Plan (preliminary draft)

Five of the six themes are fully or partially addressed by existing or draft documents, including the Local Biodiversity Strategy Update Report.

Options and Implications

Option 1

Council RESOLVES to adopt the State of the Environment Report 2019 with amendments following the consultation process.

Option 2

Council RESOLVES to request amendments to the State of the Environment Report 2019 prior to adoption.

Option 3

Council RESOLVES that the State of the Environment Report 2019 shall not be adopted.

Option 1 is recommended.



Conclusion

The community vision developed by the Shire highlights the importance of protecting the environment in the context of expected growth. A State of the Environment Report will enable the Shire to adapt to the expected growth by communicating credible, timely and accessible information about the condition of the environment to decision makers and the community.

Attachments

- [Attachment 1](#) – State of the Environment Report 2019 – Draft (E19/11772)
- [Attachment 2](#) – State of the Environment – Condition / Pressure / Response Reports / Appendices to Report (E19/11520)
- [Attachment 3](#) – State of the Environment Report 2019 – Draft – with changes highlighted (E19/15598)

Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 2.2	A sustainable natural environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets

Financial Implications

Achievement of the actions of the State of the Environment Report 2019 will require a certain amount of staff time, which in most cases consists of business as usual. Some targets and actions would require the investment of funds, which could be considered by Council as business cases during the budget process each year, or potentially partially raised by grant applications.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not adopt the Report, leading to confusion in relation to management of the environment	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
	Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
	Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
	Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.



Voting Requirements: Simple Majority

OCM286/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr McConkey

- 1. That Council ADOPTS the State of the Environment Report 2019 with amendments following the consultation process as per attachment 1.**
- 2. That Council NOTES the State of the Environment – Condition / Pressure / Response Reports / Appendices to Report as per attachment 3.**

CARRIED UNANIMOUSLY 9/0



10.2.4 - Local Biodiversity Strategy – Update Report 2019 – Community Consultation (SJ510)

Responsible Officer:	Manager Subdivisions and Environment
Senior Officer/s:	Director Infrastructure Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to request Council to adopt the final Local Biodiversity Strategy – Update Report 2019. Council adopted the original Local Biodiversity Strategy in 2008. The Local Biodiversity Strategy – Update Report 2019 was released for public comment for a period of 28 days.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 27 October 2008 - SD037/10/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

That Council adopts the final Stage 1 Local Biodiversity Strategy, its retention protection targets and identified management actions as per the Attachments marked SD037.1/10/08, SD037.2/10/08 & SD037.3/10/08.

Ordinary Council Meeting – 14 October 2019 – OCM225/10/19 – COUNCIL RESOLUTION/Officer Recommendation:

That Council RESOLVES to release the Local Biodiversity Strategy – Update Report 2019 as per attachment 1 for public comment for a period of 28 days and that, at the conclusion of the public comment period, the Local Biodiversity Strategy – Update Report 2019 and any public submissions received be presented to Council.



Background

The purpose of the Local Biodiversity Strategy – Update Report 2019 is to review the implementation of the Shire’s Local Biodiversity Strategy over the last ten years, and to propose a revised set of goals, targets and actions for the next ten years.

The update is provided as a report rather than a revision of the entire Strategy, as the information provided in the Strategy is still current, with the exception of the remnant vegetation statistics. To continue implementation of the Strategy, it is only necessary to report on and update the remnant vegetation statistics, and the goals, targets and actions. The 2008 Strategy should be consulted for additional information to supplement the brief contents of the Update Report.

In 2006, the Shire committed to preparing a Local Biodiversity Strategy to protect local areas of bushland, wetlands and vegetated waterways, especially where they have significant ecological features. The Strategy was developed in accordance with guidelines produced by the WA Local Government Association (WALGA) and the associated Perth Biodiversity Project (PBP).

The major driver for the preparation of the Strategy was community concern that existing environmental laws were often not being enforced and natural areas were being cleared and damaged as a result. Many of these laws are enforced by the State government according to state and regional priorities, and often do not address local concerns. Another factor was the lack of resources to enforce local laws and planning conditions. The intent of the Strategy was to set local priorities and laws that could be enforced through the Local Planning Scheme.

A State of the Environment Report has been produced which is an analysis of the condition and trends in the environment presented in report format, while a Local Biodiversity Strategy sets targets and actions to protect biodiversity. The State of the Environment Report covers six themes, one of which is biodiversity, and finalisation and implementation of the Local Biodiversity Strategy Update will complete one of the actions set forward in the State of the Environment Report.

Community / Stakeholder Consultation

The Local Biodiversity Strategy – Update Report 2019 was released for public comment for a period of 28 days from 16 October 2019 to 15 November 2019. A number of State agencies and other statutory authorities were forwarded a link to the document for consultation, including:

- Department of Biodiversity, Conservation and Attractions
- Department of Health
- Department of Mines, Industry Regulation and Safety
- Department of Parks and Wildlife
- Department of Planning, Lands and Heritage
- Department of Planning – Bush Forever Office
- Department of Primary Industries and Regional Development
- Department of Water – Kwinana Peel Region
- Department of Water and Environmental Regulation
- Main Roads WA
- Peel Harvey Catchment Council



- Water Corporation
- Western Australian Planning Commission
- Western Power
- South West Aboriginal Land and Sea Council
- Western Australian Local Government Association – Environment

There have been six formal submissions from statutory authorities and no submissions from the community.

Number	Submitter	Date Received	Comment Summary	Response
1	Department of Health	7/11/19	<ul style="list-style-type: none"> • The DOH commends the Shire on the general detail of the document • It would be appropriate for the update report to provide data to support a submission on DWER's climate change issues paper 	Noted
2	Main Roads WA	14/11/19	<ul style="list-style-type: none"> • No comments • Main Roads requests a copy of the Shire's final determination on this proposal 	Noted
3	Department of Biodiversity, Conservation and Attractions – Parks and Wildlife Service	18/11/19	<ul style="list-style-type: none"> • The department is supportive of the updated Strategy's goals and actions to protect, retain and restore local natural areas, including threatened species, threatened ecological communities and wetlands 	Noted
4	Department of Water and Environmental Regulation	18/11/19	<ul style="list-style-type: none"> • The report provides a comprehensive review of and insight into the information available on biodiversity values and conservation within the Shire, outlining the proposed goals, targets and actions to retain, protect and rehabilitate those values • The 2008 Strategy refers to State and EPA policies and guidance that are no longer current • <i>Environmental Offsets Position Statement No. 9</i> has 	<ul style="list-style-type: none"> • Noted • Noted – update notes inserted in the Report • Noted – see above



Number	Submitter	Date Received	Comment Summary	Response
			<p>been replaced by <i>WA Environmental Offsets Policy</i> and <i>WA Environmental Offsets Guidelines</i></p> <ul style="list-style-type: none"> • Guidance Statement No. 10 <i>Guidance for the assessment of environmental factors</i> has been superseded with <i>Environmental factor guideline: flora and fauna</i> • The <i>Environmental Protection (Swan Coastal Plain Lakes) Policy 1992</i> was repealed; alternative mechanisms include the Geographic Wetlands Dataset, and WAPC's Statement of Planning Policy 2.9 • The incorporation of the goals, targets and actions into the Local Planning Strategy is supported • Ongoing investigation to ensure the Local Planning Scheme No. 3 reflects the Strategy is supported • Proposed prioritisation within the planning process of biodiversity and conservation are noted and supported • The update to refer to black cockatoos rather than just Carnaby's is encouraged • Recommend updating Tables in Appendices 17.2, 17.3 and 17.4 to be consistent with the <i>Biodiversity Conservation Act 2016</i> • Recommend updating the list of Threatened species under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> • Existing areas of vegetation complexes have been updated; recommend 	<ul style="list-style-type: none"> • Noted – see above • Noted – see above • Noted • Noted • Noted • Noted • Noted – updated Tables inserted in the Report • Noted – updated Tables inserted in the Report • Noted – this is an action in the Report



Number	Submitter	Date Received	Comment Summary	Response
			reviewing and updating the minimum areas of protection for each complex	
5	Peel Harvey Catchment Council	19/11/19	<ul style="list-style-type: none"> • Well done on reviewing and updating the Strategy • Keep focus on local natural areas, make clear the Shire's priorities, and clarify where State agencies should do the heavy lifting • Include a plan to protect the most threatened LNAs, e.g. by overlaying remnant vegetation with land use zonings • Key message should be the significant loss of vegetation that is occurring, including case studies e.g. GIS analysis of areas that have been lost since 2008 • Present changes in mapping methodology as a technical issue that the Shire is working through • Make link to Urban and Rural Forest Strategy more apparent 	<ul style="list-style-type: none"> • Noted • Noted and incorporated • Noted – this is an action in the Report • Noted and incorporated, GIS analysis is an action in the Report • Noted and incorporated • Noted and incorporated
6	Department of Planning, Lands and Heritage	25/11/19	<ul style="list-style-type: none"> • Refer to SPP 2.8 <i>Bushland Policy for the Perth Metropolitan Region</i> in the strategy and the glossary • Correct terminology for “Bush Forever areas” is “areas” not “sites” • Consider including a map of Bush Forever areas and current ecological linkages • Table 7 includes both goals and targets, correct the title to better reflect the content 	<ul style="list-style-type: none"> • Noted and incorporated • Noted and corrected • Noted – action added to produce updated maps • Noted and incorporated

Statutory Environment

Not Applicable.



Comment

A Local Biodiversity Strategy is a non-statutory document that sets long-term targets and short-term actions to protect significant natural areas across public and private lands. It is complementary to existing environmental and planning laws, but does not replace them.

A Local Biodiversity Strategy applies to Local Natural Areas (LNAs), Bush Forever sites in private ownership, and Bush Forever sites under Council management. Local Natural Areas are the areas of native vegetation outside of the public conservation estate or Bush Forever sites, and are generally found on private land and local reserves.

The Local Biodiversity Strategy (the 2008 Strategy) presented a number of proposals for greater protection and management of natural areas throughout the Shire. The Strategy focused on 6333ha of natural areas in the Shire – areas of bushland and vegetated wetlands and waterways on private lands and local reserves. 5986ha of these natural areas were on private lands, making the support of landowners critical to the implementation of the Strategy.

The Strategy emphasises that action is urgent in order to prevent the further loss of natural areas and protect a variety of nature for the long-term.

To protect against further loss of natural areas and conserve biodiversity, the Strategy proposed four goals to retain, protect and manage Local Natural Areas:

Retention

Goal 1: Prevent the further loss of Local Natural Areas. This goal aims to retain at least 4000 hectares of Local Natural Areas in the Shire.

Protection

Goal 2: Protect and manage a portion of each basic type of vegetation and ecosystem typical of the Shire. Approximately 1690 hectares of Local Natural Area would be protected to meet this goal.

Goal 3: Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.

Management and restoration

Goal 4: Manage and restore Local Natural Areas and revegetate new areas to increase native fauna habitat.

As a review of the original Strategy, new targets and actions for the next ten years are proposed. These retain the original goals and take into account the targets of the 2008 Strategy, but reorganises them into Focus Areas with targets to retain, protect and enhance the values of the specific focus area. A new action plan is proposed, to achieve the new goals and targets.

Given that the Shire is undergoing rapid and increasing developments, the Shire's remnant vegetation and biodiversity is under significant threat as this development proceeds. It is therefore essential that the Shire have an updated and relevant Local Biodiversity Strategy to guide the retention, protection and enhancement of its remnant vegetation and biodiversity into the future.



Options and Implications

Option 1

Council RESOLVES to adopt the Local Biodiversity Strategy – Update Report 2019.

Option 2

Council RESOLVES to request amendments to the Local Biodiversity Strategy – Update Report 2019 prior to adoption.

Option 3

Council RESOLVES that the Local Biodiversity Strategy – Update Report 2019 shall not be adopted.

Option 1 is recommended.

Conclusion

The Local Biodiversity Strategy – Update Report 2019 reviews the implementation of the Shire's Local Biodiversity Strategy over the last ten years, and proposes a revised set of targets and actions for the next ten years. Given that the Shire is undergoing rapid and increasing development, the Shire's remnant vegetation and biodiversity is under significant threat. It is therefore essential that the Shire have an updated and relevant Local Biodiversity Strategy to guide the retention, protection and enhancement of its remnant vegetation and biodiversity into the future and endorse the Officer recommendation.

Attachments

- [Attachment 1](#) – Local Biodiversity Strategy – Update Report 2019 (E19/9620)
- [Attachment 2](#) – Local Biodiversity Strategy (E10/3418)
- [Attachment 3](#) – Local Biodiversity Strategy – Update Report 2019 – with changes highlighted (E19/15599)

Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework
Outcome 2.2	A sustainable natural environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets

Financial Implications

Achievement of the targets and actions of the Local Biodiversity Strategy – Update Report 2019 will require a certain amount of staff time, which in most cases consists of business as usual. Some targets and actions would require the investment of funds, which could be considered by Council as business cases during the budget process each year, or potentially partially raised by grant applications.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not adopt the Update Report, leading to confusion in relation to protection of biodiversity	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Likelihood	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 6 has been determined for this item.

Voting Requirements: Simple Majority

OCM287/12/19

Officer Recommendation

Moved Cr Strange, seconded Cr Strautins

1. That Council **ADOPTS** the Local Biodiversity Strategy – Update Report 2019 with amendments following the consultation process as per attachment 1.
2. That Council **NOTES** that the implementation of the Strategy will be done through internal resourcing.

CARRIED UNANIMOUSLY 9/0

**10.3 Corporate Services reports**

10.3.1 - Confirmation of Payment of Creditors (SJ801)	
Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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Report Purpose

The purpose of this report is to prepare a list of accounts paid each month, as required by the *Local Government (Financial Management) Regulations 1996*.

Relevant Previous Decisions of Council

Nil.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 5.42 of the *Local Government Act 1995* states that the local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority 1.1.17 - Payments from Municipal and Trust Fund.

Section 6.10 of the *Local Government Act 1995* states the Financial management regulations may provide for the general management of, and the authorisation of payments out of the municipal fund and the trust fund of a local government.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.



Comment

In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, schedules of all payments made through the Council's bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

A detailed list of invoices for the period 01 November 2019 to 30 November 2019 is provided in attachment 1.

Attachments

- [Attachment 1](#) – Creditors List of Accounts 01 November 2019 to 30 November 2019 (E19/15513)
- [Attachment 2](#) – Westpac Purchasing Card Report – 30 September 2019 to 27 October 2019 (E19/15517)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

Expenditures were provided for in the adopted Budget as amended, or by any subsequent budget reviews and amendments.

The accounts paid under delegated authority for 1 November 2019 to 30 November 2019 totalled \$3,180,100.14.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the payments.	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **2** has been determined for this item.



Voting Requirements: Simple Majority

OCM288/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strange

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 November 2019 to 30 November 2019, totalling \$3,180,100.14 as attached, covering:

- 1. EFT Vouchers EFT57407 to EFT57782 including purchasing card payment totalling \$2,933,848.27;**
- 2. Municipal Cheque Vouchers Westpac CHQ200014 to CHQ200019 totalling \$18,986.46; and**
- 3. Municipal Direct Debits DD48110.1 to DD48235.34 totalling \$227,265.41.**

CARRIED UNANIMOUSLY 9/0



10.3.2 – Monthly Financial Report – October 2019 (SJ801)

Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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Report Purpose

The purpose of this report is to provide a monthly financial report, which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

This report is about the financial position of the Shire as at 31 October 2019.

Relevant Previous Decisions of Council

Special Council Meeting – 22 July 2019 - SCM161/07/19 - COUNCIL DECISION / Officer Recommendation

PART 5 – Municipal Fund Budget for 2019/20

That Council

1. *ADOPTS the Municipal Fund Budget as contained in attachment 1, Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2020.*

Special Council Meeting – 22 July 2019 - SCM163/07/19 - COUNCIL DECISION / Officer Recommendation

PART 7 – Material Variances

That Council

1. *ADOPTS the definition of 'significant (material) variances to be used in statements of financial activity for reporting' to be \$10,000 or 10% (whichever the greater).*
2. *ADOPTS the definition of significant (material) variances to apply for reporting purposes in the Statement of Financial Activity to:*
 - a) *Total operating revenue and expenditure by Nature and Type; and*
 - b) *Capital income and expenditure.*



Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at this point in time.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

**Comment**Monthly Financial Report

The attached report shows the month end position as at the end of October 2019. Please note that this is a preliminary result for the year as the Financial Statements for year ended 30 June 2019 are still being finalised and as such the result is subject to change.

The municipal surplus for the month ending 31 October 2019 is \$20,119,989, which is favourable, compared to a budgeted surplus for the same period of \$19,437,324. The reasons for the variances are discussed below:

Description	YTD Budget	31 October 2019 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2019	4,778,920	4,351,415	(427,505)
Proceeds from sale of assets	93,664	135,909	42,245
Changes to net transfers to and from Reserves	(60,316)	(60,316)	-
Changes to net transfers to and from Restricted Cash	-	-	-
Loan principal Drawdown (New loans)	-	-	-
Loan principal repayments	(159,390)	(159,390)	-
Capital expenditure	(8,230,944)	(6,657,196)	1,573,748
Capital revenue (cash items)	2,780,884	1,614,787	(1,166,097)
Operating revenue (cash items)	30,441,544	30,141,161	(300,383)
Operating expenditure (cash items)	(10,207,038)	(9,246,381)	960,657
	19,437,324	20,119,989	682,665

Attachments

- [Attachment 1](#) – Monthly Financial Report October 2019 (E19/15074)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.



Financial Implications

As at 31 October 2019, the Shire's respective cash position was as follows:

Municipal Fund:	\$2,908,144
Trust Fund:	\$304,222

Material variances that may have an impact on the outcome of the budgeted closing surplus position are listed below:

Operating Revenue**Rates**

No variance analysis required, variance to budget is less than 10%.

Operating Grants, Subsidies and Contributions

Unfavourable variance of \$680,240 due to timing of grant funding the most material of which is Federal Assistance Grants - \$549,166, and Main Roads Direct Grant - \$80,704.

Fees and Charges

No variance analysis required, variance to budget is less than 10%.

Interest Earnings

No variance analysis required, variance to budget is less than 10%.

Other Revenue

Favourable variance of \$27,960, due to timing of reimbursements received, the most significant of which is in relation to meat inspection services performed for the Department of Justice - \$16,789.

Operating Expenses**Employee Costs**

No variance analysis required, variance to budget is less than 10%.

Materials and Contracts

Favourable variance of \$861,963 due to timing differences in relation to provision of services across all programs and business units, the most material of which is Waste Services - \$567,266, Administration and Operations Feasibility - \$66,664 and Subdivision Feasibility - \$50,000.

Utility Charges

Favourable variance of \$76,109 due to timing differences relating to utility charges, the most significant of which is Street Lighting - \$54,399.

Depreciation on Non-Current Assets

Favourable variance of \$2,775,888 due to the fact that no depreciation can be processed until the asset module has been rolled over. The rollover cannot occur until the audit of the Financial Statements for the year ended 30 June 2019 is complete.



Interest Expenses

Favourable variance of \$72,762 due to timing differences relating to loan repayment dates.

Insurance Expenses

Unfavourable variance of \$273,060 due to timing differences relating to insurance premium payment dates.

Other Expenditure

Favourable variance of \$75,847 due to timing differences primarily relating to community funding programs and sponsorships - \$69,784.

Other

Profit on Asset Disposals

No variance analysis required as no variance to budget.

Loss on Asset Disposals

No variance analysis required as no variance to budget.

Non-Operating Grants, Subsidies and Contributions

Unfavourable variance of \$1,166,097 due to timing of grant funding not yet received, the most material of which is State and Federal Road funding - \$1,170,631. Please note \$1,164,933 worth of claims have been completed and submitted in November.

Proceeds from Disposal of Assets

Favourable variance of \$42,245 due to timing differences related to changeover of fleet and corresponding asset disposals.

Repayment of Debentures

No variance analysis required as no variance to budget.

Proceeds from New Debentures

No variance analysis required as no variance to budget.

Transfers (to)/from Cash Backed Reserves (Restricted Assets)

No variance analysis required as no variance to budget.

Transfers (to)/from restricted cash (Municipal)

No variance analysis required as no variance to budget.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's recommendation.	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 2 has been determined for this item.

Voting Requirements: Simple Majority

OCM289/12/19

COUNCL RESOLUTION / Officer Recommendation

Moved Cr McConkey, seconded Cr Atwell

That Council RECEIVES the Monthly Financial Report for October 2019, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment 1.

CARRIED UNANIMOUSLY 9/0

**10.3.3 – Budget Adjustments – September 2019 Quarterly Review**

Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

Council is requested to approve adjustments to the 2019/20 budget as per the recommendations contained in this report.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this report.

Background

The original 2019/20 budget was adopted by Council in July 2019. Organisational needs sometimes require adjustments to be made to this budget.

Community / Stakeholder Consultation

There has been no community / stakeholder consultation regarding this recommendation. The quarterly progress against budget was reviewed by the Executive Management Group and Managers at the September quarterly Financial and Costing Review meetings. The recommendations contained in this report come from those discussions.

Statutory Environment

Section 6.8 of the *Local Government Act 1995* requires a local government is not to incur expenditure from municipal funds for an additional purpose except where the expenditure:

- Is incurred in a financial year before the adoption of the annual budget by the local government;
- Is authorised in advance by Council resolution; and
- Is authorised in advance by the President in an emergency.

**Comment**

Approval is sought for the following budget adjustments for the reasons specified:

Account Number	Type	Description	Debit \$	Credit \$
CDO105	Decrease Income	Community Development Contributions	35,000	
CDO530	Decrease Expenditure	Community Group Sponsorship		35,000

Reason:

To adjust the Community Group Sponsorship budget in line with the Community Development Contributions due to cessation of funding agreement with Alcoa as per Council Resolution OCM120/06/19 – 17 June 2019.

Account Number	Type	Description	Debit \$	Credit \$
MOC611	Increase Expenditure	Election Expenses	75,538	
011003	Reserve Transfer	Transferred from Local Government Election Reserve		75,538

Reason:

Election Expense transferred from Local Government Election Reserve.

Account Number	Type	Description	Debit \$	Credit \$
EPC555	Increase Expenditure	Minor Tools & Equipment	10,000	
WAS751	Decrease Expenditure	Bulk Waste Collection		10,000

Reason:

To fund additional budget required for purchasing of a hydraulic lift and 2 x lift jacks. Funding sourced from cost savings from bulk waste collections.

Account Number	Type	Description	Debit \$	Credit \$
ITS910	Increase Expenditure	ICT Equipment	13,000	
ADM905	Decrease Expenditure	Relocation and Upgrade of Server Room		13,000

Reason:

Reallocate ICT Server Room update budget to ICT Equipment. Equipment is part of the Server Room upgrade.



Account Number	Type	Description	Debit \$	Credit \$
CCS525	Increase Expenditure	Advertising	10,000	
CCS530	Decrease Expenditure	Legal Fees		10,000

Reason:

To recognise additional funding required for local public notices. Funding sourced from year to date cost savings from Governance business unit.

Account Number	Type	Description	Debit \$	Credit \$
ITS910	Increase Expenditure	ICT Equipment	16,000	
ITS536	Decrease Expenditure	Information Technology Service Equipment Leasing		16,000

Reason:

To reallocate surplus funds from ICT equipment leasing to purchase new ICT equipment.

Account Number	Type	Description	Debit \$	Credit \$
ITS908	Increase Expenditure	ERP System Implementation	27,900	
ISR500	Decrease Expenditure	Information Technology Service Salaries		21,000
ITS503	Decrease Expenditure	Information Technology Service - Superannuation		6,900

Reason:

To reallocate OneComm salaries & wages for capitalisation as part of ERP System Implementation.

Account Number	Type	Description	Debit \$	Credit \$
HIA500	Increase Expenditure	Health Inspection & Admin Salaries	31,581	
BUI500	Decrease Expenditure	Building Control Salaries		31,581

Reason:

To reallocate salaries & wages budget of Development Services Support Officer to HIA500 - Health Inspection & Admin Salaries due to staff movements. Original budget was recognised in BUI500 - Building Control Salaries.



Account Number	Type	Description	Debit \$	Credit \$
DCO500	Increase Expenditure	Salaries - Development Compliance	31,211	
BUI500	Decrease Expenditure	Health Inspection & Admin Salaries		31,211

Reason:

To reallocate salaries & wages of Development Services Support Officer to DCO500 – Development Compliance. Original budget was recognised in BUI500 - Building Control.

Account Number	Type	Description	Debit \$	Credit \$
PSO600	Increase Expenditure	Perth Symphony Orchestra - Opera at the Mill	10,936	
CDO105	Increase Revenue	Contributions - Community Development Officer		10,936

Reason:

Transferring income from the SJ Community Fair to Opera at the Mill account, to recognise initial reduction of \$11,000 from the Opera at the Mill account to provide budget for SJ Community Fair.

Account Number	Type	Description	Debit \$	Credit \$
COM519	Increase Expenditure	Corporate Documents	6,300	
COM518	Decrease Expenditure	Media Support Services		5,000
COM528	Decrease Expenditure	Plaques		1,000
COM529	Decrease Expenditure	Trademarks		300

Reason:

To reallocate funds to recognise increased work required for Strategic Corporate Documentation. Funding sourced from reduced media support services required for 2019/20 budget.



Account Number	Type	Description	Debit \$	Credit \$
014001	Increase Surplus	Unallocated Surplus	10,000	
PBM530	Decrease Expenditure	Peel Bright Minds		10,000

Reason:

Proposed budget amendment, Peel Bright Minds sponsorship to be funded from Economic Development Marketing (ECD525) budget in accordance with the Council resolution OCM105/09/18.

Account Number	Type	Description	Debit \$	Credit \$
RAR500	Increase Expenditure	Salaries & Wages - Rates	82,200	
RAR503	Increase Expenditure	Superannuation - Rates	7,800	
014001	Decrease Surplus	Unallocated Surplus		90,000

Reason:

Increased cost for the Property Database management & review and ongoing external audit of Properties and Rating System.

Account Number	Type	Description	Debit \$	Credit \$
014001	Increase Surplus	Unallocated Surplus	10,000	
WMS525	Decrease Expenditure	Integrated Water Management Strategy		10,000

Reason:

To recognise reduction in cost related to the Integrated Water Management Strategy

Account Number	Type	Description	Debit \$	Credit \$
CFW636	Increase Expenditure	Council Funded Bush Fire Mitigation Works	20,000	
014001	Decrease Surplus	Unallocated Surplus		20,000

Reason:

To recognise funding required for Webb Road fire mitigation work.



Account Number	Type	Description	Debit \$	Credit \$
011003	Reserve Transfer	Transfer to Emergency Management Reserve	38,000	
014001	Decrease Surplus	Unallocated Surplus		38,000

Reason:

To recognise cost required for maintenance of fire hydrants and static water supply previously budgeted as Reserve Funded, should be Muni funded.

Account Number	Type	Description	Debit \$	Credit \$
EST115	Increase Expenditure	Water Sensitive Urban Design	4,000	
EST118	Increase Expenditure	Landscape Design	6,000	
EST121	Increase Expenditure	Engineering Drawings	8,000	
014001	Decrease Surplus	Unallocated Surplus		18,000

Reason:

To recognise decrease in revenue due to income relate to additional Engineering Services not recoverable under the *Local Government Act 1995*.

Account Number	Type	Description	Debit \$	Credit \$
WSO730	Increase Expenditure	Free Verge Plants	5000	
New Account	Increase Revenue	Grant Income - Free Verge Plants		5,000

Reason:

To recognise additional cost relate to free verge plants. 50% of the full cost of this project will be funded by grant income.

Account Number	Type	Description	Debit \$	Credit \$
BYC625	Increase Expenditure	Building Maintenance - Byford Change Rooms	4,176	
MUP625	Increase Expenditure	Building Maintenance - Mundijong Pavilion	3,228	
WOH625	Increase Expenditure	Building Maintenance - Depot Building	2,750	



014001	Decrease Surplus	Unallocated Surplus		10,154
Reason: To recognise rectification of non-complying electrical maintenance works not identified at time of setting the budget.				

Account Number	Type	Description	Debit \$	Credit \$
014001	Increase Surplus	Unallocated Surplus	300,000	
RAR122	Increase Revenue	Interim Rating		300,000
Reason: To recognise the increase of interim rates receivable above budget.				

Account Number	Type	Description	Debit \$	Credit \$
014001	Increase Surplus	Unallocated Surplus	31,000	
GPG142	Increase Revenue	General Purpose Grants - Untied		31,000
Reason: Proposed budget Amendment to recognise additional FAGS grant income as per final confirmation.				

Account Number	Type	Description	Debit \$	Credit \$
ISR556	Increase Expenditure	Archive/Document Storage	7,000	
014001	Decrease Surplus	Unallocated Surplus		7,000
Reason: To recognise additional cost relate to the planned destruction of archived records.				

Account Number	Type	Description	Debit \$	Credit \$
BUI517	Increase Expenditure	Subscriptions & Publications	4,000	
014001	Decrease Surplus	Unallocated Surplus		4,000
Reason: To recognise cost related to annual subscriptions of the National Construction Code, Plumbing Code of Australia and National Construction Code Series.				



Account Number	Type	Description	Debit \$	Credit \$
WOH625	Increase Expenditure	Building Maintenance - Depot Building	9,251	
OSR625	Increase Expenditure	Building Maintenance - SJ Rec Centre	8,837	
MUH625	Increase Expenditure	Building Maintenance - Civic Centre	2,042	
WOH625	Increase Expenditure	Building Maintenance - Depot Building	3,179	
BPC625	Increase Expenditure	Building Maintenance - Byford Public Toilet	972	
WOH625	Increase Expenditure	Building Maintenance - Depot Building	4,488	
LIB626	Increase Expenditure	Building Maintenance – Library Building	1,425	
014001	Decrease Surplus	Unallocated Surplus		30,194

Reason:

Proposed budget amendment to recognise additional funding required to; install extra sensors and new display panels to Depot Alarm System (\$9,251), install lighting and power to Chemical Shed (\$4,488), install a new flashing to SJ Recreation Centre roof to make the air conditioners waterproof (\$8,837), replace entry lights at the Civic Centre due to deterioration (\$2,042), replace additional lighting required at the Depot Workshop to meet (AS1680) lux requirements (\$3,179), to replace a faulty hand dryer at Byford public toilets (\$972) and to install a T4000 communicating device to the Library alarm system due to NBN changeover (\$1,425).

Account Number	Type	Description	Debit \$	Credit \$
OGC521	Increase Expenditure	Health & Wellbeing	10,500	
014001	Decrease Surplus	Unallocated Surplus		10,500

Reason:

Proposed budget amendment to recognise cost of replacement of first aid equipment, purchase medical boxes and a defibrillator.



Account Number	Type	Description	Debit \$	Credit \$
EPC504	Increase Expenditure	Lease Payments for Plant Items	73,430	
014001	Decrease Surplus	Unallocated Surplus		73,430

Reason:

Proposed budget amendment to be in line with the extension of the leases for Scania Tip Truck (\$36,228) and Paveline Patch Truck (\$37,202).

Account Number	Type	Description	Debit \$	Credit \$
COR780	Increase Expenditure	Crossover Contributions	15,000	
014001	Decrease Surplus	Unallocated Surplus		15,000

Reason:

To recognise additional funding required for Crossover Contributions due to increased demand. Council contributes 50%.

Account Number	Type	Description	Debit \$	Credit \$
CRE515	Increase Expenditure	Call Centre	20,000	
014001	Decrease Surplus	Unallocated Surplus		20,000

Reason:

To recognise additional funding required for After Hour Call Management System Service Fee.

Account Number	Type	Description	Debit \$	Credit \$
CKH625	Increase Expenditure	Clem Kentish Hall	1,800	
014001	Decrease Surplus	Unallocated Surplus		1,800

Reason:

To recognise funding required to reinstate the basketball hoops at Clem Kentish Hall.



Account Number	Type	Description	Debit \$	Credit \$
New Account	Increase Expenditure	Footpath along George Street	27,000	
FN200A	Decrease Expenditure	Thomas Road Shared Path		14,078
14001	Decrease Surplus	Unallocated Surplus		12,922
Reason: Funding required for Footpath along George Street.				

Account Number	Type	Description	Debit \$	Credit \$
New Account	Increase Expenditure	Hopkinson Road from Abernethy Road (SLK5.53)	264,558	
New Account	Increase Grant	State Black Spot Funding		210,000
GDN730	Decrease Expenditure	Parks and Reserves Maintenance		54,558
Reason: Council contribution towards Metropolitan Regional Road Group State Black Spot Program - Hopkinson Road from Abernethy Road (SLK5.53) in accordance with the Council resolution OCM/054/06/18. Funding sourced from LGIS surplus for distribution and Parks & Reserve Maintenance budget (refer to OCM Agenda Item 10.3.4).				

Account Number	Type	Description	Debit \$	Credit \$
New Account	Increase Expenditure	Shoulder Widening – Cardup Siding Road (SJ3088)	335,000	
New Account	Increase Grant	State Black Spot Funding		223,333
DRA792	Decrease Expenditure	Drainage Maintenance		111,667
Reason: Council contribution towards Metropolitan Regional Road Group State Black Spot Program - Shoulder Widening – Cardup Siding Road in accordance with the Council resolution OCM/054/06/19. Funding sourced from Drainage Maintenance budget.				



Account Number	Type	Description	Debit \$	Credit \$
011003	Decrease Transfer from Reserve	Investment Reserve	231,000	
011003	Increase Transfer from Reserve	Building Assets Management Reserve		231,000
Reason: Rectify facilities renewal funding erroneously budgeted from the investment reserve instead of Building Assets Management Reserve				

Attachments

Nil.

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

Financial Implications

The financial implications are detailed in this report.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's recommendation	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

**Risk Matrix**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **2** has been determined for this item.

Voting Requirements: Absolute Majority

OCM290/12/19**COUNCIL RESOLUTION / Officer Recommendation**

Moved Cr Coales, seconded Cr Denholm

That Council

APPROVES the schedule of variations as presented below in accordance with section 6.8 of the *Local Government Act 1995*, resulting in no change to the closing budget municipal surplus of \$0 as at 30 June 2020:

Account Number	Type	Description	Debit \$	Credit \$
CDO105	Decrease Income	Community Development Contributions	35,000	
CDO530	Decrease Expenditure	Community Group Sponsorship		35,000
MOC611	Increase Expenditure	Election Expenses	75,538	
011003	Reserve Transfer	Transfer from Local Government Election Reserve		75,538
EPC555	Increase Expenditure	Minor Tools & Equipment	10,000	
WAS751	Decrease Expenditure	Bulk Waste Collection		10,000
ITS910	Increase Expenditure	ICT Equipment	13,000	
ADM905	Decrease Expenditure	Relocation And Upgrade Of Server Room		13,000
CCS525	Increase Expenditure	Advertising	10,000	



Account Number	Type	Description	Debit \$	Credit \$
CCS530	Decrease Expenditure	Legal Fees		10,000
ITS910	Increase Expenditure	ICT Equipment	16,000	
ITS536	Decrease Expenditure	Information Technology Service Equipment Leasing		16,000
ITS908	Increase Expenditure	ERP System Implementation	27,900	
ITS500	Decrease Expenditure	Information Technology Service - Salaries		21,000
ITS503	Decrease Expenditure	Information Technology Service - Superannuation		6,900
HIA500	Increase Expenditure	Health Inspection & Admin Salaries	31,581	
BUI500	Decrease Expenditure	Building Control Salaries		31,581
DCO500	Increase Expenditure	Salaries Development Services	31,211	
BUI500	Decrease Expenditure	Health Inspection & Admin Salaries		31,211
PSO600	Increase Expenditure	Perth Symphony Orchestra - Opera at the Mill	10,936	
CDO105	Increase Revenue	Contributions - Community Development Officer		10,936
COM519	Increase Expenditure	Corporate Documents	6,300	
COM518	Decrease Expenditure	Media Support Services		5,000
COM528	Decrease Expenditure	Plaques		1,000
COM529	Decrease Expenditure	Trademarks		300
014001	Increase Surplus	Unallocated Surplus	10,000	
PBM530	Decrease Expenditure	Peel Bright Minds		10,000
RAR500	Increase Expenditure	Salaries & Wages - Rates	82,200	
RAR503	Increase Expenditure	Superannuation - Rates	7,800	
014001	Decrease Surplus	Unallocated Surplus		90,000
014001	Increase Surplus	Unallocated Surplus	10,000	
WMS525	Decrease Expenditure	Integrated Water Management Strategy		10,000



Account Number	Type	Description	Debit \$	Credit \$
CFW636	Increase Expenditure	Council Funded Bush Fire Mitigation Works	20,000	
014001	Decrease Surplus	Unallocated Surplus		20,000
011003	Reserve Transfer	Transfer to Emergency Management Reserve	38,000	
014001	Decrease Surplus	Unallocated Surplus		38,000
EST115	Increase Expenditure	Water Sensitive Urban Design	4,000	
EST118	Increase Expenditure	Landscape Design	6,000	
EST121	Increase Expenditure	Engineering Drawings	8,000	
014001	Decrease Surplus	Unallocated Surplus		18,000
WSO730	Increase Expenditure	Free Verge Plants	5,000	
New Account	Increase Revenue	Grant Income – Free Verge Plants		5,000
BYC625	Increase Expenditure	Building Maintenance - Byford Change Rooms	4,176	
MUP625	Increase Expenditure	Building Maintenance - Mundijong Pavilion	3,228	
WOH625	Increase Expenditure	Building Maintenance - Depot Building	2,750	
014001	Decrease Surplus	Unallocated Surplus		10,154
014001	Increase Surplus	Unallocated Surplus	300,000	
RAR122	Increase Revenue	Interim Rating		300,000
014001	Increase Surplus	Unallocated Surplus	31,000	
GPG142	Increase Revenue	General Purpose Grants - Untied		31,000
ISR556	Increase Expenditure	Archive/Document Storage	7,000	
014001	Decrease Surplus	Unallocated Surplus		7,000
BUI517	Increase Expenditure	Subscriptions & Publications	4,000	
014001	Decrease Surplus	Unallocated Surplus		4,000
WOH625	Increase Expenditure	Building Maintenance - Depot Building	9,251	
OSR625	Increase Expenditure	Building Maintenance - SJ Rec Centre	8,837	



Account Number	Type	Description	Debit \$	Credit \$
MUH625	Increase Expenditure	Building Maintenance - Civic Centre	2,042	
WOH625	Increase Expenditure	Building Maintenance - Depot Building	3,179	
BPC625	Increase Expenditure	Building Maintenance - Byford Public Toilet	972	
WOH625	Increase Expenditure	Building Maintenance - Depot Building	4,488	
LIB626	Increase Expenditure	Building Maintenance – Library Building	1,425	
014001	Decrease Surplus	Unallocated Surplus		30,194
OGC521	Increase Expenditure	Health & Wellbeing	10,500	
014001	Decrease Surplus	Unallocated Surplus		10,500
EPC504	Increase Expenditure	Lease Payments For Plant Items	73,430	
014001	Decrease Surplus	Unallocated Surplus		73,430
COR780	Increase Expenditure	Crossover Contributions	15,000	
014001	Decrease Surplus	Unallocated Surplus		15,000
CRE515	Increase Expenditure	Call Centre	20,000	
014001	Decrease Surplus	Unallocated Surplus		20,000
CKH625	Increase Expenditure	Clem Kentish Hall	1,800	
014001	Decrease Surplus	Unallocated Surplus		1,800
New Account	Increase Expenditure	Footpath along George street	27,000	
FN200A	Decrease Expenditure	Thomas Road Shared Path		14,078
014001	Decrease Surplus	Unallocated Surplus		12,922
New Account	Increase Expenditure	Hopkinson Road from Abernethy Road (SLK5.53)	264,558	
New Account	Increase Grant	State Black Spot Funding		210,000
GDN730	Decrease Expenditure	Parks and Reserves Maintenance		54,558
New Account	Increase Expenditure	Shoulder Widening – Cardup Siding Road (SJ3088)	335,000	



Continued

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Monday 16 December 2019

Account Number	Type	Description	Debit \$	Credit \$
New Account	Increase Grant	State Black Spot Funding		223,333
DRA792	Decrease Expenditure	Drainage Maintenance		111,667
011003	Decrease Transfer from Reserve	Investment Reserve	231,000	
011003	Increase Transfer from Reserve	Building Assets Management Reserve		231,000

CARRIED BY ABSOLUTE MAJORITY 9/0

**10.3.4 – LGIS Surplus Distribution (SJ339)**

Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to present Council with the range of options available with regard to the 2018/19 LGIS surplus distribution to Member Local Governments.

Relevant Previous Decisions of Council

25 June 2018 OCM054/06/18 **COUNCIL DECISION extract**
That Council endorses the following submissions, as described in the Table to Main Roads Western Australia for funding under the 2019/2020 Black Spot programs.

Project	Section	National Building Black Spot Program (NBBS)		State Black Spot Program (SBS)	
		NBBS \$	Shire \$	SBS \$	Shire \$
Kargotich Road & Thomas Road Intersection		225,000	Nil	150,000	75,000
Abernethy Road & Hopkinson Road intersection		600,000	Nil	400,000	200,000
Thomas Road & Hopkinson Road Intersection		225,000	Nil	150,000	75,000
Nicholson Road & Rowley Road Intersection		163,000	Nil	108,667	54,333
Karnup Road	SLK 11.78 – 13.73	370,000	Nil	Nil	Nil
Hopkinson Road	SLK 5.53 to 7.99	470,000	Nil	Nil	Nil
Jarrahdale Road	SLK 7.48 to 10.13	542,000	Nil	Nil	Nil



<i>Project</i>	<i>Section</i>	<i>National Building Black Spot Program (NBBS)</i>		<i>State Black Spot Program (SBS)</i>	
		<i>NBBS \$</i>	<i>Shire \$</i>	<i>SBS \$</i>	<i>Shire \$</i>
<i>Cardup Siding Road</i>	<i>SLK 0.39 to 2.19</i>	<i>Nil</i>	<i>Nil</i>	<i>126,667</i>	<i>63,333</i>
<i>Kingsbury Drive</i>	<i>SLK 23.6 to 25.07</i>	<i>330,000</i>	<i>Nil</i>	<i>220,000</i>	<i>110,000</i>
<i>Wright Road</i>	<i>SLK 2.22 to 5.22</i>	<i>453,000</i>	<i>Nil</i>	<i>252,000</i>	<i>151,000</i>

Background

LGIS is a WALGA service, for which they partner with JLT, and which is governed by a sub-board to State Council. It was a decision of the LGIS board, endorsed by State Council, that each Local Government decide on how they wished to apply their share of surplus by determination of Council to ensure that all Elected Members were involved in the process.

Previously, any surplus funds have been offset against future year premiums.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Not applicable.

Comment

Each year, once LGIS has finalised its results, Member Local Governments are advised of their surplus distribution. For the 2018/19 financial year, the surplus distribution to the Shire is in the amount of \$50,442.

LGIS surplus this year is a result of lower than expected claims in Property and Workcare, a better than expected performance in investments, and a reduced requirement of the capital needed to be carried by the Scheme.

This year, the LGIS board determined that each Local Government should decide on how it wishes to receive the surplus distribution.



Options and Implications

The above determination means that Member Local Governments now have three (3) options when deciding how they wish to receive the surplus distribution. These options are detailed below:

Option 1

Council may elect to RECEIVE the surplus distribution in the form of an immediate refund via Electronic Funds Transfer.

Option 2

Council may elect to RECEIVE the surplus distribution as an offset against future premiums.

Option 3

Council may elect for the surplus distribution to be held in trust for risk mitigation activities.

Option 1 is recommended.

It is proposed that the funds be utilised to partly fund the Shire's contribution towards the Regional Road Group State Black Spot Program for Hopkinson road from Abernethy Road (SLK5.53).

Account Number	Type	Description	Debit	Credit
			\$	\$
New Account	Increase Expenditure	Hopkinson Road from Abernethy Road (SLK5.53)	50,442	
GFI265	Decrease Expenditure	Transfer from Insurance Surplus		50,442
Reason:				
Contribution towards Metropolitan Regional Road Group state Black Spot Program. OCM 054/06/18 refer.				

Attachments

Nil.

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.



Financial Implications

Depending upon the option chosen, the financial implications are either recognition of an additional \$50,442 in available funding in the current financial year if Option 1 is selected, or, if Options 2 or 3 are selected, recognition of a cost saving in a future period. Contribution of the \$50,442 towards Black Spot funding for the Hopkinson Road from Abernethy Road Project.

Risk Implications

Nil

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Likelihood	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 1 has been determined for this item.

Voting Requirements: Simple Majority

OCM291/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Byas

That Council

- 1. RECEIVES the 2018/19 LGIS surplus distribution of \$50,442 as an immediate cash refund via electronic transfer.**
- 2. APPROVES the allocation of this \$50,442, towards the Hopkinson Road from Abernethy Road (SLK5.53) Black Spot Project.**

CARRIED UNANIMOUSLY 9/0



10.3.5 – Shire Serpentine Jarrahdale Budget 2020/2021 Key Meetings and Workshops (SJ514-09)

Responsible Officer:	Manager Finance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
Information	For the Council / Committee to note.

Report Purpose

The purpose of this report is to provide Council with the 2020/21 Budget key meetings and workshop dates. Budget working will commence in November 2019. The budget is completed in line with the Long Term Financial Plan and Corporate Business Plan.

Relevant Previous Decisions of Council

*18 November 2019 - OCM263/11/19 – **extract** - approved subject to conditions*

COUNCIL RESOLUTION

That Council

5. **REQUESTS** the Chief Executive Officer provide Council with a report on the timeline for the 2020-21 budget at the December Ordinary Council Meeting.

Background

Planning for the 2020/21 budget was done. It is planned that the 2020/21 budget be presented to Council for adoption during July 2020.

Community / Stakeholder Consultation

Consultation with the Shire's Executive Management Group, Department Managers and the Coordinator Governance and Risk.



Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt by absolute majority, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Comment

The Budget 2020/21 Key Meetings and Workshops Dates set out the planned meetings and workshops with Council.

Attachments

- [Attachment 1](#) - Budget 2020/2021 Key Meetings and Workshops (E19/15350)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

Financial Implications

There is no financial implication for this item.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not receive the Budget 2020/21 Key Meetings and Workshops Dates	Rare (1)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

**Risk Matrix**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 1 has been determined for this item.

Voting Requirements: Simple Majority

OCM292/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strange

That Council NOTES the Shire of Serpentine Jarrahdale's Budget 2020/21 Key Meetings and Workshops as contained within attachment 1.

CARRIED UNANIMOUSLY 9/0

**10.3.6 - Council and Committee Meeting Dates 2020 and Councillor Attendance Register (SJ2332)**

Responsible Officer:	Manager Governance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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Report Purpose

The purpose of this report is for Council to consider:

1. the Council and Committee Meeting dates, times and schedule for the 2020 calendar year; and
2. whether the Councillor Attendance Register continues to be included in Council Agendas and Minutes.

Relevant Previous Decisions of Council*Ordinary Council Meeting – 26 November 2018 – OCM127/11/18 - COUNCIL RESOLUTION*

1. *That Council meets on the 3rd Monday of the Month.*
2. *That the Council meeting in October 2019 be brought forward one week to 14 October 2019 to allow for the Local Governments Elections.*
3. *That Council does not hold a meeting in January 2019.*
4. *That Council meetings commence at 7.00pm.*
5. *That Council has a closed agenda briefing session on the 2nd Monday of the Month.*
6. *That, commencing on Monday 4th February, Policy Concept Forums be held on the remaining Mondays of the month, except those that are public holidays.*
7. *That Council Committee meetings be scheduled on the first and if required fourth Monday of the Month commencing at 5.30pm as per the attached schedule OCM127.2/11/18.*

Reason for Change:

To allow better access to Council meeting by the community.



*Special Council Meeting – 27 November 2017 - SCM162/11/17 - COUNCIL DECISION / Alternate Councillor Recommendation - **extract***

That Council:

10. Requests the Chief Executive Officer to maintain an attendance register of Councillor Attendance at all Council and Committee Meetings, as well as other meetings and official functions of Council.

Reasons for change

Recommendation 10 was added to the Councillor Recommendation to enable a record to be kept of Councillors attendances at all Meetings and Council functions. This additional recommendation was supported by the mover and seconder.

Background

Council and Committee Meetings

The *Local Government (Administration) Regulation's 1996* requires a local government, at least once a year, to give local public notice of the dates, times and places at which Ordinary meetings of Council are held within the next 12 months.

Currently all Committee and Council meetings are held in the Council Chambers at the Shire of Serpentine Jarrahdale Administration Building at 6 Paterson St Mundijong. Committee Meetings in 2019 commenced at 5.30pm, and Council Meetings commenced at 7.00pm. Committee and Council Meetings are open to the public.

Councillor Attendance Register

At the 27 November 2017 Ordinary Council Meeting, Council requested the Chief Executive Officer maintain an attendance register for Councillors attendance at Council and Committee Meetings, and other meetings and official functions of Council.

The attendance register has been created and maintained, and has been included in the Council Agenda, and subsequently the Minutes. The Register records Councillor Attendance at Ordinary Council Meetings, Special Council Meetings and Policy Concept Forums (PCF).

As Council Elections have been recently held, a decision is requested by Council if it is still required for the Attendance Register to continue to be included in Council Agendas and Minutes.

Community / Stakeholder Consultation

Policy Concept Forum – Council and Committee Meetings

Meeting Date	4 November 2019
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Strange, Cr Strautins

Subject to Council's approval, in accordance with Regulation 12 of the *Local Government (Administration) Regulation's 1996*, an advertisement regarding Council and Committee Meetings will be placed in the local paper. In addition, this advertisement will be placed on the Shire's website, Facebook page and on the Shire's notice boards.

Councillor Attendance Register

Meeting Date	4 November 2019
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Strange; Cr Strautins

Statutory EnvironmentCouncil and Committee Meetings

Section 5.25(1)(g) of the *Local Government Act 1995* (the Act) provides for the giving of public notices of the date and agenda for Council or Committee meetings.

Regulation 12(1) of the *Local Government (Administration) Regulation's 1996* provides:-

“(1) At least once each year a local government is to give local public notice of the dates on which and time and place at which-

(a) The ordinary council meetings; and

(b) The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to the members of the public,

are to be held in the next 12 months.”

Section 5.3 of the Act requires that a local government hold Ordinary Council Meetings no more than three months apart.

Councillor Attendance Register

Section 2.25(4) of the *Local Government Act 1995* states *“A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.”*

There are no Statutory Requirements regarding recording of Councillor Attendances.

CommentCouncil Meetings

- Ordinary Council Meetings

Beyond the requirement to hold ordinary Council meetings at least quarterly, the Act is silent on when Council and Committee Meetings are to be held. Accordingly, Council has significant autonomy in determining the frequency, sequencing and commencement time of Ordinary Council Meetings and supporting meetings.

In setting the frequency, sequencing and commencement time of Ordinary Council Meetings, Council should consider:

- maximising the opportunity for public participation;
- the greater efficiencies achievable through a regular meeting schedule; and



- the impact on Councillors and administration in relation to work/life balance, cost and other obligations.

Councils across Western Australia manage these three factors in different ways. In metropolitan Perth most Councils hold their meetings on a weekday evening. While no date or time will suit all community members and Councillors, the practice of holding meetings on a Monday evening has generally been accepted as the most appropriate approach in the Shire.

Continuing to holding meetings on the third Monday of the month avoids public holidays and creates continuity for all meeting participants. In the lead up to Christmas it is proposed to hold the December meeting on 14 December 2020. This would be the second Monday of the month.

The practice of holding a meeting monthly, excluding January, is recommended to continue based on the volume of matters anticipated to be brought to Council.

In respect to start time, it is proposed that Council amend the start time of Council from 7:00pm to 6:00pm with a meal offered to Council and Staff participating at the meeting at 5:00pm.

The average duration of Ordinary Council Meetings held in 2019 was approximately two and a half hours.

Local governments across Western Australia hold Council meetings at varying times. While many metropolitan local governments hold meetings at 7:00pm, other local governments commence their meetings earlier in the evening and rural local governments often hold their meeting in office hours. In each case, meeting start times are set according to local considerations bearing in mind that no one time will be convenient for all of the community.

It is acknowledged that an earlier starting time may not be convenient to all members of the public but this may be offset by an earlier close. In setting a starting time, Council may also wish to consider the risks of fatigue and driving conditions for meeting attendees and participants when travelling from Council meetings later in the evening. An earlier starting time would also utilise officer time better and may result in a small reduction in overtime costs for the limited staff that are eligible to receive overtime.

- **Q & A Agenda Briefings**

A Q & A Agenda Briefing is held on the week prior to each Ordinary Council Meeting. These sessions provide an important opportunity for Councillors to pose questions regarding agenda reports and contributes to the effective and efficient conduct of Council meetings. Q & A Agenda Briefings are not a decision-making body, are consistent with the provisions in the Act and are used by local governments across Western Australia.

It is recommended that Q & A Agenda Briefings continue to commence 5:30pm.



- **Policy Concept Forums (PCF)**

PCF are held on every 1st, 4th and 5th (if applicable), Mondays of the month, commencing at 7.00pm. A PCF is not held when the date coincides with a Public Holiday. PCF provides the opportunity for Councillors and Officers to present items that are relevant to the current and future directions of the Council.

It is recommended that PCF be held on the 1st, 4th and 5th (if applicable), Mondays of the month but that the PCF meetings commence at 5.30pm.

- **Committees of Council Meetings**

Committees of Council are held at 5.30pm on the first, and if required fourth Monday nights. At scheduled times to comply with the individual frequency required in accordance with the Committee Terms of Reference. Committee Meetings are held prior to the PCF scheduled for that night.

It is recommended that Committee Meetings be held as required on the fourth Monday of the month at 5.30pm in accordance with the Council Committees Terms of Reference.

Councillor Attendance Register

In November 2017, Council resolved to request that the Chief Executive Officer to maintain an attendance register of Councillor Attendance at all Council and Committee meetings, as well as other meetings and official functions of Council.

Since June 2018 the Councillor Attendance Register has been included in Council Agendas and Minutes. The Shire's records do not indicate a rationale for their inclusion.

Legislation does not require a record of Councillor attendance to be a published. With the election of a 'new' Council in October 2019, Council may wish to consider the recording and publication of Councillor attendance at Council and Committee meetings.



Options and Implications

Council and Committee Meetings

Beyond the requirement to hold an Ordinary Council Meeting no more than every three months apart, Council has full discretion in setting the frequency and starting time of Council and Committee meetings.

Councillor Attendance Register

Option 1

That a Councillor Attendance Register recording Councillor attendance at Ordinary Council Meetings, Special Council Meetings, Q & A Agenda Briefings, and Policy Concept Forums (PCF) is published on the Shire's Website.

Option 2

That a Councillor Attendance Register recording Councillor attendance at Ordinary Council Meetings, Special Council Meetings, Q & A Agenda Briefings, and Policy Concept Forums (PCF) is made available for public inspection during ordinary office hours and via request.

Option 3

That a Councillor Attendance Register recording Councillor attendance at Ordinary Council Meetings is maintained for the sole purpose of verifying Councillor eligibility under section 2.25 of the Act.

Option 1 is recommended.

Conclusion

Regulation 12 of the *Local Government (Administration) Regulations 1996*, requires that at least once a year, every Local Government gives local public notice on the dates on which and the time and place at which Ordinary Council Meetings.

Beyond the requirement to hold an Ordinary Council Meeting no more than every three months apart, Council has full discretion in setting the frequency and starting time of Council and Committee meetings.

Attachments

- [Attachment 1](#) – Proposed Council and Committee dates 2020 (E19/15224)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

Financial Implications

Advertising costs required to comply with legislative requirements are approximately \$500.00. Council's decision regarding the frequency, starting time and date of Council and Committee Meetings have varying financial implications. The largest variable cost impact associated with Council meeting times is catering which costs appropriately \$4,800 per annum.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council and Committee Meetings are held at times that do not suit Councillors and public attendance	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Risk

Risk Matrix

Consequence / Likelihood		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk matrix has been prepared and a risk rating of **6** has been determined for this item.

Voting Requirements: Simple Majority

Officer recommendation

That Council:

1. REQUESTS that the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's 2020 Ordinary Council Meetings to be held at 6.00pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong in the manner shown below as contained within attachment 1:
 - a) 17 February 2020
 - b) 16 March 2020
 - c) 20 April 2020



- d) 18 May 2020
 - e) 15 June 2020
 - f) 20 July 2020
 - g) 17 August 2020
 - h) 21 September 2020
 - i) 19 October 2020
 - j) 16 November 2020
 - k) 14 December 2020
2. REQUESTS that the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's Committees of Council meetings in 2020 to commence at 5.30pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong in the manner shown below as contained within attachment 1:
- a) Audit, Risk and Governance Committee - 24 February 2020
 - b) Audit, Risk and Governance Committee – 25 May 2020
 - c) Audit, Risk and Governance Committee – 24 August 2020
 - d) Audit, Risk and Governance Committee – 23 November 2020
 - e) CEO Employment Committee – 23 March 2020
 - f) CEO Employment Committee – 26 October 2020
3. RESOLVES to hold Q & A Agenda Briefing (Q & A) sessions, closed to the public and commencing at 5:30pm on the dates shown below and as contained within attachment 1:
- a) 10 February 2020
 - b) 9 March 2020
 - c) 14 April 2020 (Tuesday)
 - d) 11 May 2020
 - e) 8 June 2020
 - f) 13 July 2020
 - g) 10 August 2020
 - h) 14 September 2020
 - i) 12 October 2020
 - j) 9 November 2020
 - k) 7 December 2020
4. RESOLVES to hold closed Policy Concept Forums (PCF) on the first, fourth and fifth Mondays of the month commencing on Monday 3rd February 2020, except those that are public holidays, on the dates shown below, as contained within attachment 1:
- a) 3 February 2020
 - b) 24 February 2020



- c) 23 March 2020
 - d) 30 March 2020
 - e) 6 April 2020
 - f) 4 May 2020
 - g) 25 May 2020
 - h) 22 June 2020
 - i) 29 June 2020
 - j) 6 July 2020
 - k) 27 July 2020
 - l) 3 August 2020
 - m) 24 August 2020
 - n) 7 September 2020
 - o) 5 October 2020
 - p) 26 October 2020
 - q) 2 November 2020
 - r) 23 November 2020
 - s) 30 November 2020
5. APPROVES that Policy Concept Forums (PCF) commence at 5.30pm, unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6.30pm, as contained within attachment 1.
 6. REQUESTS the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings and Policy Concept Forums.
 7. REQUESTS the Chief Executive Officer publish the Councillor Attendance Register on the Shire's website rather than in the Agenda and Minutes as currently occurs.



OCM293/12/19

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Strautins

That Council:

- 1. REQUESTS that the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's 2020 Ordinary Council Meetings to be held at 7.00pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong in the manner shown below as contained within attachment 1:**
 - a) 17 February 2020**
 - b) 16 March 2020**
 - c) 20 April 2020**
 - d) 18 May 2020**
 - e) 15 June 2020**
 - f) 20 July 2020**
 - g) 17 August 2020**
 - h) 21 September 2020**
 - i) 19 October 2020**
 - j) 16 November 2020**
 - k) 14 December 2020**

- 2. REQUESTS that the Chief Executive Officer give local public notice in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* for the Shire's Committees of Council meetings in 2020 to commence at 5.30pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong in the manner shown below as contained within attachment 1:**
 - a) Audit, Risk and Governance Committee - 24 February 2020**
 - b) Audit, Risk and Governance Committee – 25 May 2020**
 - c) Audit, Risk and Governance Committee – 24 August 2020**
 - d) Audit, Risk and Governance Committee – 23 November 2020**
 - e) CEO Employment Committee – 23 March 2020**
 - f) CEO Employment Committee – 26 October 2020**

- 3. RESOLVES to hold Q & A Agenda Briefing (Q & A) sessions, closed to the public and commencing at 6.00pm on the dates shown below and as contained within attachment 1:**
 - a) 10 February 2020**
 - b) 9 March 2020**
 - c) 14 April 2020 (Tuesday)**



- d) 11 May 2020
- e) 8 June 2020
- f) 13 July 2020
- g) 10 August 2020
- h) 14 September 2020
- i) 12 October 2020
- j) 9 November 2020
- k) 7 December 2020

4. RESOLVES to hold closed Policy Concept Forums (PCF) on the first, fourth and fifth Mondays of the month commencing on Monday 3rd February 2020, except those that are public holidays, on the dates shown below, as contained within attachment 1:

- a) 3 February 2020
- b) 24 February 2020
- c) 23 March 2020
- d) 30 March 2020
- e) 6 April 2020
- f) 4 May 2020
- g) 25 May 2020
- h) 22 June 2020
- i) 29 June 2020
- j) 6 July 2020
- k) 27 July 2020
- l) 3 August 2020
- m) 24 August 2020
- n) 7 September 2020
- o) 5 October 2020
- p) 26 October 2020
- q) 2 November 2020
- r) 23 November 2020
- s) 30 November 2020

5. APPROVES that Policy Concept Forums (PCF) commence at 6.00pm, unless the PCF is on the same night as a scheduled Committee meeting, then PCF to commence at 6.30pm, as contained within attachment 1.



-
6. **REQUESTS** the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings and Policy Concept Forums.
7. **REQUESTS** the Chief Executive Officer publish the Councillor Attendance Register on the Shire's website and in the Agenda and Minutes as currently occurs.

CARRIED 7/2

Councillor Rich, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Rich, Atwell, Byas, Dagostino, Denholm, Strange and Strautins voted FOR the motion.

Councillors Coales and McConkey voted AGAINST the motion

Reason for difference to Officer Recommendation

Ordinary Council Meetings to be held at 7.00pm to continue current arrangements and to hold meetings at a time to enable community participation. Item 7 was changed to require the Councillor Attendance Register to be recorded in the Agendas and Minutes, and on the Shire's website.



Chief Executive Officer, Mr Paul Martin, declared an Impartiality Interest in item 10.3.7.

10.3.7 - Review of Committees and Related Groups (SJ2856)	
Responsible Officer:	Manager Governance
Senior Officer:	Chief Executive Officer
Disclosure of Officers Interest:	The Chief Executive Officer has declared an interest as the matter relates to the CEO Employment Committee. The Chief Executive Officer was not involved in the preparation of the report as it relates to the CEO Employment Committee.

Authority / Discretion

Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.
Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.

Report Purpose

The purpose of this report is to:

- present the findings of the 'Review of Committees and Related Groups – 2019';
- enable Council to consider the recommendations from the review, including adoption of the 'Council Delegates and Representation on External Organisations policy; and
- consider the nomination appointment of delegates to specified external groups.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 27 November 2017 – OCM156/11/17 – Appointment of Delegates to Committees, Working Groups and Organisations.

Background

Committees, Advisory Groups and Council's appointment of delegates to external groups provides a means to inform Council, engage with the community and advocate on behalf of the Shire.

With limited exceptions, Council has significant autonomy in determining what Committees and Advisory Groups it should establish and what external groups it should formally appoint delegates to. Over time, Council has resolved to establish five formal Committees of Council, establish several advisory groups and appoints delegates to many external bodies.



The Shire's approach to Committees and related groups historically has considered the benefits and risks of establishing groups or appointing delegates in isolation. The absence of a coordinated approach to Committees and related groups can result in a gradually expanding commitment. The commitment, in turn, can require investment to maintain the approach that is not aligned to best practice in respect to governance or the achievement of outcomes.

A desktop review into the Shire's approach to Committees and related groups commenced in August 2019. The initial scope of the review focused on the terms of reference of committees and related groups, including membership and appointment of members, voting practices, standing orders, meeting frequency, and management of conflicts of interest.

As the review progressed, the opportunity to reconsider the Shire's overall approach to Committees and Advisory Groups was identified. This expanded scope has questioned:

- what framework and structure of Committees and related groups will best achieve our shared objectives?
- what is the best use of limited resources?
- what are the strengths and limitations of formal Committees of Council?
- when should Council delegate members participate in external groups?

The review proposes reforms to refresh the Shire's approach to Committees and related groups; ensure that the Shire's approach is best positioned to the outcomes sought; and is stronger from a governance and risk management perspective.

Community / Stakeholder Consultation

The role of Council member delegates on external community groups and associations was discussed at the 26 August 2019 Policy Concept Forum and workshop with Council held on 22 October 2019.

Policy Concept Forum

Meeting Date	26 August 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Rich, Cr See

Workshop

Meeting Date	22 October 2019
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Denholm, Cr McConkey, Cr Rich, Cr Strange, Cr Strautins

On 2 October 2019, letters were sent to external members of the Access and Inclusion Advisory Committee, Economic Development Advisory Committee, Arts, Culture and Heritage Advisory Committee and the Cemeteries Working Group thanking members for their service and noting that Council would consider membership at a future meeting of Council.

This paper proposes additional consultation to ascertain if external groups wish for Council to consider appointing a formal delegate to their group in accordance with a revised policy and issue



an expression of interest for external members of Council established groups. This additional engagement can occur with Council's resolved support for the reforms proposed.

Statutory Environment

Under section 5.8 of the *Local Government Act 1995* (the Act), local governments may establish committees of three or more people to assist the Council and exercise the powers and discharge the duties of the local government. The formal Committees of Council have significant governance responsibilities under the Act that are commensurate to the powers that Committees of Council can have (especially if they are delegated authority by Council to make decisions in their own right). This include specific legislative requirements regarding the advertising of meetings, agendas, reporting, meeting format and process.

The establishment of Committee of Council under section 5.8 of the Act requires an Absolute Majority decision. While the Act is silent on the matter, long-standing advice from the Department of Local Government is that dissolving of a Committee of Council also requires an Absolute Majority decision.

The Act does not prevent Council from otherwise forming groups and appointing members to groups to assist the Shire meets its objectives.

Legislation requires local governments to form an audit committee (section 7.1A of the Act) and a Local Emergency Management Committee (section 38 of the *Emergency Management Act 2005*) but Council otherwise has discretion in the Committees that it establishes and the external groups that it appoints delegates to.

Importantly, section 38 of the of the *Emergency Management Act 2005* does not require the Local Emergency Management Committee to be a formal Committee of Council under section 5.8 of the Act.

Comment

The review recommends several key reforms to amend the Shire's approach to Committees and related bodies:

- a streamlined Committee of Council structure;
- the establishment of more agile and responsive Advisory Groups to replace formal Committees of Council;
- consistent terms of reference for Advisory Groups to strengthen governance;
- amended terms of reference of the Audit, Risk and Governance Committee and CEO Employment Committee; and
- a new policy to guide Council on the appointment of delegates to external groups.

The review recommends reform because the Shire's current approach appears to be informed by convention and past practice rather than strategic or operational need.

The review suggests that the Shire's approach may self-perpetuate the current structure with the original intent of groups lost. The review suggests that the current approach is more resource-intensive than it may need to be.



Streamline Committees of Council and related groups

Committees of Council established under the Act provide a highly structured and formal means to assist Council in decision-making. However, Committees of Council are less suited to providing a means for Council to engage with the community, generate ideas, plan collaboratively, and debate and discuss future investment and priorities.

The review has identified opportunities where Shire-organised Committees and Associations may no longer be required or could achieve the same or better outcomes in different forms. Historically, Council delegates appointed to these groups have had varying levels of participation owing to the significant time pressures of Councillors and represent an opportunity cost to Shire resources that could be reapportioned to engagement via other means and service delivery.

Establishment more agile and responsive Advisory Groups

Advisory Groups provide a means for Council to engage and inform decision-making through a structured and semi-structured forum with Council-appointed community members and/or external experts. The Advisory Group model is employed extensively by local governments across Western Australia and enables local governments to employ procedures and processes for meetings that suit each local government or group needs.

Freed from the prescribed formalities of Committees in the Act, the Advisory Group model can provide a more appropriate avenue for engagement, ideas generation, debate and discussion. Through an Advisory Group's Terms of Reference, Council can set procedures and practices that provide an appropriate level of formality, governance and transparency for each group.

The review recommends that the following 'new' Advisory Groups are established:

- Access and Inclusion Advisory Group; and
- Rating Equity Advisory Group.

The rationale for establishing each of these Advisory Groups is summarised in the table below:

Advisory Group	Rationale
Access and Inclusion Advisory Group	The continuation of a group informing Council on Access and Inclusion matters will deliver on the Shire's commitment within the Access and Inclusion Plan 2018-2022.
Rating Equity Advisory Group	<p>Local government rates comprise more than 65 per cent of the Shire's operating revenue.</p> <p>Ensuring everyone in the community makes a fair and equitable contribution to funding infrastructure and services is a key feature of local government rating methodologies.</p> <p>This group will assist Council in improving the Shire's rating methodology to greater equity, sustainability and affordability of rates in line with community expectations for levels of service.</p> <p>The group will also inform the preparation of a Shire Rating Strategy. The preparation of a Rating Strategy has been identified as a potential requirement of a new Local</p>



Advisory Group	Rationale
	Government Act and will provide a framework for future Council budget decisions in line with the Shire's Strategic Community Plan and Corporate Business Plan.

The need for additional Advisory Groups may be identified through the updating of the Shire's Corporate Business Plan currently underway.

Consistent terms of reference for Advisory Groups to strengthen governance

While one of the strengths of the Advisory Group approach is the flexibility to apply appropriate levels of governance, the review recommends that a consistent terms of reference is employed for the Shire's groups.

Some of the features of the terms of reference generally proposed for Advisory Groups include that:

- members shall be appointed by Council following an expression of interest but the CEO may make recommendations to Council;
- a quorum will be required as if the group was a Committee of Council to ensure the validity of recommendations made;
- tenure of membership will be as if the Group was a Committee of Council;
- all members must adhere to the provisions of the Act related to disclosure of interests as if the Advisory Group was a Committee of Council;
- all external members of an Advisory Group must adhere to the behavioural provisions of the *Rules of Conduct Regulations 2007*;
- failure to adhere to the provisions can result in Council removing a member from the Advisory Group;
- the presiding member shall be determined by Advisory Group members at the first meeting of the group;
- recommendations and decisions by Advisory Group will be determined by vote;
- meetings are to be conducted in a matter necessary to address agenda items and perform the Group's functions. This may include hearing presentations and receiving reports from Shire staff or other people as deemed necessary by the Presiding Member;
- minutes will be taken at each meeting and presented to the subsequent meeting for confirmation. Minutes are not a transcript of meeting but will record decisions in a manner consistent with the principles of the Act as if the Advisory Group was a Committee of Council;
- where practicable, an Officer report containing recommendations from the Advisory Group shall be presented to the next Ordinary Council Meeting. When this is not practicable, an Officer report will be provided at the next available Ordinary Council Meeting;
- terms of reference may be amended, varied or modified by resolution of Council; and
- terms of reference are intended to provide a framework for the efficient and effective operations of the Advisory Group. In cases not provided for in the terms of reference, the



Presiding Member in consultation with the CEO or relevant Director is determine the appropriate action to enable to Groups to perform their functions.

The review recommends that the consistent Terms of Reference are applied across the Shire's Advisory Groups, including the Bush Fire Advisory Committee, Local Emergency Management Committee, the Community Grants Assessment Panel and Cemeteries Working Group. The respective groups are 'Committees' but not formal Committees of Council established under section 5.8 of the Act.

Reflecting their unique role and membership composition, the review recommends that Bush Fire Advisory Committee and Local Emergency Management Committee consider the proposed terms of reference at a future meeting of each respective group before they are presented for Council for adoption. This report seeks Council's endorsement of this approach.

A comparison of the current and proposed terms of reference for groups where the terms of reference are proposed to be amended is shown in attachment 3.

Amended terms of reference of the Audit, Risk and Governance Committee and CEO Employment Committee

The review proposes amendments to the wording of the terms of reference of the Audit, Risk and Governance Committee and CEO Employment Committee to ensure greater clarity, consistency and stronger governance.

The review also proposes that the membership of the Audit, Risk and Governance Committee is amended to substitute one of the two external member positions with an additional Councillor member. The rationale for this recommendation includes that the practice of having one external member is in keeping with other local governments including the Cities of Rockingham; Wanneroo; Stirling; Melville; Swan and Joondalup.

In addition, since the decision to appoint two external members, the Shire has invested in an internal audit function. This position functions outside the Corporate Governance Division and provides the independence, quality assurance and technical expertise that is intended from the external member of the Audit Committee. The Shire's accounts are now also audited by the Office of the Auditor General (OAG) which provides a significant additional level of scrutiny and oversight.

Section 5.100 of the Act prohibits a local government paying a fee to a committee member who is not an employee or a Councillor for attending any committee meeting, many local governments 'reimburse costs'. A sample of eight cities in Western Australia had an average expenditure of over \$1,000 in meeting fees per annum, per member. A saving on the external member reimbursements would partially offset the additional costs associated with the OAG auditing.

A comparison of the current and proposed terms of reference is shown in attachment 3.

A new policy to guide Council on the appointment of delegates to external groups

In addition to Committees and Advisory Groups, historically Council has nominated Councillors as delegates to external groups. In some cases, Councillor participation as delegates is crucial to fostering and supporting partnerships between Council and the community and advocating for Shire's objectives.

The review notes that when performing the role of a delegate, Councillors have a responsibility to represent Council but not speak on behalf of Council. Likewise, the expectations of community groups may be misaligned in that they may believe that Councillors on their groups have the



authority to speak on behalf of and make decisions for Council. These issues can be amplified in the democratic context of local government, especially during an election period.

To navigate this challenging area, a draft policy on Council delegates and representation on external organisations, including community groups has been prepared. The draft policy is modelled on the policy adopted by the Shire of York.

The draft policy provides a framework for appointing formal Council delegates where there is a compelling strategic and operational reason.

The draft policy describes principles that underpin the Shire's approach and provisions related to the appointment of delegates, their roles and responsibilities and guidance for delegates and Council regarding communication. The last of these elements is important in ensuring that all of Council can benefit from the insight that achievable from participation in external groups.

Nominating a delegates to external groups under the policy

Nominating a Councillor as delegate to external groups provide one way to achieve representation. However, the review notes that Councillors across Western Australia participate actively in the community through membership of associations, sporting clubs, non-government organisations, political parties and community groups without being appointed as a delegate. This may be a preferred approach going forward.

These memberships are part and parcel with being a community leader and active member of the community. Councillors in this position must appreciate that the Act does not account for acting in their private capacity and that interests need to be managed and declared where appropriate.

The draft policy reinforces that appointing a Council delegate to an external group confers responsibilities on the delegate and denotes the special role that a Council delegate plays on an external group.

While there are benefits associated with appointing a Councillor as a delegate to a community group, there are also risks. These risks include the potential for the perceptions that the appointment confers a status to that group in competition to another.

There are also reputational risks associated with not appointing a delegate as this can be misinterpreted as a reduction in status. To avoid this reputation risk, Council may wish to continue appoint delegates to community groups. This approach has its own risks and is not recommended.

The Shire of Serpentine Jarrahdale Community Directory published on the Shire's website details many community groups spanning neighbourhood groups, residents associations, sporting and recreation clubs, community services associations, youth and parenting groups and environmental groups that do not have a Councillor delegate. To ensure equity in the opportunity to have a formal Councillor delegate, the review recommends that Council consider appointments to external groups in April 2020 following an expression of interest process. This will enable Council to consider appointments based on operational and strategic need in accordance with the policy.



Nomination of Councillors as delegates to certain external groups

With the presentation of the recommendations of the review of Committees, Council may wish to consider the nomination of Councillors to certain external groups. It is recommended that Council consider nominating delegates to each of the following external groups in accordance with the 'Council delegates and representation on external organisations, including community groups' policy:

- Serpentine Jarrahdale Land Conservation District Committee
- Metropolitan Regional Roads Sub Group
- Peel Trails Group Inc
- South East Regional Energy Group
- Land Care Centre Management Committee
- Land Care SJ Inc
- Peel Harvey Biosecurity Group

A description of each of the groups is contained in the draft Committees and Related Groups Handbook 2019-2021.

Appointment of Councillors to the Community Grants Advisory Group

The Community Grants Assessment Panel assists in the evaluation of Shire Major Grants. The Community Grants Assessment Panel is not a Committee of Council and does not have delegated authority of Council. The panel has no power to make decisions on behalf of Council but may make recommendations to the Council and Shire.

Per the Shire's financial delegations and policy, recommendations for grant allocations under the program do not require Council endorsement but are considered by the Chief Executive Officer.

Options and Implications

Council has significant discretion in the setting of its Committee structure and appointing members as delegates to external groups.

Option1

That Council ACCEPTS the recommendations of the Review of Committees and Related Groups 2019 and DIRECTS the CEO to implement the recommendations as shown below.

Option 2

That Council DOES NOT ACCEPT the recommendations of the Review of Committees and Related Groups 2019.

Option 1 is recommended.



Conclusion

A review of the Shire's approach to Committees and Related Groups has highlighted opportunities for reform. Like any reforms that involves change, the reforms are not without risk but will provide for a more agile approach to informing Council decision-making, advocacy, identifying opportunities for sustainable growth and engagement. The reforms simultaneously improve governance, enable better management of legal and reputational risks and represent a positive step in organisational improvement and efficiency.

Attachments

- [Attachment 1](#) – Report – Review of Committees and Related Groups 2019 (E19/15214)
- [Attachment 2](#) – Committees and Related Groups 2019-2021 Draft Handbook (E19/15215)
- [Attachment 3](#) – Comparison between current and proposed terms of reference (E19/15596)
- [Attachment 4](#) – Draft policy – Council Delegates and Representation on External Organisations, including Community Groups (E19/15212)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Implementing the recommendations of the Review of Committees and Related Groups will have direct and indirect financial implications.

Replacing an external member of Audit, Risk and Governance Committee could save approximately \$1,000 in reimbursement costs which partially offsets the additional costs bore to the Shire by the transfer of auditing responsibility to the OAG.

Issuing expression of interests for external members will involve print media expenses. These were anticipated prior to the review and were accounted for in the 2019-21 budget.

If implemented, the reforms will also have indirect productivity gains for the Shire. The production of Agenda reports and minutes in accordance with the Act and subsidiary legislation for the formal Committees of Council represents a significant opportunity cost that could be redirected to organisational improvement efforts and better service delivery. These opportunity costs are difficult to quantify but are estimated to represent hundreds of hours of officer time.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That reforms are interpreted negatively by external Committee members	Likely (4)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Risk
That Council does not take the opportunity to reform the Committee structure resulting in opportunity cost	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Risk
That Council's formal nomination of Council delegates to external groups outside the parameters of the draft policy creates real or perceived conflicts of interest	Likely (4)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Manage by adopting policy and only formally appointing delegates in accordance with policy where operational and strategic needs are justified



Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Likelihood	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Unlikely	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)
	Rare					

A risk rating of **12** has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: **Absolute Majority (Section 5.8 of the Act)**

Officer Recommendation

That Council

1. NOTES the Review of Committees and Related Groups – 2019 report.
2. ADOPTS the Council delegates and representation on external organisations, including community groups policy.
3. NOTES the draft Committees and Related Groups Handbook 2019 – 2021 which catalogues the proposed structure and terms of reference for Council's Committees and Related Groups.
4. DISSOLVES the following Committees of Council:
 - a) Access and Inclusion Advisory Committee.
 - b) Arts, Culture and Heritage Advisory Committee.
 - c) Economic Development Advisory Committee.
5. APPROVES the amendments to the terms of reference for the CEO Employment Committee to take effect from 1 April 2020, as detailed in the draft Committees and Related Groups Handbook 2019 – 2021.
6. ESTABLISHES the following Advisory Groups per the terms of reference as detailed in the draft Committees and Related Groups Handbook 2019 – 2021:
 - a) Access and Inclusion Advisory Group; and
 - b) Rating Equity Advisory Group.
7. APPROVES the amendments to the Cemeteries Working Group terms of reference as detailed in the draft Committees and Related Groups Handbook 2019 – 2021 to create a Cemeteries Advisory Group.



8. REQUESTS that the Chief Executive Officer issue an expression of interest for external members of the following Advisory Groups, with the results of the expressions of interest to be presented as a Confidential Item to Council at the April 2020 Ordinary Council Meeting:
 - a) Access and Inclusion Advisory Group; and
 - b) Cemeteries Advisory Group.
9. REQUESTS that the Chief Executive Officer issue an expression of interest for external members of the Rating Equity Advisory Groups with the results of the expressions of interest to be presented as a Confidential Item to Council at the February 2020 Ordinary Council Meeting.
10. APPROVES the amendments to the terms of reference of the Audit, Risk and Governance Committee as detailed in the draft Committees and Related Groups Handbook 2019 – 2021 to take effect from 1 April 2020.
11. REQUESTS that the Chief Executive Officer issue an expression of interest for an external member of the Audit, Risk and Governance Committee for Council's consideration as a Confidential Item at the March 2020 Ordinary Council Meeting.
12. REQUESTS that the Chief Executive Officer present the draft terms of reference detailed in the Committees and Related Groups Handbook 2019 – 2021 to the next available meetings of the Local Emergency Management Committee and Bush Fire Advisory Committee's for the consideration of the respective Committees.
13. REQUESTS that the Chief Executive Officer engage with the members of the Serpentine Jarrahdale Trails Association Incorporated to examine options for the future of the Association and that feedback received is presented at the April 2020 Ordinary Council Meeting.
14. REQUESTS that the Chief Executive Officer issue an expression of interest for community groups and associations to enable Council to consider nominating delegates in accordance with the 'Council delegates and representation on external organisations, including community groups' policy at the April 2020 Ordinary Council Meeting.
15. APPROVES the proposed terms of reference of the Community Grants Assessment Panel as detailed in the draft Committees and Related Groups Handbook 2019 – 2021.
16. APPOINTS the following members to the Community Grants Assessment Panel for the period ending at the next ordinary local government election:
 - Member -
 - Member -
 - Member -
 - Deputy Member -
 - Deputy Member –
17. NOMINATES the following members to the Serpentine Jarrahdale Land Conservation District Committee for the period ending at the next ordinary local government election:
 - Member -
 - Deputy Member –
18. NOMINATES the following members to the Landcare Centre Management Committee for the period ending at the next ordinary local government election:



Member -

Deputy Member –

19. **NOMINATES** the following members to the Landcare SJ Inc Board for the period ending at the next ordinary local government election:

Member -

Deputy Member –

20. **NOMINATES** the following members to the Peel Trails Group Inc for the period ending at the next ordinary local government election:

Member -

Deputy Member –

21. **NOMINATES** the following members to the Peel Harvey Biosecurity Group for the period ending at the next ordinary local government election:

Member -

Deputy Member –

22. **NOMINATES** the following members to the South East Regional Energy Group for the period ending at the next ordinary local government election:

Member –

Deputy Member –

23. **NOMINATES** the following members to the Metropolitan Regional Road Group Sub-Group (SEMRRG) for the period ending at the next ordinary local government election:

Member –

Deputy Member –

Shire President, Councillor Rich advised she would be dealing with the Officer Recommendation for item 10.3.7 in sections.

OCM294/12/19

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Dagostino

That Council

- 1. NOTES the Review of Committees and Related Groups – 2019 report.**
- 2. ADOPTS the Council delegates and representation on external organisations, including community groups policy.**
- 3. NOTES the draft Committees and Related Groups Handbook 2019 – 2021 which catalogues the proposed structure and terms of reference for Council’s Committees and Related Groups, subject to typographical errors being amended.**
- 4. DISSOLVES the following Committees of Council:**



- a) Access and Inclusion Advisory Committee.
- b) Arts, Culture and Heritage Advisory Committee.
- c) Economic Development Advisory Committee.

5. **APPROVES** the amendments to the terms of reference for the CEO Employment Committee to take effect from 1 April 2020, as detailed in the draft Committees and Related Groups Handbook 2019 – 2021.

CARRIED BY ABSOLUTE MAJORITY 8/1

Councillor Rich, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Rich, Atwell, Byas, Dagostino, Denholm, McConkey, Strange and Strautins voted FOR the motion.

Councillors Coales voted AGAINST the motion

Reason for difference to Officer Recommendation

Typographical errors to be corrected within the Handbook

OCM295/12/19

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Dagostino

- 6. **ESTABLISHES** an Access and Inclusion Advisory Group per the terms of reference as detailed in the draft Committees and Related Groups Handbook 2019 – 2021.
- 7. **APPROVES** the amendments to the Cemeteries Working Group terms of reference as detailed in the draft Committees and Related Groups Handbook 2019 – 2021 to create a Cemeteries Advisory Group.
- 8. **REQUESTS** that the Chief Executive Officer issue an expression of interest for external members of the following Advisory Groups, with the results of the expressions of interest to be presented as a Confidential Item to Council at the April 2020 Ordinary Council Meeting:
 - a) Access and Inclusion Advisory Group; and
 - b) Cemeteries Advisory Group.
- 9. **REQUESTS** that the Chief Executive Officer prepare a report for the next meeting of Council regarding options for a review of the Shire's rating approach to ensure equity in rating.

CARRIED 7/2

Councillor Rich, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Rich, Atwell, Byas, Dagostino, Denholm, McConkey and Strange voted FOR the motion.

Councillors Coales and Strautins voted AGAINST the motion

Reason for difference to Officer Recommendation

Resolutions 6 and 9 were amended to ensure Council is adequately informed when considering the most appropriate way forward in reviewing the Shire's rating approach.



OCM296/12/19

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Dagostino

- 10. APPROVES** the amendments to the terms of reference of the Audit, Risk and Governance Committee as detailed in the draft Committees and Related Groups Handbook 2019 – 2021 to take effect from 1 April 2020.
- 11. REQUESTS** that the Chief Executive Officer issue an expression of interest for an external member of the Audit, Risk and Governance Committee for Council's consideration as a Confidential Item at the March 2020 Ordinary Council Meeting.
- 12. REQUESTS** that the Chief Executive Officer present the draft terms of reference detailed in the Committees and Related Groups Handbook 2019 – 2021 to the next available meetings of the Local Emergency Management Committee and Bush Fire Advisory Committee's for the consideration of the respective Committees.
- 13. REQUESTS** that the Chief Executive Officer engage with the members of the Serpentine Jarrahdale Trails Association Incorporated to examine options for the future of the Association and that feedback received is presented at the April 2020 Ordinary Council Meeting.
- 14. REQUESTS** that the Chief Executive Officer issue an expression of interest for community groups and associations to enable Council to consider nominating delegates in accordance with the 'Council delegates and representation on external organisations, including community groups' policy at the April 2020 Ordinary Council Meeting.
- 15. APPROVES** the proposed terms of reference of the Community Grants Assessment Panel as detailed in the draft Committees and Related Groups Handbook 2019 – 2021.

CARRIED UNANIMOUSLY 9/0



OCM297/12/19

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Atwell

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 8.57pm.

CARRIED UNANIMOUSLY 9/0

OCM298/12/19

COUNCIL RESOLUTION

Moved Cr Dagostino, seconded Cr Denholm

That Standing Orders be reinstated at 9.05pm.

CARRIED UNANIMOUSLY 9/0

OCM299/12/19

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Dagostino

16. **APPOINTS** the following members to the Community Grants Assessment Panel for the period ending at the next ordinary local government election and amend the Terms of Reference accordingly:

Member – Cr Denholm

Member – Cr Strautins

Member – Cr Byas

Member – Cr Coales

Deputy Member – Cr Strange

17. **NOMINATES** the following members to the Serpentine Jarrahdale Land Conservation District Committee for the period ending at the next ordinary local government election:

Member – Cr Strautins

Deputy Member – Cr Atwell

18. **NOMINATES** the following members to the Landcare Centre Management Committee for the period ending at the next ordinary local government election:

Member – Cr Strautins

Deputy Member – Cr Coales



19. NOMINATES the following members to the Landcare SJ Inc Board for the period ending at the next ordinary local government election:

Member – Cr Rich

Deputy Member – Cr Strautins

20. NOMINATES the following members to the Peel Trails Group Inc for the period ending at the next ordinary local government election:

Member – Cr Strange

Deputy Member – Cr Strautins

21. NOMINATES the following members to the Peel Harvey Biosecurity Group for the period ending at the next ordinary local government election:

Member – Cr Rich

Deputy Member – Cr Dagostino

22. NOMINATES the following members to the South East Regional Energy Group for the period ending at the next ordinary local government election:

Member – Cr Strautins

Deputy Member – Cr Strange

23. NOMINATES the following members to the Metropolitan Regional Road Group Sub-Group (SEMRRG) for the period ending at the next ordinary local government election:

Member – Cr Coales

Deputy Member – Cr McConkey

CARRIED UNANIMOUSLY 9/0



OCM300/12/19

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Dagostino

24. That Council REQUESTS the Chief Executive Officer to bring a report to the February 2020 Ordinary Council Meeting on establishing the following Advisory Groups:

- a) Equine Advisory Group.**
- b) Sporting Clubs Facility Users Advisory Group.**

CARRIED 6/3

Councillor Rich, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

*Councillors Rich, Atwell, Byas, Dagostino, Denholm and Strange voted FOR the motion.
Councillors Coales, McConkey and Strautins voted AGAINST the motion*

Reason for difference to Officer Recommendation

Item 24 was added to explore if an Equine Advisory Group and Sporting Clubs Facility Users Advisory Group is needed to support the objectives in Council's Strategic Community Plan and the priorities identified for the Corporate Business Plan.

**10.3.8 - Councillor Training and Continuing Professional Development Policy**

Responsible Officer:	Manager Governance
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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Report Purpose

This report seeks Council approval of a new Councillor Training and Continuing Professional Development Policy and related removal of sections of the Council Policy 'Councillor Fees and Entitlements'.

Relevant Previous Decisions of Council

18 November 2019 – OCM262/11/19 - COUNCIL RESOLUTION

That Council REQUESTS that the Chief Executive Officer prepare of a draft Council Policy for Council's consideration at the December 2019 Ordinary Council Meeting related to Councillor training and continuing professional development.

Background

Regulations created in September 2019 give effect to new requirements on Councillors to undertake training within 12 months of taking office and for Councils to adopt a policy related to continuing professional development.

This report presents a new 'Councillor Training and Continuing Professional Development Policy' for Council's consideration to enable Council to comply with the requirements of Part 5, Division 10 of the *Local Government Act 1995* (the Act).

Community / Stakeholder Consultation

Nil.



Statutory Environment

Amendments to the Act were passed by Parliament in June 2019 that introduce requirements related to universal training for Councillors. These requirements were given effect by Regulations introduced in September 2019.

Universal training

Under section 5.126 of the Act each Councillor must complete training in accordance with regulations.

On 16 September 2019, amendments to the *Local Government (Administration) Regulations 1996* (the Regulations) were introduced that gave effect to the reforms by specifying the training requirements, approved providers and exemptions for the requirement to undertake training.

Under the new laws, within 12 months of taking office, Councillors elected at the 19 October 2019 ordinary local government elections are required to complete the training course 'Council Member Essentials'. The training course features the following modules:

- Understanding Local Government
- Serving on Council
- Meeting Procedures
- Conflicts of Interest; and
- Understanding Financial Reports and Budgets.

Regulation 35 specifies that the Council Member Essentials course may be provided by three bodies:

- North Metropolitan TAFE
- South Metropolitan TAFE; and
- Western Australian Local Government Association.

Regulation 36 provides for certain exemptions.

Regulation 36 states:

"1) A council member is exempt from the requirement in section 5.126(1) if —

(a) the council member passed either of the following courses within the period of 5 years ending immediately before the day on which the council member is elected —

(i) the course of training specified in regulation 35(2) [Council Member Essentials];

(ii) the course titled 52756WA — Diploma of Local Government (Elected Member);

or

(b) the council member passed the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within the period of 5 years ending immediately before the day on which the council member is elected.

(2) A person who is a council member on the day on which the Local Government Regulations Amendment (Induction and Training) Regulations 2019 regulation 8 comes into



operation is exempt from the requirement in section 5.126(1) until the end of their term of office.”

The Regulations have the effect of requiring Councillors to complete the training every second term in office. Councillors elected in 2017 will be required by legislation to complete the training if they are reelected in 2021.

Section 5.126 of the Act specifies that failure to complete the training is an offence punishable by a maximum fine of \$5,000.

Continuing professional development policy

Section 5.128 of the Act also requires a local government to adopt a policy in relation to continuing professional development of Councillors. The Department of Local, Sport and Cultural Industries has advised local governments that guidance material on the content of the policy will be prepared and distributed.

Under section 5.127 of the Act, each financial year, a local government must publish on its website a list of training completed by Councillors.

Comment

Councillor training is currently addressed in Council Policy ‘Councillor Fees and Entitlements’. To enable Council to meet the new legislative requirements, a new draft policy has been prepared for Council’s consideration that deals with matters related to training and continuing professional development. In line with principles of professional development, the new policy also deals with attendance at conferences as a form of training.

The new draft policy retains key aspects of the existing provisions, including that:

- each Councillor is to receive a funding allocation for training and related costs in the budget;
- training must be relevant to Councillor’s responsibilities;
- all booking requests should be sent in the first instance to the Council Support Officer;
- Councillors are not permitted to receive frequent flyer points or similar from travel associated with participating in training;
- Councillors who do not complete training paid by the Shire will be required to repay the Shire for the training and associated costs;
- any amendments or cancellations to bookings resulting from a change in Councillors’ personal circumstances will be shall be met by the Councillor. Any change or cancellation resulting from the Shire’s operations shall be communicated Councillors paid for by the Shire.

The new draft policy also introduces amendments to provide greater clarity and flexibility in line with the new legislative requirements:

- Councillors will have the autonomy to request training within their funding allocation that has benefit to Council, the Shire and district;
- Councillors are recommended to complete training through Registered Training Organisations and can include training provided by, but not limited to:
 - Western Australian Local Government Association (WALGA)
 - Australian Local Government Association



- Australian Institute of Management
- Australian Institute of Company Directors
- Institute of Public Administration Australia.
- Training that exceeds the allocated budget amount may be approved by resolution of Council.
- The payment of travel and accommodation costs associated with any interstate or intrastate training or conferences greater than a value of \$300 is to be authorised by resolution of Council. Unless authorised by Council, travel, accommodation and associated costs are to be debited from a Councillor's training allocation;
- Unless otherwise resolved by the Council:
 - Councillors are to use their annual training funding allocation for all training and continuing professional development, except for training prescribed by section 5.127 of the Act which will be paid for separately and will not be deducted from their individual allocation;
 - Councillors are not permitted to nominate for attendance at a training course or conference paid for by the Shire three months prior to their term of office expiring;
- In accordance with section 5.127 of the Act, the Shire will publish a report on the local government's website within one month of the end of the financial year detailing the training completed by Councillors.
- In order to complete the register, Councillors shall, following completion of training under the policy, provide evidence of completion of the training to the Council Support Officer. Councillors will be asked to confirm completion or attendance as applicable prior to the publication of the register. The register will state:
 - Councillor name
 - Each training course or module completed
 - The cost of training and any associated travel and accommodation paid for the Shire
 - The training provider or conference name
- Councillors are encouraged to share learnings and insights from training, including conference with Council. This could include a summary of the training or conference to be distributed in 'Friday Facts'.

The preparation of a new policy means that, if approved, aspects related to training contained in the Council Policy 'Councillor Fees and Entitlements' can be removed. The proposed deletions in this Policy are shown in **attachment 2**.



Options and Implications

Option1

That Council ADOPTS the 'Councillor Training and Continuing Professional Development Policy' and APPROVES amendments to the 'Councillor Fees and Entitlements Policy' as shown in attachments 1 and 2.

Option 2

That Council DOES NOT ADOPT the 'Councillor Training and Continuing Professional Development Policy' and DOES NOT APPROVE amendments to the 'Councillor Fees and Entitlements Policy' as shown in attachments 1 and 2.

Option 1 is recommended.

Conclusion

Amendments to the Act that were given effect by Regulations created in September 2019, introduce requirements on Councillors to undertake training within 12 months of taking office and for Councils to adopt a policy related to continuing professional development.

The draft policy provides greater clarity and flexibility for Councillors to complete training to the benefit of Council, the Shire and district and enables Councillors and the Shire to meet the new statutory obligations.

Attachments

- [Attachment 1](#) – Council Training and Continuing Professional Development Policy (E19/15203)
- [Attachment 2](#) – Council Policy – Councillor Fees and Entitlements – mark up version (E19/15210) -
- [Attachment 3](#) – Council Policy Councillor Fees and Entitlements proposed (E19/15613)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration.

Financial Implications

The annual budget allocation for each Councillor for training in 2019-20 is \$3,000. Council may wish to reconsider this amount as part of budget setting for 2020-21.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.



Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not adopt a policy on Continuing Professional Development resulting in a non-compliance with s5.128 and s5.126 of the Act	Unlikely (2)	Major (4)	Moderate (5-9)	Compliance - 4 Major - Non-compliance results in termination of services or imposed penalties	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **8** has been determined for this item.

Voting Requirements: Absolute Majority (section 5.128 of the Act)

OCM301/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr McConkey

That Council

- ADOPTS** the 'Councillor Training and Continuing Professional Development Policy' as per attachment 1 and **APPROVES** amendments to the 'Councillor Fees and Entitlements Policy' as per attachment 2.
- NOTES** the requirements of Part 5, Division 10 of the *Local Government Act 1995* to undertake and report on training.

CARRIED BY ABSOLUTE MAJORITY 9/0

**10.3.9 - Award Request for Quote – RFQ 15/2019 – Microsoft Licencing (SJ3121)**

Responsible Officer:	Manager Information Communication Technology
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

To advise Council of submissions received in relation to Request for Quote 15/2019 – Microsoft Licencing (RFQ 15/2019) and for Council to award the contract to the best value for money respondent as proposed by the evaluation panel recommendation.

Relevant Previous Decisions of Council

The funding for this item was approved by Council as part of the 2019 /20 Annual Budget.

Background

In 2017, the Shire entered into a 3-year Microsoft Volume License (MVL) agreement, which ends in December 2019. The MVL agreement is an agreement with Microsoft that is issued with a specific number of licenses with any additional licenses purchased on an as-required basis. The ending of the MVL agreement gave the Shire an opportunity to review its current licensing model.

Community / Stakeholder Consultation

Nil.



Submissions

The RFQ 15/2019 was advertised on Tuesday 8 October 2019 and closed at 2.00pm on Thursday 24 October 2019.

The Quote was advertised on WALGA's eQuotes.

Three (3) submissions were received and the submissions are summarised in **confidential attachment 1**.

All quote submissions comply with the request for quote guidelines and compliance criteria.

Quote submissions were received from the following companies:

#	Company Name
1	Data #3 Limited
2	Datacom Systems (WA) Pty Ltd
3	WINC Australia Pty Ltd

Evaluation Panel

An evaluation panel was convened and consisted of the following personnel:

- Senior ICT Systems Administrator
- Business Systems Analyst
- Manager ICT

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the respondents. Each member of the panel assessed the submissions separately.

Evaluation Criteria

The following evaluation criteria and weightings were used by the quote evaluation panel to assess quote submissions:

EVALUATION CRITERIA	WEIGHTING
Price with quantities	50%
Relevant experience with: <ul style="list-style-type: none"> • Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years. 	15%
Respondents' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none"> • Capacity to deliver the services including: • Key personnel / Professional skills; • Describe the key personnel who will be involved in the work, including past work of a similar nature. 	20%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none"> • Project schedule; • Process for delivery of goods/services; 	15%



EVALUATION CRITERIA	WEIGHTING
<ul style="list-style-type: none"> • Project Management Plan; • Critical assumptions; and • Any additional information. 	

Comment

A Microsoft Enterprise Agreement came out as the recommended licensing model showing the best value for money.

The additional benefits of a Microsoft Enterprise Agreement include:

- Access to Microsoft training credits (14 days)
- Access to Microsoft consulting time (7 days)
- Free Microsoft Windows licensing
- Microsoft data centre licenses (unlimited Windows server licenses)

It is important for Council to note that both the MVL and the Microsoft Enterprise Agreement are only available in 3-year options.

All quote submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment and prices are documented in **confidential attachment 1**.

Following the assessment of all quote submissions, against the selection criteria, the quote submitted by *Datacom Systems (WA) Pty Ltd* was assessed as being the best value for money that meets the Shire's requirements.

The quote evaluation panel therefore recommends the quote submission made by *Datacom Systems (WA) Pty Ltd* be accepted.

Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.

Council Policy - *Procurement of Goods or Services through Public Tendering* (E19/5672):
Tendering

2. Tender Exemption

The regulations make provision for certain circumstances where tendering is not required. Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;



Options and Implications

The following options have been identified:

Option 1

Award the contract as recommended in **confidential attachment 1** – RFQ 15/2019 – Microsoft Licencing to *Datacom Systems (WA) Pty Ltd*.

Option 2

Not award the contract and requote.

Option 3

Not award the contract and not requote i.e. – nil action.

Option 1 is recommended.

Conclusion

Datacom Systems (WA) Pty Ltd has been assessed as being able to meet the requirements of the contract. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money.

Therefore, it is recommended that Council support Option 1 and the contract be awarded to *Datacom Systems (WA) Pty Ltd*.

Attachments

- **Confidential Attachment 1** – RFQ 15/2019 - Microsoft Licencing - OCM - Confidential - Evaluation Report (E19/15342)

Financial Implications

The funding for this quote is included in the 2019/2020 Annual Budget.

The allocated annual operational budget for the work is \$120,000 and the recommended quote value of \$118,278.81 ex GST per annum is within budget.

Account Code	Operational Budget Amount
1ITS5250	\$120,000

The 3-year contract price is \$354,836.44.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Poor selection of contractor to provide quality works	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Likelihood	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.

Voting Requirements: Simple Majority

OCM302/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Byas

That Council AWARDS RFQ 15/2019 – Microsoft Licencing advertised through WALGA eQuotes to Datacom Systems (WA) Pty Ltd to the value of \$354,836.44 for a period of three (3) financial years, excluding GST, as contained within confidential attachment 1.

CARRIED UNANIMOUSLY 9/0



10.3.10 - OneComm Project Progress and Status (SJ2482)

Responsible Officer:	Manager Information Communication Technology
Senior Officer:	Director Corporate Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Information	For the Council / Committee to note.
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Report Purpose

This report seeks Council to NOTE the progress of the OneComm Project.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 25 September 2018 - extract

OCM107/09/18 *COUNCIL DECISION / Officer Recommendation:*

That Council:

1. *Approves the adoption of the Integrated Enterprise Resource Planning Strategy;*
2. *Approves the supplier, TechnologyOne, as the sole supplier of Australian Local Government Authority Integrated Enterprise Resource Planning System under Local Government (Functions & General) Regulations 1996 11(2);*
3. *Agrees to enter into a contract with TechnologyOne to purchase their Enterprise Resource Planning System, called OneCouncil, with final contract subject to Chief Executive Officer and Shire President approval;*
4. *Approves the adoption of the pre-configured business processes inherent in the TechnologyOne OneCouncil solution for implementation at the Shire of Serpentine Jarrahdale;*
5. *Approves the implementation of the TechnologyOne OneCouncil solution using Cloud technology (Option 1); and*
6. *Approves, pursuant to section 6.8 of the Local Government Act 1995, the schedule of variations to the 2018/19 Budget, results in no change to the closing budget municipal surplus of \$0 as at 30 June 2019.*



Background

This is the third report prepared to provide Council with an update of the OneComm Project progress as the OneComm Project is a significant investment that enables a completely new way of doing business more effectively.

Following the Council resolutions made at the Ordinary Council Meeting dated 25 September 2018 (OCM107/09/18), the Acting Chief Executive Officer and Shire President entered into a contract with TechnologyOne to purchase their Enterprise Resource Planning System, called OneCouncil.

The Shire has since rebranded the OneCouncil name to “OneComm”. Hence why this report refers to OneComm rather than OneCouncil. The project team has developed an OneComm logo and a vision of ‘one system, one community’ as per the following:



Community / Stakeholder Consultation

The OneComm Project has developed the following stakeholder consultation plans:

Stakeholder Consultation Plans	Purpose
Change Management Plan	To outline the strategy and approach to managing the organisational change associated with implementing the OneComm project for employees, customers and stakeholders.
Communication Plan	To provide an overall framework for the ongoing management, coordination and delivery of communications to all staff across the Shire of Serpentine Jarrahdale impacted by the OneComm project activities.
Stakeholder Engagement Plan	To outline the Shire’s approach to managing stakeholder engagement throughout the implementation of the OneComm solution to ensure clear direction for the delivery of stakeholder engagement actions. This plan complements the activities in the Communications Plan and supports the delivery of the Change Management Plan.
Training Strategy and Plan	To identify training and capability needs and define appropriate training and support requirements to ensure that all employees have the skills needed, and demonstrate the behaviours required to perform their jobs efficiently and confidently using OneComm.

In alignment with the stakeholder consultation and training plans, the OneComm project team will commence training of all staff in how to use the OneComm System in November 2019.

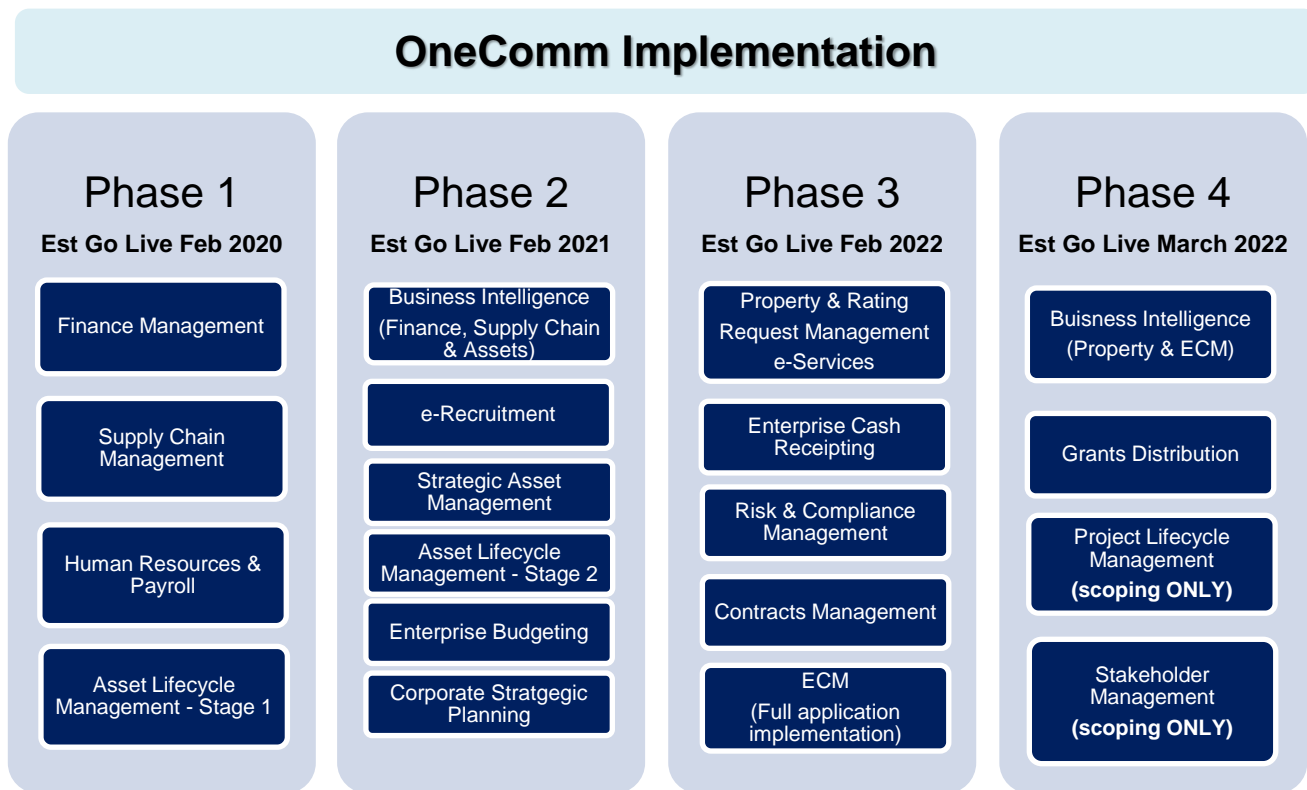


Statutory Environment

The OneComm Project will be implemented in accordance with the *Local Government Act 1995* and associated regulations, *State Records Act 2000*, as well as various policies and business operating procedures.

Comment

The implementation of OneComm will be via four (4) phases over three (3) years using a standard project management methodology as per the following:



The scope of the abovementioned phases is largely driven by the fact that we are leveraging the implementation work undertaken at other Western Australian Local Governments. This approach reduces the implementation cost and overall risk to the Shire. Furthermore, the scope of Phase 1 is designed to lay the foundation systems ready for future phases of OneComm to build upon.



In terms of implementing Phase 1 of OneComm, the graphical representation below outlines the key project milestones and progress made to-date:



Project Status Report

The following key milestones have been met by the OneComm Project:

- Project Planning. This includes the development of the Project Management Plan and schedule to guide the implementation of OneComm;
- Technical & Project Management Setup;
- Training of the OneComm Key Users; and
- Finalise Solution & Data Migration.

In progress are the following milestones:

- User Acceptance Testing;
- All User Training; and
- Business Process Mapping.

Supporting all of the key milestones is OneComm project management plan and the change management plan. These plans outline the communication channels to keep staff informed and engaged throughout the project.



Scope Changes

Approved changes to the scope of Phase 1 include the following:

- The development of a revised Corporate Business Plan impacted the timing of the implementation of Corporate Strategic Planning software module. Therefore the implementation of Corporate Strategic Planning has been deferred from Phase 1 to Phase 2 to accommodate sufficient time for the new Corporate Business Plan to be approved by Council; and
- A number of Key User changes with respect to Asset Life Cycle Management module implementation has resulted in insufficient capacity to fully implement Asset Life Cycle Management before Go Live in Phase 1. Therefore, there is partial implementation of Asset Life Cycle Management in Phase 1 that incorporates the financial aspects of Asset Lifecycle Management and asset maintenance for Fleet and Plant items. The remainder of the implementation asset maintenance has been included in Phase 2 of the OneComm project.

These scope changes are reflected in the abovementioned OneComm Implementation Phases diagram. The OneComm Project – Phase 1 - is on time and on budget and according to the project schedule.

Planning for Phase 2

Planning for the implementation of Phase 2 is underway for commencement in February 2020. A possible change and inclusion in the scope of Phase 2 is the implementation of the Customer Request Management module (currently scheduled for Phase 3). This option is being explored because the software supplier, TechnologyOne, has introduced a new option which allows the implementation of Customer Request Management online prior to the commencing the full implementation of the Property and Rating System in Phase 3. The Shire is examining the cost of bringing forward the implementation of this feature because of the benefits in improving the overall customer service experience.

To date the Shire has been leveraging the implementation work undertaken at other Western Australian Local Governments and in particular the City of South Perth which the Shire has established a Memorandum of Understanding. This has proved to be very beneficial relationship and has allowed the Shire to minimise risk and implementation costs. This has been possible because the City of South Perth were around seven months ahead of the Shire in implementing the same system. However, the Shire has now effectively caught up to where the City of South Perth are at in terms of implementation progress. Therefore, with the Shire being at the same stage of implementation as the City of South Perth the ability to re-use information is substantially reduced. This will result in a budget re-assessment of the OneComm Project as the original project budget was formulated and based on having access to the City of South Perth system setup. The full impact on the OneComm project budget is currently being assessed.

Options and Implications

Not applicable.



Conclusion

The Shire of Serpentine Jarrahdale is growing rapidly and we need to evolve our organisation to ensure that we meet the expectations of the community we serve both now and in the future.

Our goal is to deliver a best-practice system that improves our processes, strengthens the capacity of our people and facilitates the delivery of excellent service to our customers.

OneComm is a 3-year project managed in four (4) Phases and is an organisation-wide project that will touch most facets of the Shire. It is more than just new software. We are transforming the way we do things by simplifying our work processes and adopting best practice.

Active involvement by all staff in this change is vital to success. Therefore, it is important to keep Council abreast of the progress and status of the OneComm Project on a quarterly basis.

Attachments

Nil.

Alignment with our Strategic Community Plan

The proposed Integrated Enterprise Resource Planning Systems Strategy is critical to the Shire's efficient and effective operations as it aligned to the Strategic Community Plan 2017-2027 with particular reference to:

Outcome 3.4	An innovation centre of excellence
Strategy 3.4.1	Identify and promote innovation and education opportunities
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Innovation was also recognised in the Strategic Community Plan 2017-2027 for Serpentine Jarrahdale 2050 core community aspirations whereby:

“The Shire’s community are open to new technologies and embracing innovation. Respondents indicate that the Shire has an opportunity to be progressive and embrace change and creative thinking”.



Financial Implications

The OneComm Project is in accordance with the Project Plan Budget (adopted 2018/19 Budget) and Council approved variations. OneComm is a 10-year investment with the implementation occurring over a period of 4 financial years as per the following table:

2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
\$1,485,000	\$1,260,000	\$1,050,668	\$736,826	\$148,825	\$299,651	\$299,651	\$299,651	\$299,651	\$299,651

Risk Implications

Risk has been assessed on the basis of accepting the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
OneComm Project Status Report is not Noted.	Rare (1)	Insignificant (1)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

**Risk Matrix**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 1 has been determined for this item.

The OneComm project team has developed an OneComm Project Risk Register in consultation with the project team and the Shire's Coordinator Governance & Risk.

The OneComm Project Risk Register contains details on all identified risks, risk control processes and the residual risk rating after factoring in the controls that the OneComm Project team has developed and implemented since January 2019. The risk control processes are considered "Effective" as they are:

- Operating as intended and aligned to Policies / Procedures;
- Subject to ongoing monitoring by the Project Manager and Project team; and
- Reviewed and tested regularly (standing agenda item in OneComm project team meetings and reported to the Executive Management Committee).

The overall risk rating of the OneComm Project is "8" (i.e. Medium).

Voting Requirements: Simple Majority

OCM303/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strautins

That Council NOTES the progress of the OneComm Project.

CARRIED UNANIMOUSLY 9/0

**10.4 Community Services reports**

10.4.1 – Name for new dog park (SJ473)	
Responsible Officer:	Coordinator Corporate Communications
Senior Officer/s:	Deputy CEO/Director Community Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

For Council to endorse a name for the new Dog Exercise Area, located at Reserve R50333, on the corner of Larsen Road and Sansimeon Boulevard, Byford.

Relevant Previous Decisions of Council

26 November 2018 - Ordinary Council Meeting - OCM124/11/18 – COUNCIL RESOLUTION in part.

That Council:

8. Undertakes a competition to include the public in suggesting the name for the dog park and that the prize be up to the value of \$500; with the preferred name of the park to be presented to Council.

Background

During the review of Council's strategic planning process in 2017/2018, the community indicated a need for a dedicated Dog Exercise Area to be developed in the district.

Reserve R50333 at the corner of Larsen Road and Sansimeon Boulevard, Byford, was identified in August 2016 as one of five prospective sites for a Dog Exercise Area, and selected for this purpose in August 2018 following community consultation.

In November 2018, Council approved the concept design and funding allocation for the construction of the Dog Exercise Area, as well as undertaking a community competition to name the new park.

On 19 November 2019 the Dog Exercise Area was opened to the community. The purpose of this report is for Council to endorse a name for the new park.



Community / Stakeholder ConsultationCommunity name competition

As per the Council resolution, a community naming competition was carried out in June 2019.

A Communications Plan was developed and the following activities were implemented to promote the competition:

- Media Release
- News story in The Scarp Voice
- News story published in The Examiner newspaper
- Website page about the competition
- Hard copy flyer
- Social media posts
- Competition entry form (electronic and hard copy)

The Shire received 146 entries (1 hard copy, 145 electronic). From the suggested names, the five most popular names were shortlisted:

1. Byford Dog Park
2. Byford Bark Park
3. Beenup Dog Park or Bienyup Dog Park (Bienyup is original name for Byford based on Aboriginal name of nearby creek)
4. Dwert Baardanginy Park (*Noongar for Dog Running Park*)
5. Larsen Road Dog Park

Policy Concept Forum

Councillors were provided an update on the outcome of the community name competition and it was agreed that the community be invited to vote on the five shortlisted names, subject to feedback from Aboriginal elders or community on the suitability Aboriginal names shortlisted as per requirements of Landgate's *Policies and Standards for Geographical Naming in WA*.

Meeting Date	26 August 2019
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr McConkey, Cr See



South West Aboriginal Land & Sea Council

The South West Aboriginal Land & Sea Council reviewed the suitability of the two Aboriginal names shortlisted for the new park. Their Gnaala Karla Booja (GKB) Working Party members reviewed the two names and opted for simply 'Dwert Park'.

The revised shortlisted names were:

1. Byford Dog Park
2. Byford Bark Park
3. Dwert Park
4. Larsen Road Dog Park

Landgate

Landgate reviewed the four names to ensure they complied with their *Policies and Standards for Geographical Naming in WA*. Landgate advised that "Larsen Road Dog Park" needed to be amended to "Larsen Dog Park".

Community vote

Following the shortlisting and review of the names, the community was invited to vote on their favourite name for the park. A Communications Plan was developed and the following activities were implemented to promote the community vote:

- Media Release
- News story in The Scarp Voice
- News story published in The Examiner newspaper
- Website page about the competition
- Hard copy flyer
- Social media posts
- Competition entry form (electronic and hard copy)

The vote was open from 7 November to 18 November 2019. There were 449 responses (7 hard copy and 442 online) and the results are as follows:

Name	Votes
Larsen Dog Park	46
Byford Bark Park	261
Byford Dog Park	61
Dwert Park	81

Statutory Environment

There are no statutory requirements relating to this item.



Comment

There has been a significant community response to both the naming competition and community vote to choose a name for the new Dog Exercise Area.

There is overwhelming community support (57% of votes) for the new Dog Exercise Area to be named Byford Bark Park.

Options and Implications

Option 1

That Council:

1. Endorses Byford Bark Park as the name for the new Dog Exercise Area located at Reserve R50333.
2. SUPPORTS an application to Landgate's Geographic Names Team for approval of the name.

Option 2

Endorses another name for the new Dog Exercise Area located at Reserve R50333.

Option 1 is recommended.

Conclusion

It is recommended that Council endorse Byford Bark Park as the new name for Reserve R50333. Once a name is endorsed by Council, an official opening and naming ceremony for the park is planned for Friday 17 January 2020.

The \$500 prize will be drawn at random from the list of people who submitted a suggestion in the community name competition. The winner will be announced at the official opening event.

Attachments

- [Attachment 1](#) - Community Vote results (E19/15082)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community.
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure.
Outcome 2.2	A sustainable natural environment.
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets.

Financial Implications

Signage for the new park has been installed. The final sign to be installed is the park's name, which will be arranged following a decision by Council. Signage will be funded out of BDP900.

Sufficient funds are within budget PAW600 for the delivery of an official opening event.



Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Negative perception towards the Shire if Council was to endorse a name outside of the shortlisted names and contrary to the outcome of the community vote.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 9 has been determined for this item.



Continued

Ordinary Council Meeting Minutes
Monday 16 December 2019

Voting Requirements: Simple Majority

OCM304/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Coales, seconded Cr Atwell

That Council:

- 1. ENDORSES Byford Bark Park as the name for the new Dog Exercise Area located at Reserve R50333.**
- 2. SUPPORTS an application to Landgate's Geographic Names Team for approval to name Reserve R50333 Byford Bark Park.**

CARRIED UNANIMOUSLY 9/0



10.4.2 – Lease Agreement – Lot 1 Evelyn Street, Mundijong (SJ1388)

Responsible Officer:	Manager Community Development
Senior Officer/s:	Deputy CEO / Director Community Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

For Council to consider the disposal by lease of Lot 1 Evelyn Street, Mundijong to Mundijong Markets.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 18 February 2019 - OCM030/02/19 – COUNCIL RESOLUTION

That Council:

- 1a) *INSTRUCTS the Chief Executive Officer to call for Expressions of Interest for a commercial or community lease of Lot 1 Evelyn Street, Mundijong and;*
- 1b) *NOTES that a report detailing all submissions will be presented to Council for consideration at the July 2019 Ordinary Council Meeting;*
- 2) *INSTRUCTS the Chief Executive Officer to obtain a market valuation for Lot 1 Evelyn Street, Mundijong to a maximum value of \$4,000.00 ex GST, and records the expenditure as per the following budget variation:*

<i>Account Code</i>	<i>Description</i>	<i>Debit \$</i>	<i>Credit \$</i>
<i>CDO532</i>	<i>Property Valuation Expenses</i>	<i>\$4,000</i>	
<i>CDO531</i>	<i>Legal Expenses</i>		<i>\$4,000</i>

Ordinary Council Meeting - 15 July 2019 - OCM156/07/19 - COUNCIL RESOLUTION

Procedural Motion

That Council proceed to next business.



Background

Lot 1 Evelyn Street, Mundijong has been operating as the Mundijong Saleyards for 30+ years. The land (3.2ha) is owned by the Shire as an unencumbered freehold property and has been managed under a lease agreement with Statewide Livestock that expired in 2009. Since then, the agreement has been in Holding Over (periodic lease).



Location of Lot 1 Evelyn Street, Mundijong indicated by red star.



Statewide Livestock advised their intention to terminate the agreement on 31 December 2018, and agreed to extend the periodic lease until July 2019, to allow Council to move forward with future planning for the property.

The leaseholder of the property (Statewide Livestock) is no longer the owner of the Mundijong Saleyards business, with the owner now being Mundijong Markets.

On 18 February 2019, Council resolved to call for Expressions of Interest for a commercial or community lease of Lot 1 Evelyn Street, Mundijong. An invitation to submit proposals for commercial or community lease opportunities for the property was advertised on 14 March 2019. Two submissions were received from:

- Mundijong Markets; and
- Serpentine Jarrahdale Food and Farm Alliance Inc.

Subsequently, this matter was presented to Council at the Ordinary Council Meeting held on 15 July 2019, where Council did not consider the report but determined to move to next business, to further investigate the feasibility of facilitating both lease proponents within the property for Lot 1 Evelyn Street, Mundijong.

Community / Stakeholder Consultation

Policy Concept Forum

Not Applicable.

Advertising

An invitation to submit proposals for commercial or community lease opportunities for the property was advertised via:

- Public Notice within The Examiner newspaper on 21 March 2019, 28 March 2019 and 4 April 2019.
- Your Say section of the Shire website.
- Facebook

Two site inspections were held with the Serpentine Jarrahdale Food and Farm Alliance Inc. during the Expression of Interest period.



Statutory Environment

Section 3.58 of the Local Government Act 1995 - Disposing of property

This section of the act refers to disposal of property as including “to sell, lease, or otherwise dispose of, whether absolutely or not”, where “property includes the whole or any part of the interest of a local government in property”.

Section 3.58 (3) states;

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.*

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

- (a) the names of all other parties concerned; and*
- (b) the consideration to be received by the local government for the disposition; and*
- (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.**

This legislation guides the process for disposal of property and the requirements for advertising to the community

Council Policy 5.1.3 – Lease and Licence Management also provides guidelines for potential tenancy arrangements for Council-owned facilities (including land).



Comment

As per resolution OCM030/02/19, Officers undertook a certified valuation of the property to understand the potential leasing value. The valuation for leasing of the property for highest and best use was obtained on 10 June 2019. The valuation indicates that an appropriate market rental is \$5,000 - \$10,000 per annum, depending on the tenant and approved use.

Following the EOI advertising period, a panel of three Officers consisting of the Acting Manager Community Development, Community and Leisure Planner, and Statutory Planning Officer considered the submissions and a summary of the particulars of each submission, and the Officers evaluations are detailed below:

Submission	Proposed Use	Proposed Terms	Strategic Alignment – Strategic Community Plan	Viability
Mundijong Markets	Mundijong Markets – Retain status quo	Requested 5 years plus further 5 year term. \$6,840 per annum. Unclear regarding outgoings.	Outcome 2.3.1: Identify and promote rural and agriculture industry opportunities Outcome 3.1.1: Actively support new and existing local businesses within the district	Viable
Serpentine Jarrahdale Food and Farm Alliance Inc.	Food and Regenerative Farming Hub	Requested 20 years plus further 10 year term. Peppercorn for years 1-3, and increasing in \$500 increments years 4-10, up to a maximum \$3,000 per annum, plus CPI, plus outgoings.	Outcome 2.3.1: Identify and promote rural and agriculture industry opportunities Outcome 3.1.1: Actively support new and existing local businesses within the district Outcome 3.2.1: Actively support tourism growth within the district. Outcome 3.4.1: Identify and promote innovation and education opportunities	Unclear

Proponent	Evaluation considerations
Mundijong Markets	<ul style="list-style-type: none"> • Petition with over 300 signatures indicates strong community support for the event. • Proposed annual rent fee of full site = \$6,840, which aligns to market valuation report. • Proven viable business and therefore considered low risk to Council. • Known 300 plus attendees to existing events at property. • Attracts regional attendees. • Officers suggest that the proponent retain status quo arrangements and continues to pay outgoings. • Lease term recommendation of 5 years with Mundijong Markets.
Serpentine Jarrahdale Food and Farm Alliance Inc.	<ul style="list-style-type: none"> • Good usage of the site • Potential additional community interests on the site will allow for greater reception to the site - locally and outside of SJ • Proposed \$3,000 annual rent fee (after 4 years) – does not align with market valuation report.



Proponent	Evaluation considerations
	<ul style="list-style-type: none"> • The proposal is not fully developed and therefore is considered high risk to Council. • Proposed 20 year term, with 10 year option may hinder strategic planning considerations for the site in context of Mundijong town centre development. • Requirement to improve the property prior to lease is reasonable, though costs are undetermined and may be significant. • Proposal is aspirational and aligns well with Council strategic objectives particularly in the areas of innovation, education and sustainability. • Infrastructure proposed may affect future planning. • Serpentine Jarrahdale Food and Farm Alliance Inc. have applied for a grant which will financially assist to manage and maintain the site.

Since the procedural motion of Council to move to next business on 15 July 2019, discussions have been held with both Mundijong Markets and Serpentine Jarrahdale Food and Farm Alliance Inc. to investigate potential leasing models of co-tenancy on the property.

Although a co-tenancy lease design was in-principally approved by both proponents, on 18 November 2019, the Serpentine Jarrahdale Food and Farm Alliance Inc. Board requested that the Serpentine Jarrahdale Food and Farm Alliance Inc. submission (leasing request) lapse, due to not receiving grant funding for the venture. The Serpentine Jarrahdale Food and Farm Alliance Inc. advised that whilst they are now unable to take up this lease opportunity currently, they are willing to work with Mundijong Markets towards future joint activities, should the opportunity arise.

It is therefore recommended that the property is fully leased to Mundijong Markets as they are proven viable business and considered a low risk to Council. The original submission from Mundijong Markets is provided at **confidential attachment 1**. The request from the Serpentine Jarrahdale Food and Farm Alliance Inc. to lapse their submission is provided in **confidential attachment 2**.

Options and Implications

Option1

That Council;

1. NOTES the request received from Serpentine Jarrahdale Food and Farm Alliance Inc. to allow the lease application to lapse, as per Confidential attachment 2 of this report and;
2. In accordance with section 3.58 of the *Local Government Act 1995*, ADVERTISE its intent to dispose of the land at Lot 1 Evelyn Street, Mundijong to Mundijong Markets for a term of 5 years plus a further 5 year extension, at a rental rate of \$6,840 per annum (inclusive of GST) and annual CPI increase, plus outgoings to be paid by the tenant and no further renewal option.
3. NOTES that a report detailing any submissions received will be presented to Council for consideration at the February 2020 Ordinary Council Meeting.

Option 2

That Council REJECTS all submissions for leasing of Lot 1 Evelyn Street Mundijong and terminates the existing tenancy arrangements.

Option 1 is recommended.



Conclusion

An invitation to submit proposals for commercial or community lease opportunities of Council-owned freehold property Lot 1 Evelyn Street, Mundijong, attracted two submissions from local organisations, being Mundijong Markets and Serpentine Jarrahdale Food and Farm Alliance Inc. Although both parties in-principally approved a co-tenancy lease arrangement, the Serpentine Jarrahdale Food and Farm Alliance Inc. have since requested that their lease application lapses. This results in Mundijong Markets being the only proponent for consideration for a lease for this property at the present time.

Officers recommend Council advertises for 21 days, the intent to dispose of the land at Lot 1 Evelyn Street, Mundijong for a term of 5 years with no term extension, to Mundijong Markets.

Attachments

- **Confidential Attachment 1** – Submission – Mundijong Markets (E19/7083)
- **Confidential Attachment 2** – Email – Serpentine Jarrahdale Food and Farm Alliance Inc. (E19/14845)

Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Should Council resolve to lease the property as per Officers Recommendation, \$6,840 of revenue will be received, without any expenditure required.

Should Council reject all submissions - no income will be generated.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Rejection of all submissions	Possible (3)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

**Risk Matrix**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **3** has been determined for this item.

Voting Requirements: Simple Majority

OCM305/12/19

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Rich, seconded Cr Strange

That Council

- 1. NOTES the request received from Serpentine Jarrahdale Food and Farm Alliance Inc. to allow the lease application to lapse, as per confidential attachment 2 of this report and;**
- 2. In accordance with section 3.58 of the *Local Government Act 1995*, ADVERTISES for a period of 21 days, its intent to dispose of the land at Lot 1 Evelyn Street, Mundijong to Mundijong Markets for a term of 5 years plus a further 5 year extension, at a rental rate of \$6,840 per annum (inclusive of GST) and annual CPI increase, plus outgoings to be paid by the tenant and no further renewal option and;**
- 3. NOTES that a report detailing any submissions received will be presented to Council for consideration at the February 2020 Ordinary Council Meeting**

CARRIED UNANIMOUSLY 9/0



Councillor Atwell declared an Impartiality Interest in item 10.4.3.

Councillor Denholm declared an Impartiality Interest in item 10.4.3.

10.4.3 – Community Group Fee Waiver Requests (SJ514-09)	
Responsible Officer:	Manager Community Development
Senior Officer/s:	Deputy CEO/Director Community Services
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is for Council to consider facility hire fee waiver requests for three Community groups; Mundijong Centrals Junior Football Club, Heritage Country Choir and Serpentine Jarrahdale Girl Guides.

Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 26 November 2018 - OCM136/11/18 - COUNCIL RESOLUTION</i>			
<i>That Council</i>			
1. <i>Approves a fee reduction to the value of \$5,116 for the Heritage Country Choir Incorporated for the 2018/2019 financial year and advises the Heritage Country Choir Incorporated that no further reduction in facility hire costs will be considered for 2018/2019.</i>			
2. <i>Approves a fee waiver to the value of \$2,025 for the Juniper Community Podiatry Clinic for the 2018/2019 financial year and advises the Juniper Community Podiatry Clinic that communication will take place prior to the 2019/2020 financial year for future facility hire budgeting purposes.</i>			
3. <i>Approves a fee reduction to the value of \$869.30 for the Serpentine Jarrahdale Girl Guides for the 2018/2019 financial year and advises the Serpentine Jarrahdale Girl Guides that no further reduction in facility hire costs will be considered for 2018/2019.</i>			
4. <i>Declines all fee reduction requests for Dance Fit Academy for the 2018/2019 financial year.</i>			
5. <i>Approves a fee waiver to the value of \$520 for Byford Carols Incorporated for the 2018/2019 financial year.</i>			
6. <i>Records the value of the fee reduction concessions in the accounts of the Shire as donations as per the following budget variation:</i>			
<i>Account Number</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
<i>DON560</i>	<i>Donation Expense</i>	<i>\$8,530.30</i>	



CMF100

Community Facility Hire Fees Income

\$8,530.30

Ordinary Council Meeting - 14 October 2019 - OCM233/10/19- COUNCIL RESOLUTION

That Council

1. *APPROVES a fee waiver for Centrals Football and Sportsman's Club Inc for the football and netball 2019 senior seasons to the value of \$5,811.*
2. *RECORDS the value of the waivers in the accounts of the Shire as a donation expense as per the following budget variation:*

<i>Account Number</i>	<i>Description</i>	<i>Debit</i>	<i>Credit</i>
<i>CDO530</i>	<i>Donation Expense</i>	<i>\$5,811</i>	
<i>MUP100</i>	<i>Facility Hire (football)</i>		<i>\$5,326</i>
<i>MNC109</i>	<i>Facility Hire (netball)</i>		<i>\$ 485</i>
	<i>Total</i>	<i>\$5,811</i>	<i>\$5,811</i>

Background

Council Policy 5.1.4 – Facility Hire outlines the intention for a fair and equitable method for determining fees and charges for the hire of community facilities. It states fees and charges are designed to assist the Shire with the cost of operating and maintaining community facilities.

The Mundijong Centrals Junior Football Club are requesting a fee waiver for kitchen hire fees in addition to their seasonal hire inclusions for 2018/2019 Junior Sports Season Charges. 2018/2019 was the first year that the additional fees have been applied, as per the fees and charges schedule. Council Policy- Community Contributions outlines that the Chief Executive Officer may approve any application for Fee Waiver or Reductions up to the value of \$2,000 ex GST per group, per financial year. This item is referred for consideration by Council as the amount requested is larger than the Officer delegation.

The Heritage Country Choir are requesting fee waivers for facility hire fees for the 2019/2020 financial year. Council Policy - Community Contributions outlines that the Chief Executive Officer may approve any application for Fee Waiver or Reductions up to the value of \$2,000 ex GST per group, per financial year. This item is referred for consideration by Council as the amount requested exceeds Officer delegation.

The Serpentine Jarrahdale Girl Guides Association are requesting fee waivers for facility hire fees for the 2019/2020 financial year. This item is referred to Council, as the request for fee waiver was received after an invoice has been raised, therefore Officers do not have the delegation to consider a fee waiver in this circumstance.



Community / Stakeholder ConsultationPolicy Concept Forum

Meeting Date	Not Applicable
Councillors in Attendance	Not Applicable

Statutory Environment

Local Government Act 1995 - Section 6.17 Setting level of fees and charges –

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors-

- (a) the cost to the local government of providing the service or goods; and*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

Local Government Act 1995- Section 6.12 Power to defer, grant discounts, waive or write off debts.

- (1) Subject to subsection (2) and any other written law, a local government may-*
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money,*
- which is owed to the local government.*

Council Policy 5.1.4 – Facility Hire outlines that the intention of charging fees and charges is to assist the Shire with the cost of operating and maintaining community facilities.

Council Policy – Community Contributions outlines the Shire of Serpentine Jarrahdale's principles related to: In-Kind contributions, Donations, Sponsorships, Fee Waivers and Reductions

Comment

Officers have worked with each facility user group to encourage an open and fully informed assessment of their requests.

Where a group has expressed concerns with their ability to meet the fees for hire, Officers have worked with the group to explain options available for support dependent on the circumstances of each individual group. These options have included the opportunity to request a fee waiver or reduction, the opportunity to apply for a community grant from the Shire to assist with the costs and where appropriate, the opportunity to enter into a license arrangement.

A summary of the group, membership base, fee waiver request and recommendation is provided in Options and Implications. Officers have taken the following factors into account when providing a recommendation:



- Health and wellbeing benefits for individuals actively engaging in recreational and community based pursuits;
- Usage per week (and/or per booking occurrences) of facilities;
- Whether the information provided allows for reasonable and consistent consideration in the context of current requests; and
- An affordable option to sustain the above points.

Mundijong Centrals Junior Football Club

Mundijong Centrals Junior Football Club have requested a fee waiver for the kitchen hire charge of \$2,632 for the 2019 junior football season which falls over two financial years 2018/2019 and 2019/2020. The Club is charged fees according to the financial year that they commence their season.

Their fee waiver application states that the Club had not budgeted for the extra costs for facility hire, due to their AGM falling prior to the adoption of Fees and Charges 2018/2019.

The Club's hire fees for the 2019 junior football season totals \$4,439.91. This includes seasonal hire fees of \$1,807.91 (includes reserve, change room and 4 hours facility hire per week) and additional kitchen hire of \$2,632. The Club has paid \$1,807.91 and are seeking a fee waiver of \$2,632 for the additional kitchen hire.

Officers recommend that Mundijong Centrals Junior Football Club's fee waiver of \$2,632 for the additional kitchen hire be approved. The club has made a fair and equitable contribution towards facility use and cost by paying their season charge of \$1,807.91.

Council Policy – Community Contributions outlines that the Chief Executive Officer may approve any applications for Fee Waiver or Reductions up to the value of \$2,000 ex GST per group, per financial year. This item is referred for consideration by Council as the amount requested is larger than the Chief Executive Officer delegation under the Policy.

2018/2019 Hire Fees	Fee Waiver requested by the Centrals Junior Football Club	Amount Centrals Junior Football Club seek to pay	Amount to pay after approval of fee waiver
\$4,439.91	\$2,632	\$1,807.91	\$1,807.91

Heritage Country Choir

The Heritage Country Choir has 22 members and utilises the Briggs Park Pavilion for two hours and fifteen minutes per week. Prior to 2018/2019 financial year, the Choir previously paid a nominal facility hire fee of \$264 per annum. In 2018/2019 the Heritage Country Choir received a fee reduction of \$5,116 and paid \$500 towards facility hire. Under the 2019/2020 Schedule of Fees and Charges, the present total value of annual hire by the Heritage Country Choir is \$4,150.

The Choir has again suggested a nominal fee of \$500 is an affordable option for the sustainability of the group.

Officers recommend that the Choir pay 50% of the total hire charge equating to a fee reduction of \$2,075 and therefore the total recommended fee for the Heritage Country Choir for 2019/2020 financial year would be \$2,075.



A 50% fee reduction is recommended as a fair and equitable share of facility use and cost. It represents a 315% increase on last year's fees paid and a \$1.90 increase per person per session, based on the current membership of 22 members attending the Heritage Country Choir.

Council Policy – Community Contributions outlines that the Chief Executive Officer may approve any application for Fee Waiver or Reductions up to the value of \$2,000 ex GST per group, per financial year. This item is referred for consideration by Council as the amount requested is larger than the Chief Executive Officer delegation under the Policy.

2019/20 Hire Fees	Fee Waiver requested by The Country Heritage Choir	Amount the Country Heritage Choir seek to pay
\$4,150	\$3,650	\$500

2019/20 Hire Fees	Fee Reduction 50% – Officer Recommendation	Amount to pay after approval of fee reduction
\$4,150	\$2,075	\$2,075

Serpentine Jarrahdale Girl Guides

An invoice has been raised for the Serpentine Jarrahdale Girl Guides for \$640 for the first 6 months of the 2019/2020 financial year, therefore as outlined in Council Policy - Community Contributions the waiver request is deemed to be retrospective and is to be presented to Council for consideration.

The Serpentine Jarrahdale Girl Guides utilises the 'Mundijong House', adjacent to the Landcare SJ building. Prior to 2019, the group has been paying a legacy nominal fee of \$268 per annum for approximately 40 bookings per year. The 2019/2020 fees and charges equates to \$1,184 for 37 bookings.

With 15 active members, the group charges \$25 per term, per member to cover costs for facility hire and activities.

The Serpentine Jarrahdale Girl Guides have requested a fee reduction of \$888 for the 2019/2020 financial year. This would result in a fee of \$296 being payable, resulting in an increase of \$22.90 on the 2018/2019 financial years approved fee waiver.

Officers recommend that the Serpentine Jarrahdale Girl Guides pay 50% of the total hire charge. This would result in a fee of \$592 for the 2019/2020 financial year. A 50% fee reduction is recommended as a fair and equitable share of facility use and cost. It represents a 124% increase on last year's fees paid and a \$1.05 increase per person per session, based on the current membership of 15 members attending the Serpentine Jarrahdale Girl Guides.

2019/20 Hire Fees	Fee Waiver requested by Serpentine Jarrahdale Girl Guides	Amount the Serpentine Jarrahdale Girl Guides seek to pay
\$1,184	\$888	\$296

2019/20 Hire Fees	Fee Reduction 50% – Officer Recommendation	Amount to pay after approval of fee reduction
\$1,184	\$592	\$592



Options and Implications

Option 1

That Council;

1. APPROVES the fee waiver request from the Centrals Junior Football Club for all applicable 2019 season kitchen hire fees for the total amount of \$2,632.
2. APPROVES a 50% fee reduction of the 2019/2020 Briggs Park Pavilion hire charges for the Heritage Country Choir for the amount of \$2,075.
3. APPROVES A 50% fee reduction of 2019/2020 'Mundijong House' hire charges for the Serpentine Jarrahdale Girl Guides for the total amount of \$592.

This option supports organisations to contribute to the cost of running the facility. The Mundijong Centrals Junior Football Club fee waiver is in line with Seniors fee waiver and will assist with the adjustment to the fees and charges schedule for this financial year of a per head fee for juniors.

Option 2

That Council APPROVES a partial fee waiver of requests.

Option 3

That Council APPROVES the fee waiver requests as per organisations fee waiver application.

This option would not be recommended for the Heritage Country Choir and the Serpentine Jarrahdale Girl Guides as this is not a sustainable model for Shire operations and is not comparable with other organisations with recurring hire arrangements.

Option 4

That Council does NOT APPROVE the waiving of any fees.

Council may determine not to waive or reduce any of the applicable fees and charges. This option would not be recommended as it would likely result in the groups experiencing negative operational consequences.

Option 1 is recommended

Conclusion

Officers have taken a range of factors into consideration when assessing the fee waiver requests and as such, recommend a fee waiver or reduction for three applications.

The total value of the three fee waiver requests is \$5,299.00

Attachments

- [Attachment 1](#) – Mundijong Centrals Junior Football Clubs Application for Fee Waiver or Fee Reduction of Facility Hire Fees (IN19/24305)
- [Attachment 2](#) – Heritage Country Choir Application for Fee Waiver or Fee Reduction of Facility Hire Fees (IN19/22824)
- [Attachment 3](#) – Serpentine Jarrahdale Girl Guides Application for Fee Waiver or Fee Reduction of Facility Hire Fees (IN19/25366)



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure

Financial Implications

Should Option 1 be supported, this will result in a reduction in facility hire income of \$5,299 for the 2019/2020 financial year. Should Council support the fee waivers, this will be recognised as a donation expense for the year ended 30 June 2020.

Account Number	Description	Debit	Credit
OTH530	Expense (Junior Football)	\$2,632	
	Expense (Choir)	\$2,075	
	Expense (Girl Guides)	\$592	
10020	Sundry Debtors		\$5,299
Totals		\$5,299	\$5,299

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Relationship damage between a local club/community group and the Shire	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

**Risk Matrix**

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.

Voting Requirements: Absolute Majority

Officer Recommendation

That Council

1. APPROVES the fee waiver request from the Centrals Junior Football Club for the 2019 season kitchen hire fees for the total amount of \$2,632.
2. APPROVES a 50% fee reduction of the 2019/2020 Briggs Park Pavilion hire charges for the Heritage Country Choir for the amount of \$2,075.
3. APPROVES a 50% fee reduction of the 2019/2020 'Mundijong House' hire charges for the Serpentine Jarrahdale Girl Guides for the total amount of \$592.
4. RECORDS the value of the waivers in the accounts of the Shire as a donation and fee waiver expense as per the following budget variation:

Account Number	Description	Debit	Credit
OTH530	Expense (Junior Football)	\$2,632	
	Expense (Choir)	\$2,075	
	Expense (Girl Guides)	\$592	
10020	Sundry Debtors		\$5,299
Total		\$5,299	\$5,299

**OCM306/12/19****COUNCIL RESOLUTION****Moved Cr Denholm, seconded Cr Coales****That Council**

- 1. APPROVES a fee reduction to the value of \$1,316 for the Centrals Junior Football Club 2019 season kitchen hire fees.**
- 2. APPROVES a fee reduction to the value of \$3,650 for the Heritage Country Choir 2019/2020 Briggs Park Pavilion hire.**
- 3. APPROVES a fee reduction to the value of \$888 for the Serpentine Jarrahdale Girl Guides 2019/2020 'Mundijong House' hire.**
- 4. RECORDS the value of the waivers in the accounts of the Shire as a donation and fee waiver expense as per the following budget variation:**

Account Number	Description	Debit	Credit
OTH530	Expense (Junior Football)	\$1,316	
	Expense (Choir)	\$3,650	
	Expense (Girl Guides)	\$888	
10020	Sundry Debtors		\$5,854
Total		\$5,854	\$5,854

CARRIED BY ABSOLUTE MAJORITY 9/0*Reason for difference to Officer Recommendation**To provide support to the operations and use of community facilities by community groups.*

**10.4.4 – 2018 / 2019 Annual Report (SJ473)**

Responsible Officer:	Deputy CEO/Director Community Services
Senior Officer/s:	Chief Executive Officer
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is for Council to:

- accept the 2018/2019 Annual Report in accordance with section 5.54 of the *Local Government Act 1995 (the Act)*; and
- set a date for the Annual Electors Meeting.

Relevant Previous Decisions of Council

Nil.

Background

In accordance with section 5.54 of the *Local Government Act 1995* the Annual Report is to be accepted by Council no later than 31 December after that financial year, or no later than two months after the auditor's report becomes available.

The process undertaken for the preparation of the 2018/2019 Annual Report has included:

- August 2019 – Officers were requested to undertake an analysis of the activities undertaken in their respective areas and align these to the Strategic Community Plan and Corporate Business Plan;
- October 2019 – A first draft of the Annual Report text was provided to Officers, seeking suggestions, comments and corrections. The External Auditor commenced audit procedures. The Executive Management Team reviewed the second draft of the Annual Report;
- November 2019 – A final draft of the annual report was collated and the External Auditor completed their audit requirements;
- December 2019 – The Audit, Risk and Governance Committee received a presentation from the External Auditor with regards to the annual financial report. Council is requested



to accept the final version of the Annual Report 2018-19 prior to presentation to the Annual Electors Meeting.

Community / Stakeholder Consultation

Following acceptance of the annual report, the CEO is required to give local public notice of that decision and publish the Annual Report on the local government's website.

Statutory Environment

The minimum contents of an annual report and the process to be followed following acceptance of the annual report are defined in the *Local Government Act 1995*.

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - (a) *a report from the mayor or president; and*
 - (b) *a report from the CEO; and*
 - [(c), (d) *deleted*]
 - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) *the financial report for the financial year; and*
 - (g) *such information as may be prescribed in relation to the payments made to employees; and*
 - (h) *the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require;**and*
 - (i) *such other information as may be prescribed.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

* *Absolute majority required.*



- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Comment

Annual Report

The draft 2018-2019 annual report presented for Council's consideration meets the requirements of the Act through the inclusion of:

1. Shire President's Report;
2. Chief Executive Officer's Report;
3. Overview of Planning for the Future of the District in accordance with Section 5.56 of the *Local Government Act 1995* and achievements made against the Strategic Community Plan 2017-2027;
4. A report on entries made under section 5.121 of the Act that relate to complaints of minor breaches of the Act Report in relation to the Complaints Register subject to Section 5.121 of the Act;
5. Report required under Section 29(2) of the *Disability Services Act 1993*;
6. Auditor's Report and Audited Financial Statements;
7. Information about certain employees required under regulation 19B of the of the *Local Government (Administration) Regulations 1996*; and
8. A report on compliance with the organisation's recordkeeping plan.

The 2018/2019 Annual Report will be subject to further formatting and styling in accordance with the Shire's Brand, prior to publication.

The Annual Report will be available for public access via the Shire's website, Administration Centre and Mundijong Public Library.



A copy of the 2018/2019 Annual Report will also be provided to the Director General of the Department of Local Government, Sports and Cultural Industries.

Annual Electors Meeting

In accordance with section 5.27 of the *Local Government Act 1995*, a general meeting of electors of a district is to be held once every financial year. The meeting is to be held not more than 56 days after the local government accepts the annual report for the previous financial year.

The timing of the production of the Annual Report and associated audited financial statements means that the Annual Electors Meeting is generally held by local governments in either December or January each year.

Advertising of the Annual Electors Meeting is required to the community through the local newspaper as well as through community notice boards. The public will be asked to provide questions in writing at least 48 hours before the meeting to enable questions to be answered fully and without delay.

The recommended date for the Annual Electors' Meeting is Monday, 20 January 2020, to be held in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong commencing at 6.30pm.

Section 5.33 of the Act states that all decisions made at an electors' meeting are to be considered at the next Ordinary Council Meeting or, if that is not practicable, at the first Ordinary Council Meeting after that meeting; or at a Special Council Meeting called for that purpose, whichever happens first.

It is anticipated that the outcomes of the Annual Electors' Meeting will be presented to the Ordinary Council Meeting in February 2020.

Annual Financial Statements and Audit Report 2018/2019

The Annual Financial Statements and Audit Report 2018 / 2019 will be considered by the Audit, Risk and Governance Committee at its meeting on Monday, 9 December, 2019. The 2018/2019 Annual Financial Statements are contained in attachment 2 pending consideration by the Audit, Risk and Governance Committee.



Options and Implications

Option 1 – Accept the 2018/2019 Annual Report

That Council:

1. ADOPTS the Shire of Serpentine Jarrahdale 2018-19 Annual Report provided at attachment 1, in accordance with section 5.54 of the *Local Government Act 1995*.
2. RESOLVES that the Annual Electors Meeting be held on Monday, 20 January 2020, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2018/2019 Annual Report and that local public notice be given of the Annual Electors Meeting.

Option 2 – Adopt 2018/2019 Annual Report with minor amendments

That Council:

1. ADOPTS the Shire of Serpentine Jarrahdale 2018-19 Annual Report in accordance with section 5.54 of the *Local Government Act 1995* with amendments.
2. RESOLVES that the Annual Electors Meeting be held on Monday, 20 January 2020, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2018/2019 Annual Report and that local public notice be given of the Annual Electors Meeting.

Council may opt to suggest minor changes to the 2018/2019 Annual Report. Major changes would delay the availability of the Annual Report and may compromise compliance with the legislation requirements to hold an Electors Meeting following the acceptance of the Annual Report.

Option 3 – Reject 2018/2019 Annual Report

That Council REJECTS the 2018/2019 Annual Report.

Council would need to reconsider the 2018/2019 Annual Report at a Special Council Meeting in December to ensure compliance with the Act.

Option 1 is recommended.

Conclusion

Council is requested to adopt the 2018/2019 Annual Report as required by section 5.54 of the Act and resolve to hold the Annual Electors Meeting on Monday, 20 January 2020, to be held in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong commencing at 6.30pm.

Attachments

- [Attachment 1](#) – 2018/2019 Annual Report (E19/15159)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient, and effective organisation.
Outcome 4.2	A strategically focused Council.



Financial Implications

A budget provision has been made in the 2019/20 budget to accommodate the costs associated with having the Annual Report designed in line with the Shire's corporate style guide.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the officer recommendation and does not meet its obligations under Section 5.53 of the <i>Local Government Act 1995</i>	Unlikely (2)	Moderate (3)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of **6** has been determined for this item.



Voting Requirements: Absolute Majority (s5.54 of the Act)

Officer Recommendation

That Council

1. **ADOPTS** the Shire of Serpentine Jarrahdale 2018/2019 Annual Report provided at attachment 1, in accordance with section 5.54 of the *Local Government Act 1995*
2. **RESOLVES** that the Annual Electors Meeting be held on Monday, 20 January 2020, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2018/2019 Annual Report and that local public notice be given of the Annual Electors Meeting.

OCM307/12/19

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Byas

That Council

1. **ADOPTS** the Shire of Serpentine Jarrahdale 2018/2019 Annual Report provided at attachment 1, in accordance with section 5.54 of the *Local Government Act 1995*, with typographical errors being corrected.
2. **RESOLVES** that the Annual Electors Meeting be held on Monday, 20 January 2020, in the Council Chambers at the Shire Civic Centre, 6 Paterson Street, Mundijong, commencing at 6.30pm, to present the Shire of Serpentine Jarrahdale 2018/2019 Annual Report and that local public notice be given of the Annual Electors Meeting.

CARRIED BY ABSOLUTE MAJORITY 9/0

Reason for difference to Officer Recommendation

Typographical errors to be corrected in the Annual Report.



Continued

Ordinary Council Meeting Minutes
Monday 16 December 2019

10.5 Executive Services reports

Nil.

11. Urgent business:

Nil.

12. Councillor questions of which notice has been given:

Nil.

13. Closure

There being no further business, the Presiding Member declared the meeting closed at 9.20pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on the 17 February 2020.

.....
Presiding Member – Cr Rich

27/02/2020
Date