



Shire of  
Serpentine  
Jarrahdale

## Ordinary Council Meeting

**Confirmed  
Minutes**

**7.00pm**

**Monday 22 October 2018**

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### Contact Us

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#### In Person

Shire of Serpentine Jarrahdale

6 Paterson Street, Mundijong WA 6123

Open Monday to Friday 8.30am-5pm (closed public holidays)



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



#### 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.

#### Attendances

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Denholm	Cr Gossage	Cr McConkey	Cr Piipponen	Cr See
12/04/18	PCF	✓	✓	✓	✓	✓	A	NA	A	A
23/04/18	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/04/18	PCF	✓	✓	✓	✓	NA	A	✓	NA	A
07/05/18	SCM	✓	✓	✓	✓	✓	A	✓	A	✓
07/05/18	PCF	✓	✓	✓	✓	✓	A	✓	A	✓
14/05/18	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
28/05/18	OCM	✓	✓	✓	LOA	✓	A	✓	✓	✓
11/06/18	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
13/06/18	SCM	✓	✓	✓	✓	✓	✓	A	NA	✓
25/06/18	OCM	✓	✓	✓	✓	✓	✓	✓	A	✓
02/07/18	PCF	✓	✓	✓	✓	✓	✓	✓	NA	✓
09/07/18	PCF	✓	✓	✓	✓	✓	✓	✓	NA	✓
23/07/18	OCM	✓	A	✓	✓	✓	✓	✓	✓	✓
30/07/18	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
06/08/18	PCF	✓	✓	✓	✓	✓	✓	✓	NA	A
13/08/18	PCF	✓	✓	✓	✓	✓	NA	✓	NA	✓
27/08/18	OCM	✓	✓	✓	✓	✓	A	✓	A	✓
03/09/18	PCF	✓	✓	✓	✓	✓	A	✓	NA	✓
10/09/18	PCF	✓	✓	✓	✓	✓	A	✓	A	✓
25/09/18	OCM	✓	✓	✓	✓	✓	A	✓	A	✓
01/10/18	PCF	✓	✓	✓	✓	✓	✓	A	NA	NA
08/10/18	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
08/10/18	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓

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 22 October 2018 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Cr 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, Cr Rich acknowledged and welcomed Freeman Mr John Kirkpatrick, past Councillors Sandra Hawkins and Merri Harris.

### Minutes

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

**In Attendance:**

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

- Officers:** Mr K Donohoe ..... Chief Executive Officer  
 Mr F Sullivan ..... Director Corporate Services  
 Mr A Schonfeldt..... Director Development Services  
 Mr S Harding ..... Director Infrastructure Services  
 Ms R Steinki ..... Acting Director Community Services  
 Mr A Bowman ..... Manager Governance  
 Ms A Liersch ..... Agendas and Minutes Officer (Minute Taker)

**Leave of Absence:** Nil.

**Apologies:** Nil.

**Observers:**

Members of the Public – 28

Members of the Press – 1

Shire Officers – Mr J O’Neill, Manager Economic Development, Tourism & Marketing (left the meeting at 8.11pm);



## 2. Public question time:

### 2.1 Response to previous public questions taken on notice:

#### Ordinary Council meeting 25 September 2018

Question asked by **Mr Aaron Boots, (address withheld by request), Hopeland, WA 6125** at the Ordinary Council Meeting 25 September 2018. A letter was sent to Mr Boots on 12 October 2018.

#### Question 1

At the OCM, August 27, 2018, I was informed by the SJ Shire CEO that as the SJ Economic Development Strategy 2018 had been endorsed and adopted in March 2018, Cr Piipponen's public comment had not breached Council's code of conduct, or Council's policy on social media by making public comment about the proposed Keysbrook motorsport complex.

The problem arises, firstly, in that Cr Piipponen made his public comment in February, before the strategy or any recommendations had been presented to the council, let alone endorsed or approved.

The same is true for Cr Rich's comments to the Comment News, which were also made in February.

The second issue is that, regardless of what was endorsed or approved by the council regarding the development strategy, the motorsports complex in question is still only a proposal, and that councillors are not legally allowed to make public comment about proposals not yet presented to council and tabled.

As such, would the CEO like to rephrase his response, or clarify for us, in light of these facts, whether he believes Cr's Rich and Piipponen have, in fact, breached both the code of conduct and, in Cr Piipponen's case, the policy on social media as well?

#### *Response:*

*This question has been answered at the last Council meeting; Cr Piipponen has not breached Council's Code of Conduct or Council's Policy on Social Media.*

*As stated in the previous response to Mr Boots "the Planning process has not been completed for the proposal at Lot 78 (No 732) Punrak Road, Keysbrook, nor has there been a report to Council on this matter".*

*For the same reasons, Cr Rich has also not breached Council's Code of Conduct or Council's Policy on Social Media.*



## 2.2 Public questions:

**Public question time commenced at 7.01pm.**

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

### Question 1

What cost is it to the ratepayers per year for the catering of meals for councillors that are provided prior to all Council meetings? Are the staff included in the costings?

### Question 2

How much does that equate for each councillor?

### Question 3

Are all councillors catered for and if not, which have specifically requested for them not to be catered for?

*Response:*

*17 / 18 catering fees for all Council Meetings: \$20,783.37 (includes PCF, Q&A, OCM and Special Council Meetings.)*

*Yes, staff that are required to attend are included in these costs.*

*Unable to advise cost per year as we were not tracking attendance for the full period of 17 / 18.*

*Current catering is \$30.00 per head.*

*No, Councillors requesting to not be catered for are Cr Byas, Cr Coales, Cr Denholm and Cr See.*

**Ms Merri Harris, President Serpentine Jarrahdale Food and Farm Alliance Inc regarding OCM117/10/18**

### Question 1

Are Councillors aware that as of this year all community events have to:

- a) Implement a traffic management plan – it cost us over \$1900 without any need for a road closure because we hold our event on private property (the Shire did pay for the cost of the plan for which we are grateful).
- b) Provide a rubbish bin service because the Shire now no longer provides that service which cost us about \$1000 for the day.
- c) Provide security personnel, based on a predicted number of patrons on the day. 6-8 people on a Sunday at double time for 8 hours?
- d) Provide shade/protection for patrons to shelter from the weather. Without the capacity of other community groups to help provide this facility this would be a substantial further expense.
- e) Provide free water for all patrons



*Response:*

*Not all community events are subject to the above conditions. Public event requirements do differ based on a range of factors, including number of attendees, potential risks and management plans in place. In all instances, requirements for an event aim to minimise risk or potential harm to event attendees, comply with relevant legislation and work towards providing a positive experience for all event patrons.*

Question 2

Are Councillors aware that our event supported 4 other community groups by paying them to help us service our event? Approximately \$1500 this year.

*Response:*

*Building capacity within other local community groups is certainly a welcome benefit to the SJ Food and Farm Fest event.*

Question 3

Are Councillors aware that:

- a) Guest speakers of high regard and community appeal are very expensive (\$1500-\$2000 per hour)
- b) Promotional activities are very expensive. Newspaper advertisements run up to \$700 for a quarter page multiplied by multiple weeks in multiple papers.
- c) The shire currently plans to limit us to the use of four (4) banners for the entire Shire. Last year we used 20!

*Response:*

*Whilst I cannot speak on behalf of Council, I do acknowledge guest speakers and promotional activities can be expensive, but are an important element of attracting (a) the intended clientele and audience to an event and (b) communicating the right messages to build momentum and high regard for the event.*

*Due to the location of the event (South Western Highway, State Reserve), Department of Main Roads restricts temporary event signage to a maximum of 4 signs, located within a distance not exceeding 2kms from the event location/site. Additional signage could be approved outside of the State Reserve conditions.*

**Ms Margaret Cala, 49 Phillips Road, Karrakup WA 6122**

Question 1

In the matter of applications for Retrospective Planning Approvals, are the Conditions applied the same as would be put onto new applications OR are the conditions tailored to fit what has already been constructed; and are follow up Compliance Checks made to ensure the Conditions are being abided by?

*Response:*

*Yes retrospective applications are treated similarly to new applications; however, in each instance the relevant planning merits are considered and any conditions applied should relate to individual circumstances regardless of new or retrospective*





*application process. With regards to the question in relation to Compliance Checks, the Shire has recently appoint two new Statutory Enforcement Officers and are currently recruiting for a Coordinator for this section. The Shire is already working through a considerable backlog related to non-compliance and once this is addressed the Shire will take on a more proactive enforcement programme. This programme will include further following up and compliance checks to ensure conditions are complied with.*

### Question 2

Are Retrospective Applications dealt with under Officer Delegated Authority and are there any penalties – financial or otherwise – applicable to Retrospective Planning Applications?

Does the Shire have the wherewithal to prosecute for illegal constructions rather than give Retrospective Approval?

*Response:*

*Officers are able to deal with retrospective applications under delegation, similar to determining new applications. There is a requirement for three times the normal fee when retrospective applications are submitted.*

*The Shire does have the ability to prosecute for illegal development when the Shire becomes aware of this without waiting for further explanations or applications. The Council's Policy on Compliance and Enforcement (Policy 4.1.5) sets out certain consideration which Officers take into account when making a decision to prosecute and generally Officers are likely to follow what is considered to be a more prudent approach by issuing an alleged offender with an appropriate Directions Notice under Section 214 of the Planning and Development Act 2005. These notices clearly articulates what the offence relates to and requires the alleged offender to cease the use, or to undertake works to bring the site into compliance. Should a person fail to comply with such a Notice, the Shire's likelihood of a successful prosecution is significantly increased. IT should be noted that in recent cases where the Shire undertook direct prosecution, without issuing such notices the prosecution ultimately failed and resulted in costs against the Shire, whilst a recent case where the prudent process was followed resulted in a successful prosecution requiring in over \$23,000 in fines and penalties to the offender.*

*It should further be note however, that if the Shire receives a retrospective planning application, the Shire is obliged to deal with the application and to determine the application on its merits. Where such an application is approved, the property would through this approval likely become compliant or able to become compliant. In such cases there are implications for any prosecution process started prior to determining the application and it generally it results in the prosecution action being discontinued. Where a retrospective planning application is refused, the matter is likely to be appealed to the State Administrative Tribunal. Officers will then defend the decision to refuse the application in the Tribunal and continue prosecution actions. It should also be noted that a Section 214 Directions notice could also be appealed to the State Administrative Tribunal and generally where this occurs, the Shire does not undertake prosecution action until such time as the Tribunal have made a determination.*



*Whilst this does unfortunately result in delays in achieving compliance, ultimately in my experience the results are better achieved using the Direction Notice process than not, and as mentioned above recent experience within the Shire proves this.*

### Question 3

The Byford Trotting Complex is a unique area within the Shire, and given the release of the Shire's Equine Study, how secure is the Byford Trotting Complex from potential subdivision of the existing properties within its boundaries?

That is, what measures can the Shire take to ensure that occupants of the Trotting Complex are bona fide members of the harness racing fraternity as either trainers or associated professionals?

Could higher Rates be charged by non-racing occupants?

*Response:)*

*The Byford Trotting Complex is generally zoned: Special Rural and Rural Living A which requires a minimum lot size of 1 hectare and 1 acre respectively.*

*The Shire in the Draft Local Planning Strategy and Local Planning Scheme 3, adopted in December 2017, focused on retaining this land in an appropriate zoning to ensure the continued use of the area for equine and harness racing purposes. As part of the Shaping SJ process, through public consultation, the Shire reaffirmed that this was the direction and intent for the area, and options have been identified to undertake traffic management within the precinct to protect this land use.*

*The Byford District Structure Plan considered by Council recently retains the Trotting Complex as such and refers to it no less than 17 times and more specifically "Recognises the value of Byford Trotting Complex and associated equine activity to the local economy" and "In addition to designated heritage sites, the character of unique areas such as the Byford Trotting Complex and Byford Old Quarter will need to be preserved as these areas reflect the rural character of the BDSPP area."*

*Please note these options have not yet been finalised or costed, but does indicate the intent for this precinct to remain as an equine precinct within the townsite of Byford.*

*With regards to the second part of the question regarding ensuring only bona-fide trainers use the facility – to my knowledge there are currently no specific requirements under legislation or the planning framework requiring this.*

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

#### Question 1

Does anyone check what the council cleaners, Iconic Cleaning actually do for the exorbitant amount of money the ratepayers are paying them each month and when will Councillors take an interest in the wastage before this cleaning contract comes up for renewal?

*Response*

*The Shire recently appointed a Building Maintenance Supervisor to assist Community Services with the inspections and scheduling of cleaning under the current contract for Cleaning Services. The Cleaning services contract expires in*



*November 2018 the procurement process is underway to retender Cleaning services ensuring a best value provider.*

Question 2

Whose brilliant idea was it to charge ratepayers \$120.00 for an application for a council employee to come and tell the ratepayer whether they can trim trees on their own property and is it Council directed that a ratepayer is told to get electric gates then the offending tree will not be a problem?

*Response*

*Council do not charge for site visits relating to tree enquiries, which includes the trimming of trees. If more specific information can be provided as to the location of the incident cited above, then Council can investigate the query.*

*Under the Town Planning Scheme (clause 7.12 – Tree preservation and planting), removal or significant pruning of any tree of a particular size (height and diameter) requires planning consent, unless a particular exemption applies i.e such as imminent danger, proximity to buildings, on a fence line, within a building envelope etc. Other than those exempt, removal and significant pruning of tree of size require Council consent.*

Question 3

Why aren't all religious groups / churches obliged to pay rates, they have the benefit of all infrastructure within the Shire?

*Response*

The *Local Government Act 1995* Section 6.26 (2)(d) & (e) Rateable land states that:

The following land is not rateable land

- (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
- (e) land used exclusively by a religious body as a school for the religious instruction of children;

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

Question 1

What is the total cost of running Byford Hall and Jarrahdale Hall to include all depreciation, replacement of upgrades and all incidentals to include staff time per year and what is the income for both halls individually?

*Response*

*Byford Hall:*

*2017/18 total income: \$23,152.*

*2017/18 total expenditure (including depreciation and capital renewals): \$175,673.*



Jarrahdale Hall (Bruno Gianatti Hall):

2017/18 total income: \$3,554.

2017/18 total expenditure (including depreciation): \$45,057.

Question 2

How much money is given to all organisations in the Shire including grants for various requirements including money to cover insurance ,costs and either free or reduced charges to use Shire facilities this financial year?

*Response*

*The current budget allocations for all community based grants, funding schemes, sponsorships and contributions of a financial nature total \$304,000.*

*Fee waivers or fee reductions result in a reduced income, and as such is not reflected in this figure.*

Question 3

Which organisations have benefitted from Shire funding this financial year?

*Response*

*Approved grants and sponsorships to community organisations thus far this FY:*

- *SJ Lion's Club*
- *Peel Bright Minds*
- *Police and Emergency Services Games*
- *Serpentine and District Branch of Country Women's Association*
- *(Conditional support offered) – Byford Community Kindergarten*
- *(Conditional Support offered) – Serpentine Horse and Pony Club*
- *West Byford Primary School P&C Association*
- *Byford Bowling Club*
- *Anglican Parish of Serpentine Jarrahdale*
- *Sports Aircraft Builders Club*
- *Oakford Girl Guides*
- *Jarrahdale Community Collective*

**Public question time concluded at 7.21pm.**



### **3. Public statement time:**

**Public statement time commenced at 7.21pm.**

**Ms Merri Harris, President Serpentine Jarrahdale Food and Farm Alliance Inc regarding OCM117/10/18**

Councillors, the one emotion and reaction to this report is that of embarrassment. The embarrassment comes from several sources and they are:

1. It is unfortunate that we have not been able to explain to officers what the aim of the Food and Farm Alliance is i.e. to promote the capacity of this shires land owners to participate in the growth of the peri-urban food bowl and to focus on the production of high quality food.
2. It is unfortunate that we, as an organisation are not understood by officers, in our desire to become sustainable and hence our insistence on charging a gate fee to attendees.
3. It is unfortunate that we have received far more money for our event than other truly worthy community events.
4. It is unfortunate that the MOU particulars, to which we were held to an agreement of confidentiality, has been published for all to see without any request for consent from us or our other grant providers.
5. It is unfortunate that we have not made it understood that we have deliberately chosen to hold our events on a FARM. On a farm we can gain permission from the owner to hold events and displays that we cannot on Shire Reserves.
6. It is unfortunate that we have not made it clear that we are indeed applying for other funding opportunities as they become available. You should be aware that Lottery west does not fund events that charge a gate fee, nor do they provide funds to groups that they perceive to be benefitting a specific segment of the population eg farmers.
7. It is unfortunate that officers do not understand that we subsidise other events to enable the public to attend hence we need to make money.
8. It is unfortunate that we have not made it understood that when completing grant funding opportunities from other bodies we are required to contribute cash contributions of our own to be able to apply for the grant hence we need to make money at some events.
9. It is unfortunate that we have not made it clear to officers that it is not possible to provide sufficient numbers of local suitable food vendors because of our requirements to provide high quality foods that contain NO artificial colours, flavours or preservatives.
10. It is unfortunate that we have not made it understood that we do not permit many of the activities that are present at other community events such as bouncy castles, mechanised amusements, sausage sizzles, soft drinks or amusements that require spending money for children to enjoy with the exception of the camel rides and pony rides.
11. It is also unfortunate to admit that to date we have not been able to submit an event application for 2019 because we do not have available to us the necessary guidelines and forms to help us structure our application.



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

As Councillors all of you should be reading the creditors payments and working to have our Shire operating at a level of decency when it comes to how much the ratepayer is ripped off by some of those claiming for services they obviously are not providing.

The amount of money paid to trim/ remove trees is beyond a joke, cleaning is farcical, some consultants see our Shire as a cash cow. Don't simply pass contracts when you know nothing about those seeking contracts and how much they may be overinflated in price. Our rates did not need to be raised and only Councillor Piipponen voted against raising the last set of rates, so many ratepayers see the rest of you Councillors as being redundant and rightly so.

Again it is the Councillors responsibility to make themselves available to the ratepayer and act in their best interest. All your huff and puff to get on Council and then ignore the needs of the ratepayer are deplorable. All of you should be reading the firebreak book sent to the ratepayers and correct the idiocy of some of it. Fact is it should have been corrected before wasting money on publishing it.

It would be smart that the bridle path gate on our bridle path could be opened in an emergency without two people having to push it open enough so the fire truck could pass through it.

*Shire President, Councillor Rich requested that if Mrs Bond has some information regarding bridle path gates that could assist Council, to please submit the information to Shire Officers.*

**Mr Jon Squire, PO Box 110, Mundijong WA 6123 regarding Business SJ/Serpentine Jarrahdale Community Resource Centre Inc. regarding OCM8.1.2/10/18**

I am here, again, to make a statement on behalf of BusinessSJ which is a SJCRC endeavour.

As previously stated, Business SJ has successfully delivered a range of services, training and networking opportunities for the local business sector since its launch in July 2017 to over 500 participants and currently has over 80 members. It is now lead by committed chairperson with backing of a committee of dedicated local business owners who have already developed the plan for the coming 12 months, which includes a SJ Business Expo 2 day event that would incorporate a conference, gala dinner and awards evening.

As previously stated, Business SJ now has four business consultants on hand to assist members, with these consultants assisting in providing group training and ongoing individual support.

As previously stated, Business SJ members receive the opportunity to promote at the annual LiveLighter SJ Community Fair. They are all promoted via various on-line forums and have member exclusive opportunities within the SJ Crier magazine. The dedicated Business SJ website is due to launch later this week and we have engaged a local design consultant to handle the marketing requirements.

As previously stated, upon advising the members of the proposed agenda item, we have received overwhelming support and response against the agenda item. Among the comments and feedback are:



- \* Concern for the rate paying funds going out of the Shire and this going against providing local employment opportunities, where these funds could be used locally to enhance the already existing business support group.
- \* Peel CCI membership fees being substantially higher than those of Business SJ and what SJ businesses get from that in the long run, especially where they are not prepared to travel to Mandurah for training or events
- \* Majority of the proposal has already been achieved locally, without rate paying funds - eg. set-up and ground work, membership drive, event program, engaging committee members, launch event, ascertaining the needs of the sector etc.
- \* The support to local businesses from the Shire would not be achieved by engaging an external provider who is not in touch with the unique needs of local businesses. SJ business owners would not be offered the quality of service, and the frequency of events that Business SJ does and will continue to offer.
- \* By providing financial support to an external provider to duplicate what already exists would dilute the support base of both groups, making them both less effective as advocates for development in the shire. Surely this funding could be better used to increase the effectiveness of the already well supported Business SJ group.

As previously stated, a letter of support has also been received from Alyssa Hayden, MLA, Member for Darling Range and has been distributed to all Councillors.

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

There have been a number of comments and questions about the training that Councillors have undertaken since the Local Government elections in 2015.

They have been about costs and the benefit to the community. They have been about the commitment of elected members to their position of elected members.

In reply to a question by a member of the public at the September OCM it would appear that only two elected members had applied to complete the WALGA Diploma Course.

One was Mrs Sandra Hawkins who was subsequently soundly beaten at the 2017 elections. The other one is our current Shire President who should complete the Diploma Course this month. This would be the first Shire President to complete the Diploma. It shows the dedication and concern she has for the community she represents. It has been stated in reply to public questions that she has not claimed Mileage allowance or incidental expenses other than those allowed for in the position of Shire President.

She has worked hard for a number of significant projects which include obtaining a large portion of land in Mundijong in the centre of the Shire for a sporting complex and already the Shire under her direction has called for the BMX track to be relocated there. This will free up land at Briggs Park for other uses for the Byford Community.

The large portion of sporting land at Mundijong will be there for generations to come and will benefit all. All at no cost to the Shire for the Land. Unlike the proposal to purchase land by a previous President.

We were promised when the High School was constructed that the sporting facilities at the School including the hydrotherapy pool would be made available to the Ratepayers and on that promise some land that was for recreation was re-zoned for residential that is part



of the problem with the shortage of sporting land available but the Shire President has fixed that, other than the pool but that is not to stop a pool being built on the new land available.

Abernethy Road is finally being upgraded even though the money from the Federal Government has been there for a number of years and previous administrators sat on their hands and did nothing.

The Mundijong industrial area has now started and this will bring employment to the area, again, big picture stuff but I am told that some buildings are already being constructed. Council is to be congratulated. This is designed for intermodal transport that is road and rail with the heavy rail through Mundijong being relocated through the industrial area and stopping the bulk rail transport through Mundijong.

The Tonkin Highway is on the State budget at last after promises for many years to get it started by the previous state government and our then local member of State parliament.

The Railway Station has been promised under Metronet and will have a station in the Centre of Byford. Unlike the previous proposal to put the Station north of Thomas Road.

Money was found for a new road bridge in Serpentine not just a patch up as previously proposed.

Money was promised for the upgrade of Thomas Road from Tonkin Highway to Southwest Highway with the Main roads to take it over when upgraded, the planning for it has been done with the Shire putting in about \$350,000.00 and the Main roads about \$650,000.00 the earthworks have already been done at the Tonkin Highway end. The offer was declined by a previous administration. Thomas Road could have been completed by now. A solution to the rail crossing of Thomas Road was proposed and I believe is being incorporated into the Metronet design.

We are very lucky to have a Shire President with such a work ethic and vision for the future with no ulterior motive. Her work ethic can be seen by the number of meetings she attends and the lobbying she does on our behalf.

There is a majority of elected members that are clearly seen to be supporting the Shire President, just look at the voting record but we still have some that do not bother to attend meetings of any kind but do just enough to pick up their pay check. It does help if the CEO drives a lot of the bureaucracy and is ably supported by good and competent Directors. Someone has to do the paperwork and watch the accounts.

**Public statement time concluded at 7.36pm**

#### **4. Petitions and deputations:**

Nil.

#### **5. President's report:**

Hello and welcome to the October Ordinary Council Meeting.

The Jarrahdale Log Chop on 30 September was a community triumph - well done to the Lions Club of Serpentine Jarrahdale. It was a pleasure to see so many of you there, enjoying the festivities in the historic timber town of Jarrahdale. We also held a bumper school holiday program, with a range of incredible activities for our young people, including





outdoor art workshops, yoga and our first Try A Sport Day with around 200 attendees! Thank you also goes to the local sporting clubs that participated and helped make this day a success. Residents joined us to design SJ's first dog park on 6 October, and presented lots of great ideas about how we can make it a fantastic place to visit with your furry friends.

Mayor Rhys Williams from the City of Mandurah visited and I took him on a tour of our Shire to show the many changes that have occurred in recent years. He was amazed to see the amount of growth we have experienced in a relatively short time – clearly demonstrating such a positive future for SJ. I also caught up with Rusty Wisewood and his mum, Karen, who is undertaking a project on fighting childhood obesity. Such incredible passion, with wonderful ideas on how we can further utilise our sport and recreation spaces for the benefit of our community.

Other things happening in and around our Shire that I was pleased to attend this month include:

- the recent opening of the Byford Marketplace; delivering greater shopping choices and employment opportunities locally.
- Murdoch University's 'Future of Food' event showcased innovation in food production across the education and government sectors.
- Southern DIRT Peel Hub Steering Committee meetings, who are giving a positive voice for farmers at local and State Government levels.
- DFES' Rural Fire Division presentation at Mundijong Bushfire Brigade, and met with the Minister for Emergency Services (Hon. Fran Logan) and the Commissioner of DFES (Darren Klem).
- The WALGA WA Transport and Roads Forum, held on 16 October, which explored the various facets of road safety management, planning infrastructure investments, and heavy vehicle access issues that particularly affect local governments.
- The City of Melville hosted an Economic Development forum for Elected Members, which highlighted the importance of Councillor roles in supporting and responding to the challenges of economic development in their areas.
- The Peel Regional Leaders Forum,
- and the Southeast Metropolitan Joint Development Assessment Panel meetings.

The Oakford Community BBQ, held by the Shire in partnership with the WA Police and Neighbourhood Watch, was a highlight this month – the community spirit at these events is second to none. Don't miss your chance to attend one of these free BBQs, which are happening in each locality and focus on meeting your neighbours and increasing safety in our community. For details, see the Shire's events page.

Lastly, I would like to offer my condolences to the family and friends on the passing of Mr Jack Townsend. Mr Townsend was a Councillor of Serpentine Jarrahdale between 1996 and 2001. He was a strong representative of the Oakford and wider community, and will be sadly missed. The Shire is currently flying our flags at half-mast as a mark of respect and to honour the sense of loss within the community.



Continued

## Ordinary Council Meeting Minutes Monday 22 October 2018

Date	Meeting Title	Location
26 September 2018	Opening of Byford Market Place	Byford
	Landcare Board Meeting	Landcare Office SJ
27 September 2018	WALGA Elected Member Economic Development Workshop	City of Melville
28 September 2018	Southern DIRT Peel Hub Meeting	SJ Community Resource Centre
30 September 2018	Jarrahdale Log Chop	Jarrahdale
1 October 2018	Policy Concept Forum	Shire Offices
2 October 2018	Meeting with CEO	Shire Offices
	PRLF Executive Interviews	City of Mandurah
	Ageing Well Seminar	Serpentine
3 October 2018	Weekly Meeting with CEO	Shire Offices
	CEO / Councillors Strategic Meeting	Shire Offices
4 October 2018	Meeting and Shire Tour with Mayor Rhys Williams - City of Mandurah	Shire Offices
4 October 2018	Ageing Well Seminar	Byford
5 October 2018	Ageing Well Seminar	Jarrahdale
6 October 2018	Larsen Road Dog Exercise Park Enquiry by Design	Byford
8 October 2018	Photo Op - Urban and Rural Forest Strategy	Byford
	Meeting with Rusty Wisewood and his Mum, Karen	Shire Offices
	Arts, Heritage and Culture Committee Workshop	Shire Offices
	Arts, Heritage and Culture Committee Meeting	Shire Offices
	Special Council Meeting	Shire Offices
	Policy Concept Forum	Shire Offices
9 October 2018	Murdoch The Future of Food Event	Mandurah
10 October 2018	JDAP Meeting	Perth
	Weekly Meeting with CEO	Shire Offices



Date	Meeting Title	Location
12 October 2018	Landcare Management Committee Meeting	Landcare Office SJ
	Southern DIRT Meeting	Shire Offices
15 October 2018	SJ Community Resource Centre AGM	SJ Community Resource Centre
	Transform Peel Event	City of Mandurah
	Q&A	Shire Offices
	Mundijong BFB - DFES Rural Fire Division meet and greet	Mundijong BFB
16 October 2018	2018 Transport Roads Forum	Crown Perth
	Community BBQ	Oakford
	Whitby Residents Association Meeting	Whitby
17 October 2018	Weekly Meeting with CEO	Shire Offices
17 October 2018	JDAP Meeting	Shire Offices
18 October 2018	Photo Op – Mundijong Police regarding “Operation Cloud Dawn” campaign	Mundijong Police Station
19 October 2018	Tourism Investment Workshop	Pinjarra

## 6. Declaration of Councillors and Officers interest:

Mr Kenn Donohoe, Chief Executive Officer declared a Proximity Interest in OCM108/10/18 as he a property owner in Tranby Avenue, Serpentine. Mr Donohoe will leave the Chambers while this item is discussed.

Councillor Atwell declared a Financial Interest in OCM109/10/18 as he does contractual work for the owner. Councillor Atwell will leave the Chambers while this item is discussed.

Councillor Coales declared a Proximity Interest in OCM110/10/18 as he lives in the vicinity of the street. Councillor Coales will leave the Chambers while this item is discussed.

Councillor Atwell declared an Impartiality Interest in OCM116/10/18 as he is a Life Member of some of the Clubs involved. Councillor Atwell will consider the matter on its merits and stay in the Chambers and vote accordingly.

Councillor Denholm declared an Impartiality Interest in OCM116/10/18 as he is on the Committee of Centrals Junior Football. (Coaching coordinator, not Executive). Councillor Denholm will consider the matter on its merits and stay in the Chambers and vote accordingly.



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

**7.1 Ordinary Council Meeting – 25 September 2018**

**OCM7.1/10/18 COUNCIL RESOLUTION**

Moved Cr Byas, seconded Cr McConkey

That the minutes of the Ordinary Council Meeting held on 25 September 2018 be confirmed (E18/10711).

**CARRIED UNANIMOUSLY 9/0**

**7.2 Special Council Meeting – 8 October 2018**

**OCM7.2/10/18 COUNCIL RESOLUTION**

Moved Cr Coales, seconded Cr Byas

That the minutes of the Special Council Meeting held on 8 October 2018 be confirmed (E18/11195).

**CARRIED UNANIMOUSLY 9/0**

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

**8.1 Economic Development Advisory Committee Meeting – 11 September 2018**

<b>OCM8.1.1/10/18 / EDAC007/09/18 – Shire of Serpentine Jarrahdale Tourism Strategy</b>	
<b>Author:</b>	Manager Economic Development, Tourism and Marketing
<b>Senior Officer/s:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	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> .

**Introduction**

The purpose of this report is to recommend to Council the endorsement of the Shire of Serpentine Jarrahdale Tourism Strategy 2018 - 2023. The Tourism Strategy is a strategic document for the Shire of Serpentine Jarrahdale over the next six years. It is important that the Economic Development Advisory Committee to formally acknowledge this strategic document to enable the Shire to fully realise the potential of its tourism development and activation goals and to focus on the actions required of the various stakeholders.

The purpose of this Tourism Strategy (Strategy) is to provide direction to Council for the sustainable development of tourism in the Shire of Serpentine Jarrahdale. Its core aims are to:



- Identify opportunities for development of new and upgrading of existing tourism product to meet future visitor expectations and demands;
- Identify the need for new investment and infrastructure that supports the development of tourism in the Shire;
- Provide relevant, research-based information on current and future tourism supply and demand; and
- Provide recommendations on the focused priorities for engagement with key industry stakeholders, potential investors, customers and the community.

### **Relevant Previous Decisions of Council**

At its meeting of 12 March 2018, the Economic Development Advisory Committee recommended to Council the appointment of Brighthouse Strategic Consultants to draft the Shire of Serpentine Jarrahdale Tourism Strategy 2018 – 2023. Council at its meeting of 26 March 2018 formally endorsed this recommendation.

### **Background**

This Strategy will provide the Shire of Serpentine Jarrahdale with a detailed framework of background and actions relating to the tourism development and activation opportunities within the Shire. Brighthouse Consulting has prepared the Strategy, based on its industry experience and knowledge of tourism, tourism activation, tourist accommodation developments and information relating to industry participants and published material.

The Shire of Serpentine Jarrahdale understands that the development of tourism in the region is essential, both to the sustainability of its unique natural, cultural and historic attractions and to the creation of employment and prosperity of its residents. It seeks to address the imbalance between the slow evolution of the area as a tourism destination and the recent rapid population and economic growth in the Shire.

The audience for the Strategy includes Local, State and Federal Government agencies, Regional Development agencies, Regional and Local Tourism Organisations and tourism industry investors, developers and operators.

Travel and tourism are important economic activities in many countries around the globe. As one of the world's largest economic sectors, tourism creates jobs, drives exports, and generates prosperity. The outlook for the tourism sector in the near future remains robust, and tourism will continue to be at the forefront of economic development and employment creation.

It is likely that over the longer term, growth of the tourism sector in Serpentine Jarrahdale will continue to be strong, so long as investment and development in the local government area takes place in an open and sustainable manner. Enacting a pro-tourism attitude, with the support of the community, will enable the Shire to achieve much-improved social and economic outcomes. The sustainable development of tourism will help foster entrepreneurship and develop the business environment necessary to enable the Shire to realise its tourism potential whilst maintaining protection of the area's natural habitats and biodiversity, as well as the lifestyle choices of those living in the community.

### **Community / Stakeholder Consultation**

Extensive consultation was undertaken as per the listing below by the consultants:



Shire of Serpentine Jarrahdale;  
Tourism WA;  
Tourism Research Australia;  
Department of Biodiversity, Conservation and Attractions;  
Department of Local Government, Sport and Cultural Industries;  
Department of Primary Industries and Regional Development;  
Department of Planning, Lands and Heritage;  
Peel Development Commission;  
Destination Perth;  
MAPTO;  
Hills Tourism;  
WA Parks Foundation;  
City of Armadale;  
Serpentine Jarrahdale Community Resource Centre;  
Kalamunda Chamber of Commerce, Kalamunda Farmer's Markets;  
The Rotary Club of Hall, ACT, Capital Region Farmers Market;  
Jarrahdale Heritage Society;  
RAC Parks and Resorts;  
Byford & Districts Country Club;  
Serpentine Jarrahdale Food and Farm Alliance Inc.;;  
BMX Sports, Western Australia Inc.;;  
Byford BMX Club;  
WAITOC;  
Western Australian 4WD Association Inc.;;  
Veteran Car Club of WA (Inc.);  
Fervour;  
Caravan Industry Association WA;  
Future Now, Creative and Leisure Industries Council; and  
Sandy Harvey, Veranda Home and Garden, Byford

Policy Concept Forum

A presentation was delivered to elected members on 9 July 2018.

<b>Meeting Date</b>	9 July 2018
<b>Councillors Attendance</b>	<b>in</b> Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Gossage, Cr McConkey, Cr Rich, Cr See

**Statutory Environment**

Nil.

**Comment**

The strategic priorities for tourism development in Serpentine Jarrahdale evolved through a process of market demand and gap analysis; identification of the strengths, weaknesses, opportunities and threats confronting the Shire of Serpentine Jarrahdale (SWOT analysis); competitive review and consultation with key stakeholders.

From this research, a number of key areas were identified and explored, resulting in the development of eight tourism priorities that will take the Shire forward towards its goal of transforming Serpentine Jarrahdale into a high-ranking day-trip and holiday destination. The eight strategic tourism development priorities for the area determined through the Strategy preparation process are as follows:

**Branding and Wayfinding, discussed in *Finding the Way*** – This priority identifies the need for an innovative, consistent, consumer-centric tourism brand for the Shire of Serpentine Jarrahdale. This section also considers wayfinding – the means by which potential visitors discover the locality and, once they have decided to visit, move easily from point to point within it, so that maximum exposure of the area’s tourism attractions is achieved.

**Trails and expansion of the region’s trail network, discussed in *On the Trail*** – This priority reviews the existing trails network and considers the opportunity for Serpentine Jarrahdale to become a highly desirable Trails Town destination.

**Food Tourism, discussed in *Food for Thought*** – This priority leverages the region’s agricultural roots to develop opportunities in the food and wine tourism sphere.

**Equine Tourism, discussed in *Horses for Courses*** – This priority recognises Serpentine Jarrahdale’s peak position in Western Australia’s equine tourism sphere and explores the potential for equine-based tourism across various areas of activity.

**Attractions (Natural, Cultural and Historic), discussed in *Go Natural*** – This priority explores ways to develop sustainable tourism visitation through the significant portion of the Shire that is included in the natural estate.

**Adventure Tourism, discussed in *Tap into Adventure*** – This priority takes advantage of the topography of the land in many parts of the Shire to develop healthy activities that will attract significant numbers of tourists. Adventure tourism integrates with other tourism priorities, such as trails and a number of private sector initiatives.

**Tourist Accommodation, discussed in *Stay... Just a little longer*** – This priority recognises that the availability of appropriate tourist accommodation in the shire is critical to the development of short-stay tourism. This priority considers options for development, including the creation of a major tourist accommodation and activities hub in Jarrahdale.



**Events, discussed in *In the Event*** – This priority considers how the addition of regular and occasional events will help attract large numbers of special interest tourists to the Serpentine Jarrahdale area.

Together these eight tourism priorities form the framework of the Serpentine Jarrahdale Tourism Strategy 2018– 2023. As noted, each of these priorities is explored in depth in Part IV of the Strategy - Strategic Tourism Priorities for Serpentine Jarrahdale.

### Conclusion

The draft Shire of Serpentine Jarrahdale Tourism Strategy has gathered significant evidence and background on the tourism activity across the Shire of Serpentine Jarrahdale and the wider Peel Region. The outcomes of this Strategy provide a clear direction and framework for the Shire and its strategic partners over the next six years.

The Shire will require significant new tourism investment to help it meet the ambitious new jobs target of 45,000 by 2050. This Tourism Strategy will provide a blueprint for our many stakeholders and investors and enable the Shire to inform and market its strategies for attracting new tourism investment and activation, delivering new local jobs and critical infrastructure over the next six year.

It is therefore recommended that the Shire of Serpentine Jarrahdale seek to position itself as a premier tourism destination within the Perth and Peel Regions.

### Attachments

- [EDAC007.1/09/18](#) – Shire of Serpentine Jarrahdale Tourism Strategy - Draft (E18/9037)

### Alignment with our Strategic Community Plan

<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local business within the district.
<b>Outcome 3.2</b>	A vibrant tourism destination experience.
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district.

### Financial Implications

There is nil cost to Council at this stage, in adopting the Shire of Serpentine Jarrahdale Tourism Strategy. Business cases will be presented to Council on the numerous strategy initiatives over the coming years which will have various financial implications to Council.

The majority of the costs associated with the activation of all the elements of this Tourism Strategy will fall to private sector investors. Council will be seeking Expressions of Interest from private sector operators and investors to specifically help activate this Strategy.





### 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)
Accept Officer Recommendation	Rare (1)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Risk

### 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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item.



**Voting Requirements:** Simple Majority

EDAC007/09/18 Officer Recommendation:

That the Economic Development Advisory Committee recommends to Council the endorsement of the Shire of Serpentine Jarrahdale Tourism Strategy 2018 - 2023 as contained in attachment EDAC007.1/09/18.

**EDAC007/09/18 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE  
RESOLUTION:**

**Moved Cr See, seconded Ms Harvey**

**That the Economic Development Advisory Committee recommends to Council the endorsement of the Shire of Serpentine Jarrahdale Tourism Strategy 2018 - 2023 as contained in attachment EDAC007.1/09/18 with the amendment to the paragraph on page 15 to include Albany Highway.**

**CARRIED UNANIMOUSLY 6/0**

*Reason for difference to Officer Recommendation: There are 4 major highways within the Shire and the Tourism Strategy 2018-2023 is to be amended to reflect the 4 highways.*

**Voting Requirements:** Simple Majority

OCM8.1.1/10/18 Economic Development Advisory Committee Recommendation

That Council endorses the Shire of Serpentine Jarrahdale Tourism Strategy 2018 - 2023 as contained in attachment EDAC007.1/09/18 with the amendment to the paragraph on page 15 to include Albany Highway.

**Voting Requirements:** Simple Majority

**OCM8.1.1/10/18 COUNCIL RESOLUTION / Amended Officer Recommendation**

**Moved Cr Byas, seconded Cr See**

**That Council endorses the Shire of Serpentine Jarrahdale Tourism Strategy 2018 - 2023 as contained in attachment EDAC007.1/09/18 with the following amendments:**

- **page 15 - add 'and Albany Highway.'**
- **page 16 - delete low, insert growing;**
- **page 16 - insert sentence 'Two recently developed facilities; Byford & District Country Club and King Road Brewery are attracting many thousands of visitors on an annual basis.'**
- **page 16 – insert sentence 'The tourism industry is a significant contributor to the local economy. Many local businesses and industries supply to the local tourism industry at some level.'**
- **page 18 – insert 'This represents a marked difference to Australia as a whole, where China dominates as an inbound tourism market.'**
- **page 18 – insert sentence 'Other high growth markets include Hong Kong, Malaysia, India and Thailand. These markets recorded double digit inbound growth between 2011 and 2016.'**
- **page 19 – insert sentence 'The following charts indicate:**



- a. The breakdown of visitors to regional Australia by purpose of visit.
- b. The breakdown of visitors to regional Australia according to international and domestic travellers.'

- page 20 – insert heading 'Technology has empowered consumer information and purchasing power.'
- page 21 – insert headings and paragraphs  
'Travellers preferences are changing

The rapidly changing social and economic environment is also responsible for a shift in the manner in which tourists are looking to purchase travel products. An examination of key global trends is equally important to consider when looking at product distribution – both the current state and what is required to maintain a competitive advantage into the future.

Demography – the number of healthy active seniors with higher disposable incomes is growing. This group will demand quality, convenience, security, easy transportation, relaxing entertainment facilities, one person products and an emphasis on comfort when buying a tourism experience. They will also increase their demand for luxury, special products, city and short term breaks and winter sun holidays.

Health – likewise, the number of health conscious travellers who are demanding healthy destinations is growing.

Transportation – the advent of low cost carriers means that destinations that are available for easy short breaks will increase.

#### Insights and implications

What is clear from the research above is that contemporary Australians have become what Tourism Australia defines as "Experience Seekers".

For example, Baby Boomers are relaxed, financially secure and keen to try new travelling experiences.

Gen X'ers have already travelled far more than their parents, and seek new experiences when they travel.

Gen Y are globally aware and technologically savvy, and Gen Z are seen as free independent travellers.'

- page 22 – insert 'in order to drive the outcomes of this Tourism Strategy.'
- page 23 – insert 'at Mundijong and the Metronet'
- page 24 – insert 'to visit the many tourism venues within the Shire.'
- page 24 – insert sentence 'Coach tours of our Shire and region are high on the action agenda to allow many more visitors to experience the beauty of our many natural attractions. These natural attractions include stunning wildflowers in season and huge variety of native bird species.'
- page 25 – insert sentence 'The Shire has recently completed its Trails Strategy which will complement the work of this tourism strategy.'



- page 26 – insert sentence ‘These include the magnificent Gooralong Brook and the Kitty’s Gorge trail walk linking Serpentine Falls to Jarrahdale.’
- page 27 – insert ‘Monthly on a Sunday’
- page 28 – insert sentence ‘There is also a trail head at the rear of the Byford & Districts Country Club.’
- page 28 – insert sentence ‘The Byford Progress Association intends to produce a walk/drive art trail brochure for Byford, but more importantly the new Art, History and Culture Committee of the Shire is planning for artworks throughout all our towns and this would lead to walk/drive trails throughout the Shire.’
- page 29 – insert paragraphs  
‘Quarry Farm has long been a draw card for visitors to the Shire, show casing a magnificent vista all the way down to the coast and is now a very popular function centre and wedding and conference venue.  
  
Historical Whitby Falls, another place of great beauty and attraction for so many people. The Old Whitby Coach House has a great history and it would be a significant win if it could be restored to its former glory.’
- page 30 – insert ‘2018’
- page 30 – insert ‘Different levels of awareness of the Shire of Serpentine Jarrahdale’s tourism product presents a challenge to successfully reaching out to potential visitors through innovative, yet cost effect and sustainable marketing approaches.’
- page 30 – delete ‘multi’, insert ‘omni’
- page 51 – delete ‘MAPTO’, insert ‘Perth’.
- page 59 – insert sentence ‘The Shire has a new Equine Strategy which provides greater detail around these areas.’
- page 62 – insert
  - Office space for industry associations and affiliated businesses;
  - Horse, pony and Polo club facilities;
  - Horse riding and equestrian skills tuition;
  - Horse racing and farrier tuition (apprenticeships);
  - Non racing and equestrian sports disciplines including show jumping, dressage, eventing, vaulting, cross country, endurance, showing, breeding, polocrosse, trail riding, rodeo and camp drafting;
  - Elite riding programs (competitive/talent development);
  - Associated equine services/training (e.g., vets, farriers, physiotherapists, and equine dentists), photography, saddlers and clothing suppliers, horse transportation, float hire and educational (qualification) providers;’
- Page 75 - insert  
‘Some insights into the size of the target market include:
  - It is estimated there are up to 35,000 active 4WD enthusiasts in WA.
  - There are more than 1,000 4WD club members in the 29 registered 4WD clubs in WA.’



- **Page 76 – insert sentence ‘Riders of all ages compete across Australia and this sport has now been included in the 2020 Summer Olympics.’**
- **Page 81 – insert sentence ‘In the past, Caravan Parks were often the first tourism developments in regional Australia.’**
- **Page 87 – delete ‘MAPTO’, insert ‘Perth Hills Tourism Alliance’**
- **Page 88 – insert sentence ‘When events are closely aligned with the regions distinctive difference or unique selling proposition, they serve to position Serpentine Jarrahdale as a destination of choice.’**
- **Page 89 – insert**  
**‘In conjunction with a farmers market, there is also an opportunity to get on board with growing interest in the health benefits of local honey.**  
**One opportunity could be an annual Honey Festival.’**

**CARRIED UNANIMOUSLY 9/0**

*Reason for amended Officer Recommendation:*

*New information and recommendations came to light after the publication of the draft Shire of Serpentine Jarrahdale Tourism Strategy 2018-2023 was published on the Shires website.*

**OCM8.1.2/10/18 / EDAC008/09/18 – Peel Chamber of Commerce and Industry Inc – Strategic Partnership**

<b>Author:</b>	Manager Economic Development, Tourism and Marketing
<b>Senior Officer/s:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	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> .

**Introduction**

The purpose of this report is to recommend the forming of a strategic partnership between the Shire of Serpentine Jarrahdale and the Peel Chambers of Commerce and Industry Inc. for a period of one year.

**Relevant Previous Decisions of Council**

EDAC004/06/18 – Red Tape Reduction

**Background**

This strategic partnership will enable the fostering of the following benefits to the business community of the Shire of Serpentine Jarrahdale:

- Employment of a dedicated, driven and well-connected project lead;
- Facilitate the creation of the Serpentine Jarrahdale Business Support Group;
- Strengthen local businesses education and encourage economic clustering;
- Lift service delivery standards;
- Grow the collective voice of Serpentine Jarrahdale businesses and streamline the community message; and
- Provide a growing business environment and the delivery of a comprehensive suite of business development and educational services to the fast growing Shire of Serpentine Jarrahdale business community.

To ensure future business opportunities are appropriately managed and to enable the growth of these businesses within the Shire, Officers have undertaken discussions with the Peel Chamber of Commerce and Industry Inc. to implement a strategic partnership, which provides assistance to achieve the creation of a business support group, whilst providing ongoing support to the businesses within the Shire of Serpentine Jarrahdale. (Attachment EDAC008.1/09/18)

This strategic partnership will see the Shire of Serpentine Jarrahdale provide the use of the office at the Byford Hall to the Peel Chamber of Commerce and Industry for one day per month as part of the partnership arrangement.

**Community / Stakeholder Consultation**

Not required.



### Policy Concept Forum

Not required.

### **Statutory Environment**

Nil.

### **Comment**

This strategic partnership will seek to create a professional business support group with substantial Peel regional backing to provide local businesses with advisory services across a range of business development needs. These will include:

- Financial management training;
- Social media for business;
- OSH information;
- Human Resources information; and
- Sales and marketing information.

This will mirror the establishment of two similar groups in conjunction with Peel Chamber of Commerce and Industry in the Shires of Murray and Waroona. This will provide the potential for Serpentine Jarrahdale businesses to create new business opportunities throughout the Peel Region.

This will also create the means for local Serpentine Jarrahdale businesses to foster Peel Region wide relationships for mutual benefit.

### **Options and Implications**

Option One: That the Economic Development Advisory Committee recommends the endorsement of the strategic partnership between the Shire of Serpentine Jarrahdale and the Peel Chamber of Commerce and Industry. The implications will be that this partnership will be available to all members of the Shire of Serpentine Jarrahdale business community and stakeholders which will enable the Shire and the Peel Chamber of Commerce and Industry to provide a wide range of advisory services.

Option Two: That the Economic Development Advisory Committee recommends changes to the strategic partnership between the Shire of Serpentine Jarrahdale and the Peel Chamber of Commerce and Industry. The implications will be that the changes sought will delay the finalisation of this partnership.

Option Three: That this Economic Development Advisory Committee recommends that this strategic relationship not be endorsed. The implications will be that the Shire will have to reconsider a new strategy, which will substantially impact on the Shires relationship with the business community and the Peel Chamber of Commerce and Industry.

### **Conclusion**

That the Economic Development Advisory Committee recommends the strategic partnership between the Shire of Serpentine Jarrahdale and the Peel Chamber of Commerce and Industry for the period of one year at a cost of \$15,612 including GST.



## Attachments

- [EDAC008.1/09/18](#) – Peel Chamber of Commerce & Industry Strategic Partnership (IN18/15306)

## Alignment with our Strategic Community Plan

<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local business within the district.

## Financial Implications

There will be a cost to Council for the provision of services from the Peel Chamber of Commerce and Industry. The proposal request is for the sum of \$15,612.00 including GST for the first twelve months of this strategic partnership. These funds will be drawn from the Economic Development Committee Account EDC530, which has an available budget allocation amount for 2018/19 of \$99,849.00.

## 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 / Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Accept Officer Recommendation	Unlikely (2)	Minor (2)	Low (1-4)	Financial Imp - 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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item.





Voting Requirements: Simple Majority

**EDAC008/09/18 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE  
RESOLUTION / Officer Recommendation:**

**Moved Mr Paton, seconded Ms Harvey**

**That the Economic Development Advisory Committee recommends that Council adopts the strategic partnership proposal between the Shire of Serpentine Jarrahdale and the Peel Chamber of Commerce and Industry for a period of one year at a cost of \$15,612 including GST and review this partnership after this first year.**

**CARRIED UNANIMOUSLY 6/0**

Voting Requirements: Simple Majority

Councillor Gossage foreshadowed he would move an alternate motion if the motion under debate is lost.

**OCM8.1.2/10/18 COUNCIL RESOLUTION / Economic Development Advisory Committee  
Recommendation / Officer Recommendation:**

**Moved Cr Byas, seconded Cr Rich**

**That Council adopts the strategic partnership proposal between the Shire of Serpentine Jarrahdale and the Peel Chamber of Commerce and Industry for a period of one year at a cost of \$15,612 including GST and review this partnership after this first year.**

**MOTION LOST 4/5**

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

Councillors Rich, Atwell, Byas and McConkey voted FOR the motion.

Councillors Coales, Denholm, Gossage, Piipponen and See voted AGAINST the motion.

Voting Requirements: Simple Majority

**OCM8.1.2/10/18 COUNCIL RESOLUTION**

**Moved Cr Gossage, seconded Cr Denholm**

**That the Peel Chamber of Commerce and Business SJ be invited to present to Council at a PCF to enable more information to be provided to Council on this matter.**

**CARRIED 7/2**

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

Councillors Rich, Atwell, Byas, Denholm, Gossage, McConkey and Piipponen voted FOR the motion.

Councillors Coales and See voted AGAINST the motion.

*Reason for difference to Officer Recommendation:*

*To provide more information to Councillors on this matter.*



**8.2 Arts, Culture and Heritage Advisory Committee Meeting – 8 October 2018**

**OCM8.2/10/18 COUNCIL RESOLUTION**

Moved Cr McConkey, seconded Cr See

That the [minutes and resolutions](#) contained therein of the Arts, Culture and Heritage Advisory Committee Meeting held on 8 October 2018 be endorsed. (E18/11275).

**CARRIED UNANIMOUSLY 9/0**

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

Nil.



## 10. Chief Executive Officer reports:

### 10.1 Development Services reports

Mr Kenn Donohoe, Chief Executive Officer declared a Proximity Interest in OCM108/10/18 and left the Chambers at 8.13pm prior to this item being discussed.

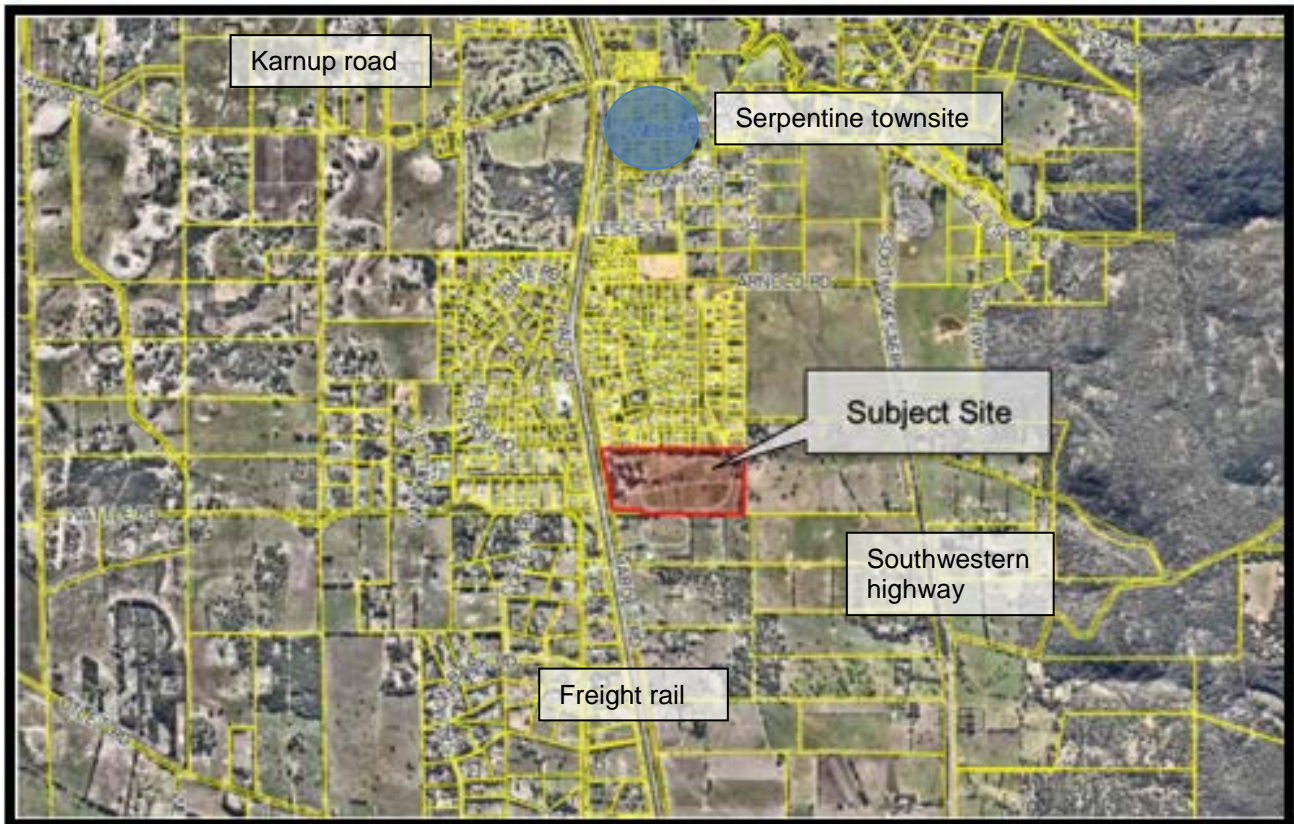
<b>OCM108/10/18 – Proposed Scheme Amendment No.203 – ‘Rural’ to ‘Rural Living A’ – L9, 147 Hardey Road, Serpentine (PA17/670)</b>	
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer/s:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent:	Michael Glendinning Property
Owner:	Trevor Stanley and Virginia Kay Major
Date of Receipt:	10 August 2017
Lot Area:	22.749 hectares
Town Planning Scheme No 2 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

### Report Purpose

The purpose of this report is for Council to consider the submissions received during the public consultation period for Scheme Amendment No.203 (the amendment) and to determine whether to support the proposed amendment to the Shire of Serpentine Jarrahdale’s Town Planning Scheme No.2 (TPS2). The amendment proposes to rezone Lot 9, no.147 Hardey Road, Serpentine (subject site) from ‘Rural’ to ‘Rural Living A’ and seeks to amend the scheme maps and include specific development provisions within Appendix 4A of TPS2.

Officers recommend that Council resolves to approve the Amendment subject to modifications, the most significant being not requiring the preparation of a Local Structure Plan, in order to facilitate subdivision.



**Locality Plan**

### **Relevant Previous Decisions of Council**

OCM054/05/17– Council resolved to request the Western Australian Planning Commission to reconsider the Council’s position on the Rural Strategy, as adopted in 2013/14.

OCM165/12/17 – Council resolved to initiate the proposed Scheme Amendment No.203 and undertake public consultation.

### **Background**

#### Existing Development

The subject site is currently zoned ‘Rural’ under the Shire’s TPS2. The site is 22.749ha in extent and is predominantly used for horse agistment.

The subject site contains a trotting track, which covers a large portion of the property. The property also has a dwelling which is proposed to be retained. A number of existing ancillary buildings for storage and stabling of horses, including horse shelters, is on the property - these are all to be demolished as part of the subdivisional works.

To the north and west of the subject site there are a number of ‘Rural Living A’ zoned properties. To the south and east there are ‘Rural’ zoned lots with varying sizes. Directly south-west of the subject site there is a subdivision with a ‘Special Rural’ zoning.



### Proposed Development

The proposal to amend the Shire's TPS2, as was advertised, is contained in attachment OCM108.1/10/18. The amendment proposes to include a number of provisions into the Shire's Town Planning Scheme No.2, specifically Appendix 4A, as well as amending the scheme maps by changing the zone from 'Rural' to 'Rural Living A'.

### **Community / Stakeholder Consultation**

Under Part 5, Division 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015 (LSP Regulations)*, a Complex scheme amendment is required to be advertised for a minimum of 60 days. This was done as prescribed between 8 May and 20 July 2018 with a total of 15 submissions being received, which have been responded to in Attachment OCM108.2/10/18 - Schedule of Submissions.

In summary, the main concerns received through the submissions relate to:

1. Bushfire Management:
2. Separation distances and buffers
3. Servicing
4. Property values
5. Inclusion of Neighbouring Lots

### **Statutory Environment**

Officers have assessment the proposal against the following documents to determine whether the proposal is in-line with the State and local planning framework.

#### Legislation

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

Metropolitan Region Scheme

#### State Government Policies

Draft Government Sewerage Policy

Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million

State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment

State Planning Policy 2.5 – Rural Planning

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Liveable Neighbourhoods

#### Local Planning Framework

Shire of Serpentine Jarrahdale Town Planning Scheme No.2

Rural Strategy 2013 Review



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## Planning Assessment

### *Zoning*

At its Ordinary Council Meeting held in December 2017, Officers presented Council with the subject application, proposing to rezone Lot 9 Hardey Road, Serpentine from 'Rural' to 'Rural Living A'.

Officers at that stage recommended that Council modify the scheme amendment document prior to advertising, to ensure the amendment request was aligned with the WAPC endorsed Rural Strategy 2013 Review. The modification required the proponent to update the application to amend the subject lot to 'Rural Living B' as opposed to 'Rural Living A'.

Council subsequently resolved to support the proposal, as submitted, to reflect Council's original position in the draft Rural Strategy 2013 Review, against the recommendation of the Officers.

Following advertising of the subject application, as supported by Council, Shire Officers propose that a suitable compromise to 'Rural Living B' would be to permit the 'Rural Living A' zoning with a 1ha minimum lot size. This is supported by the technical documents submitted and advice received from State Government Agencies, confirming that the land is capable of supporting 1ha lots, providing appropriate mitigation measures are implemented to reduce potential conflicts with adjoining rural zoned properties. These could include appropriate conditions of subdivision requiring vegetation along the boundary of the subject lot.

### *Structure Plan*

Officers have assessed the application, including the Subdivision Guide Plan included in the application, and are of the opinion that the preparation of a structure plan would be a duplication of the planning process as the Town Planning Regulations transitional arrangements consider Subdivision Guide Plans to be similar to Structure plans. To address likely concerns that would normally be determined at the structure plan stage, it is recommended that specific scheme provisions be introduced. These provisions include:

*A subdivision application shall be assessed against the following provisions, and shall be accompanied with the following information:*

- Lot sizes shall be a minimum of 1 hectare.
- Preparation of a Bushfire Attack Level contour map.
- The subdivision of Lot 9 Hardey Road, Serpentine shall be subject to the provision of a contribution (cash or otherwise) towards 10% of the value of the site for District Public Open Space.
- An emergency access easement shall be nominated and constructed in order to provide emergency access to Rangeview Loop to the north.
- The design and construction of the watercourse is to avoid reshaping and/or deepening. Alternatively, small controlled release points shall be constructed into the watercourse, which are stabilized with planted vegetation.
- A Local Water Management Strategy shall be prepared in support of any subdivision application, to the satisfaction of the Shire.
- The subdivider shall upgrade Hardey Road to a 6m bitumised pavement and surface drainage constructed.



- A landscape management plan be prepared and approved by the Shire, which includes a tree survey/pick up, identifying the site, location and species of the trees.
- A civil engineering report be prepared to detail the development standards and location of services.

The rationale for not requiring the preparation of a structure plan is contained within the Technical Assessment contained in Attachment OCM108.3/10/18.

### *Building Envelopes*

Section 5.12.9(c) of the TPS2 requires a building envelope of 1,000sqm to be placed in a defined area no closer than 20m from the primary street boundary and 10m from all other boundaries.

Officers receive a number of proposals to vary this clause; to develop outside of the building envelope or to vary the building envelope location, size and dimensions.

Additionally, the management of the importation of fill on low lying blocks is also an issue, which impacts on the drainage and storage of stormwater on individual lots. Therefore the Shire proposes a provision which avoids the need for a building envelope and setting a clear measurable provision for the importation of fill:

- Lots are permitted to be filled to a maximum area of 1,500sqm, providing the area to be filled is associated with an approved structure and/or an approved effluent disposal system, setback 20m from the primary street boundary and 10m from all other boundaries and avoids the clearing of existing native vegetation where possible. Any variations requires the consent of the Shire through a development application.

### *Fill Height*

It is considered individual lots will differ in its separation from the ground water level, as described in the applications Environmental Assessment and Justification Report. Therefore, applying a standard fill height is not appropriate. However, buyers are required to undertake individual Geotechnical investigations to determine the minimum separation distance required for the on-site effluent disposal system, which is assessed by the Shire's Environmental Health Officers. A full analysis and assessment of the Land Capability Report is contained in attachment OCM108.4/10/18.

### *Public Open Space Contribution*

Officers have included a scheme provision requiring the subdivider to provide a 10% contribution towards public open space (cash or otherwise). Given the rural nature of the proposed lots, the contribution will most probably be provided by way of a cash-in-lieu contribution. The value of the contribution is determined by way of a land valuation, on the instruction of the Shire and at the cost of the proponent. This will be facilitated as part of the subdivision clearance process.

### *Land Use Permissibility's*

The Shire has recognized that Serpentine is a recognized equine precinct with two large equine facilities located on Karnup Road. Given the lot sizes are to be a minimum of 1ha and in close proximity to the existing equine facilities, Officers propose to include additional land uses within the proposed 'Rural Living Area 31', permitting the keeping of horses and stables as discretionary uses (SA), subject to the satisfaction of the Shires Environmental Officers and public consultation.



A full list and explanation of the proposed modifications are contained within the Schedule of Modifications as per attachment OCM108.5/10/18.

### **Options and Implications**

Option 1: Council may resolve to approve the amendment to the local planning scheme with modifications.

Modifications to the Scheme Amendment document seek to remove the requirement for a Local Structure Plan and facilitate the direct progression to a subdivision application.

Option 2: Council may resolve to approve the amendment to the local planning scheme without modifications.

By supporting to approve Amendment No.203 without modifications, the applicant will be required to prepare and seek approval for a Local Structure Plan as a separate application process.

Option 3: Council may resolve to not support the amendment to the local planning scheme.

By virtue of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Officers are required to forward all relevant information to the Commission for consideration. By Council not supporting the recommended, the Shire has no position to defend when the WAPC wish to seek clarification on the information provided.

Option 1 is recommended.

### **Conclusion**

Scheme Amendment No.203 to Town Planning Scheme No.2 seeks to rezone Lot 9 Hardey Road, Serpentine from 'Rural' to 'Rural Living A' (minimum 1ha). The amendment also facilitates specific development provisions within Appendix 4A of the Scheme.

The proposal varies the WAPC supported Rural Strategy, which classifies the site as 'Rural Living B' (2ha – 4ha), however the Perth and Peel @ 3.5million sub-regional structure plan (finalised by the WAPC in March 2018) identifies the subject site as 'Rural Residential'. The 'Rural Living A' zone complies with the criteria for this "Rural Residential" use on 1ha minimum lots.

Officers recommend that the Scheme Amendment be supported by Council subject to modifications that intends to remove the requirement of a Local Structure Plan to progress development/subdivision of the site.

### **Attachments**

- [OCM108.1/10/18](#) – Scheme Amendment Report (IN17/23306)
- [OCM108.2/10/18](#) – Technical Report (OC18/19085)
- [OCM108.3/10/18](#) – Summary of Submissions (E18/4823)
- [OCM108.4/10/18](#) – Environmental Analysis (E18/9801)
- [OCM108.5/10/18](#) – Schedule of Modifications (OC18/19263)





### Alignment with our Strategic Community Plan

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

### Financial Implications

There are no direct financial implications to the Council as part of this application. The proponent has paid a fee which has covered all relevant stakeholder consultation material.

### 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 approve the amendment	Possible (3)	Insignificant (1)	Low (1-4)	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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 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:** Simple Majority

**OCM108/10/18 COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Coales, seconded Cr Byas**

**That Council,**

- 1. Considers the submissions received and endorses the Officers comments regarding each of the submissions, as including in the summary of submissions as contained in attachment OCM108.3/10/18.**
- 2. Pursuant to Section 75 of the *Planning and Development Act 2005 (as amended)* and regulation 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to support Scheme Amendment No.203 to Town Planning Scheme No.2 (Rezoning from 'Rural' to 'Rural Living A'), as contained in attachment OCM108.1/10/18, with modifications, as contained in OCM108.4/10/18 by:**
  - a. Rezoning Lot 9, 147 Hardey Road, Serpentine from 'Rural' to 'Rural Living A';**
  - b. Amending the Scheme Maps by delineating Lot 9 Hardey Road, Serpentine as 'RLA31';**
  - c. Listing Lot 9, 147 Hardey Road, Serpentine as 'RLA31' in 'APPENDIX 4A- RURAL LIVING A ZONE' with landuse controls and special provisions as follows:**
    - i. A subdivision application shall be assessed against the following provisions, and shall be accompanied with the following information:**
      - Lot sizes shall be a minimum of 1 hectare.**
      - Preparation of a Bushfire Attack Level contour map.**
      - The subdivision of Lot 9 Hardey Road, Serpentine shall be subject to the provision of a contribution (cash or otherwise) towards 10% of the value of the site for District Public Open Space.**
      - An emergency access easement shall be nominated and constructed in order to provide emergency access to Rangeview Loop to the north.**
      - The design and construction of the watercourse is to avoid reshaping and/or deepening. Alternatively, small controlled release points shall be constructed into the watercourse, which are stabilized with planted vegetation.**



- A Local Water Management Strategy shall be prepared in support of any subdivision application, to the satisfaction of the Shire.
  - The subdivider shall upgrade Hardey Road to a 6m bitumised pavement and surface drainage constructed.
  - A landscape management plan be prepared and approved by the Shire, which includes a tree survey/pick up, identifying the site, location and species of the tree.
  - A civil engineering report be prepared to detail the development standards and location of services.
- ii. Lots are permitted to be filled to a maximum area of 1,500sqm, providing the area to be filled is associated with an approved structure and/or an approved effluent disposal system, setback 20m from the primary street boundary and 10m from all other boundaries and avoids the clearing of existing native vegetation where possible. Any variations requires the consent of the Shire through a development application.
- iii. Within this Rural Living A zone, the following land uses are permitted, or may be permitted at the discretion of the Council:
- Use Classes permitted (P):
- Residential – Single House
  - Public Recreation
  - Public Utility
- Discretionary Uses (AA):
- Residential – Ancillary Accommodation
  - Home Occupation
  - Home Business
- Discretionary Uses (SA):
- Keeping of Horses
  - Stables
- All other uses are prohibited.
- iv. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state as follows:
- “This property may be subject to periodic inundation in storm and flood events. In addition, purchasers are to be advised that direct stormwater connection into the Shire’s roadside drainage system is not permitted.”*
- v. A Notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state the minimum pad height requirements for



future dwellings and effluent disposal systems, to ensure that an adequate separation distance to groundwater is maintained, as approved by the Shire.

- vi. A Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state:

*“This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.”*

3. Forwards two (2) copies of Amendment No. 203 to Town Planning Scheme No.2 and any other information deemed relevant, in accordance with Part 5 Division 2 Regulation 44(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to the Western Australian Planning Commission.

**CARRIED UNANIMOUSLY 9/0**



Mr Kenn Donohoe, Chief Executive Officer returned to the Chambers at 8.14pm.

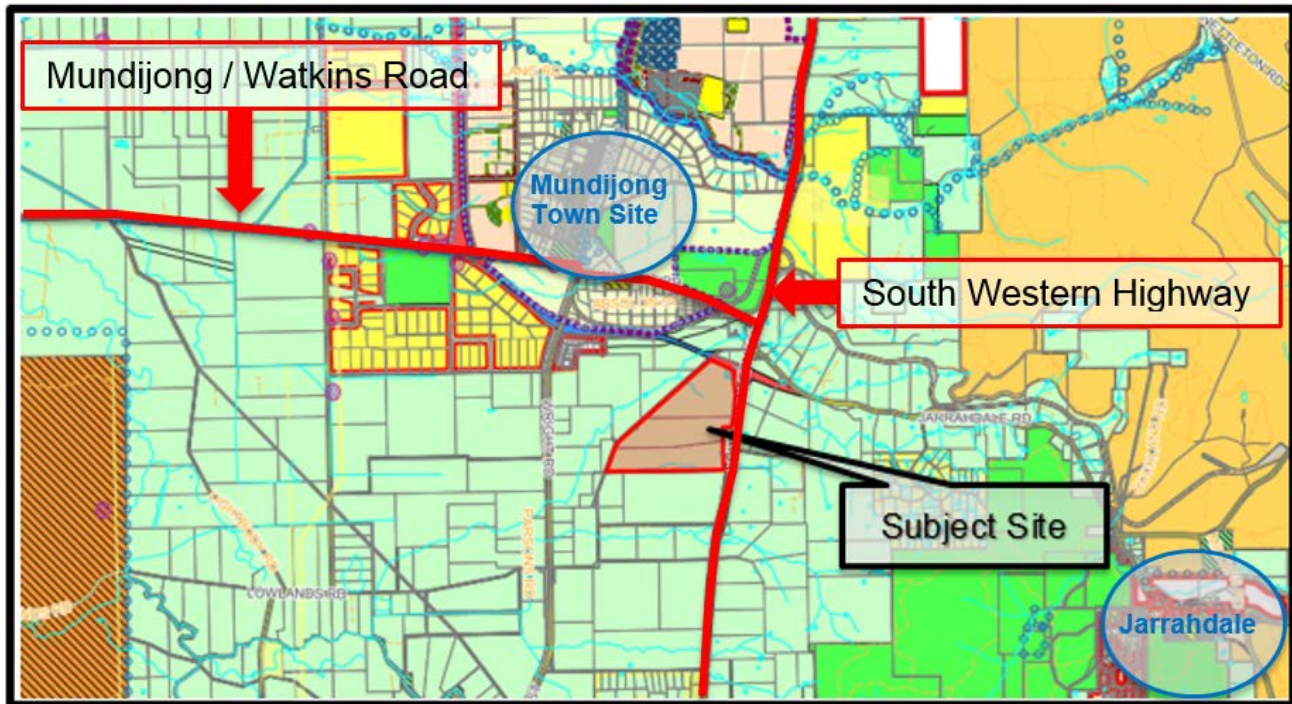
Councillor Atwell declared a Financial Interest in OCM109/10/18 and left the Chambers at 8.14pm prior to this item being discussed.

<b>OCM109/10/18 – Lots 47, 48 &amp; 809 Shanley Road, Mundijong – Final Determination of Proposed Scheme Amendment No. 205 – ‘Rural’ to ‘Farmllet’ (PA17/1051)</b>	
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer/s:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	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> .

### Report Purpose

The purpose of this report is for Council to consider the submissions received during the public consultation period for Scheme Amendment No.205 (the amendment), and to determine whether to support the amendment, with or without modifications. The amendment is a ‘standard’ amendment to the Shire of Serpentine Jarrahdale’s Town Planning Scheme No.2 (TPS2). The original amendment proposes to rezone Lots 47, 48 and 809 Shanley Road, Mundijong (subject site) from ‘Rural’ to ‘Farmllet’ on the Scheme maps and to include specific development provisions within Appendix 4C of TPS2, as contained in Attachment OCM109.1/10/18.

Officers do not have delegation to determine amendments to TPS2 and therefore this report is presented to Council for determination. Officers recommend that Council resolves to approve the amendment subject to modifications.



Locality Plan

### Relevant Previous Decisions of Council

OCM166/12/17 – Council resolved to proceed to advertise Scheme Amendment No. 205, in accordance with regulation 47 Division 3 part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

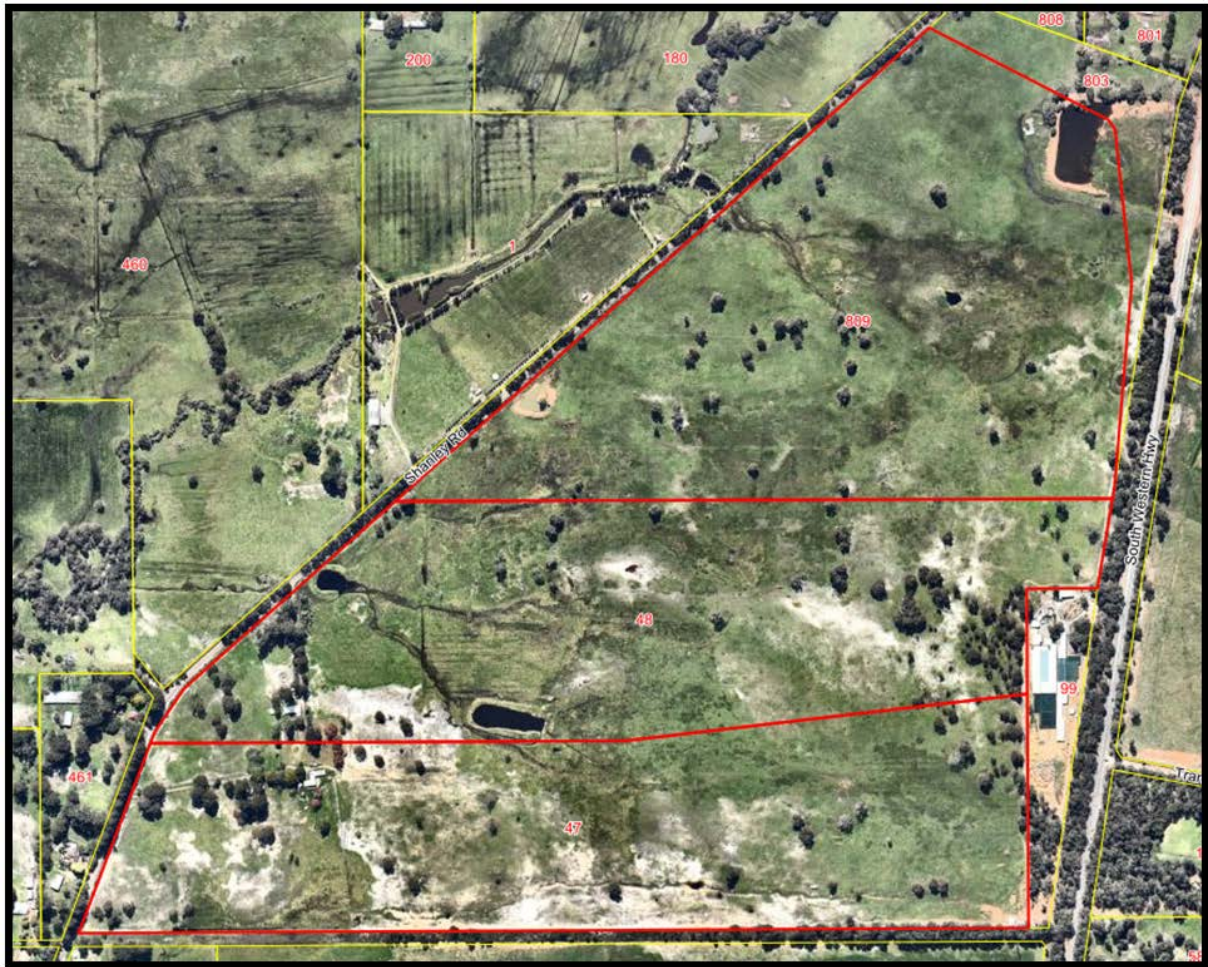
### Background

#### Existing Development

The subject site is currently zoned 'Rural' under the Shire's Town Planning Scheme No.2. The site is 125.67ha in extent and has historically been used for dairy farming. However, the use has now ceased and it is currently predominantly utilized for horse agistment.

Two existing residences are located on Lots 47 and 48 towards the south-west portion of the subject site. In addition to the residences, there are three small dams, rural fencing and other incidental structures.

The property is bordered by Shanley Road to the west, Tonkin Highway road reservation to the north, South Western Highway road reservation and Lot 99 South Western Highway to the east, with an unconstructed road reserve to the south. The land surrounding the subject site is zoned 'Rural' under TPS2, and ranges from 1.3ha to 71ha.



Aerial Photograph

### Community / Stakeholder Consultation

Under Part 5, Division 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015 (LSP Regulations)*, a Standard scheme amendment is required to be advertised for a minimum of 42 days. This community consultation was undertaken between 19 June 2018 to 27 August 2018 by way of:

- Publication in the Examiner Newspaper circulating the local area for one week;
- Letter posted to landowners within a 500m radius from the subject site;
- Referral letter to Government Agencies; and
- Notice and copy of the application on the Shire's Website;

A total of eight submissions were received, which have been responded to in the attached Schedule of Submissions, as per attachment OCM109.2/10/18.

Of the eight submission received, seven are comments from state departments / service providers. In summary, the comments raised from the Government Agencies relate to:

- Servicing (waste water treatment and groundwater),
- Road layout,



- Keeping of horses,
- Environmental impact and
- Separation from extractive industry.

To address the above it is proposed that further detail in this regard will be required and addressed at the Structure plan stage, particularly in relation to road layout, building envelopes and buffers.

One submission was received from a neighbouring property owner, raising concerns of the following:

- Traffic safety and road layout;
- Drainage;
- Horse management; and
- Environmental protection.

These issues relating to road layout, drainage, environment and horse management will be considered during the Structure Plan process and/or future approvals and managed appropriately through the proper application of development provisions or conditions of approval.

## **Statutory Environment**

### Legislation

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

### State Government Policies

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

### Local Planning Framework

- Rural Strategy 2013 Review
- Draft Local Planning Strategy





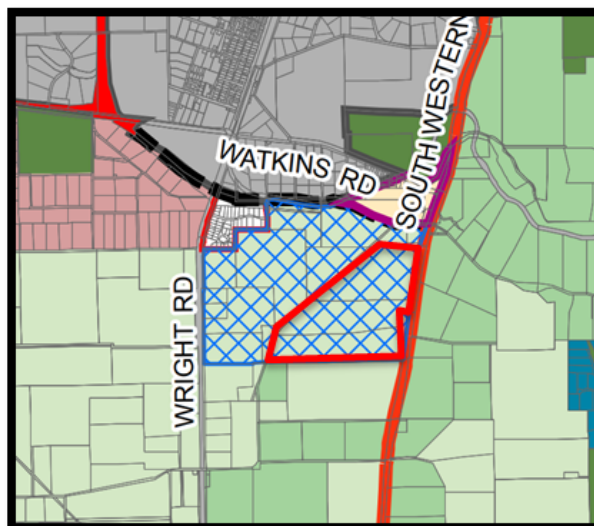
## Comment

### Strategic Framework

The proposal complies with the Strategic planning framework. A full assessment is contained in the Technical Assessment Report, as per attachment OCM109.3/10/18.

Important to note is that the Perth and Peel @ 3.5 Million South Metropolitan Peel Sub-Regional Planning Framework classifies the subject site as being appropriate for 'Rural Residential' development. Specifically, it confirms that lot sizes predominantly larger than four hectares are considered to have a 'small holdings' character, which is consistent with the Shire's 'Farmlet' zone under TPS2. This is also consistent with the intent of the provisions contained within State Planning Policy No.2.5 – Rural Planning (SPP2.5).

Under the Shire's endorsed Rural Strategy 2013 Review (Rural Strategy), the subject site is identified as 'Frameworks Investigations Area' illustrated in the image below as the blue hashed area.



WAPC Supported Rural Strategy

Given the proximity of the subject land to the Mundijong urban area, the proposed lot sizes ( $\geq 4$ ha) are considered an appropriate transitional zone from the rural to urban landscape. Whilst the approved Rural strategy earmarks this area for future investigation, the proposed 'Farmlet' zoning is consistent with the WAPC's planning framework, as well as the Shire's draft Local Planning Strategy.

### Policy Framework

A number of State Planning Policies are deemed applicable to the subject proposal and a full assessment is contained in attachment OCM109.3/10/18. A summary of the most relevant policies is outlined below.

The proposed scheme amendment meets the requirements of SPP2.1 Peel-Harvey coastal plain catchment. However, given the predominant land use for the site is for equine operations, Officers recommend that an appropriate provision is required that ensures that the developer installs appropriate water monitoring bores to monitor the nutrient export from the site.



State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) identifies the framework for undertaking a risk assessment from bushfire events. A Bushfire Hazard Level Assessment (BHLA) was therefore prepared by Ruic Fire in November 2017. The BHLA indicates that the bushfire hazard level does not prohibit development of the site for the proposed 4ha Farmlets.

### Environmental Analysis

#### *Vegetation*

The vegetation on the site is mostly cleared grassland with small clusters of scattered trees and some taller shrubs.

Adjacent to the subject site, along the eastern boundary, is Bush Forever Site 71. Additionally the vegetation within the unconstructed road reserve along the southern boundary has a known Threatened Ecological Species. The scheme amendment report and technical appendices do not acknowledge this.

It is therefore recommended that a Level 2 Flora survey be undertaken as part of the Structure Plan application, to ensure any design requirements reflect the outcomes of the survey.

#### *Land Capability Assessment*

The Land Capability Assessment (LCA) prepared by Landform Research, included a geotechnical assessment to determine the potential for subdivision of rural living lots to 4,000m<sup>2</sup> or smaller lots, depending on whether the land is proposed for urban, rural living or equestrian use. A full assessment of the LCA can be found in attachment OCM109.3/10/18.

In summary, although there are items that will require some clarification and commitment within the LCA report, the proposal has demonstrated that the 4ha lot sizes can be accommodated, by satisfying the required discharge/application area for nutrient retentive Alternative Treatment Units and stocking rates.

#### *Water Management*

The site is located on the edge of the Darling Scarp and has a number of drainage lines running from the hills in the east to the Medulla Brook in the west. Given the characteristics of the site, nutrients are likely to be washed away during periods of heavy rainfall as indicated in the attachments.

Subsequently, Officers recommend as part of the future planning stages, nutrient treatments should be designed and developed along the existing drainage lines. Officers also require monitoring bores to be installed to allow ongoing monitoring of the success of the treatments.

As the proposed subdivision will create the larger 4ha lots, there should be minimal risk of flooding on the site. The proposed road network will also incorporate planted swale drains for treatment and controlling the discharge rate.

### Bushfire Management

A Bushfire Hazard Level Assessment (BHLA) was prepared by Ruic Fire on November 2017. The BHLA was prepared in accordance with the WAPC's *Guidelines for Planning in Bushfire Prone Areas*.

In summary the assessment determined that the site contains areas of moderate and extreme bushfire hazard levels. The bushfire hazard level across the site will decrease to a low hazard level as future development occurs and the vegetation is either managed or removed.



Thus, based on the BHLA prepared by Ruic, the development of the site for 4ha Farmlet lots is not prohibited by the determined bushfire hazard level.

### Transport Network

Given the regionally significant road network surrounding the subject site, the South Western Highway and Tonkin Highway reservations, a Traffic Impact Assessment (TIA) Report was prepared by Donal Veal Consultants (DVC) in November 2017.

Currently, access to the site is taken from Shanley Road, along the western boundary, via South Western Highway. The alternative access to the site is via Wright Road, Lowlands Road to Shanley Road, to the South West of the site.

South Western Highway, which borders the eastern boundary of the site, is classified as a Primary District Distributor and is generally a single lane in each direction with a speed limit of 110km/h. The TIA report proposes to construct a full access intersection with the existing unmade road reserve to the south of the site and South Western Highway, requiring approval from Main Roads Western Australia (MRWA). During the consultation period, MRWA confirmed that a full access intersection is not supported in this location and that they would require that the intersection be restricted to left-in, left-out movements. Given the road layouts are indicative only, MRWA's comments are noted and will be addressed in detail during the Structure Plan stage.

Additionally, given the sites proximity to South Western Highway and the planned Tonkin Highway, a noise assessment is to be provided at the Structure Plan stage which will determine appropriate noise mitigation measures for lots affected by the road noise. Subsequently, a notification will be required on lots adjacent to South Western Highway and the future Tonkin Highway, informing potential purchasers the lots are within the vicinity of a transport corridor and may be impacted by road transport noise.

### Servicing

#### *Sewer*

The preferred method of disposing wastewater from the future development is via conventional septic tanks and leach drains where appropriate, otherwise alternative aerobic treatment units (ATU's) will be utilized.

#### *Water*

Given the rural nature of the proposed development, potable water supplies for the future lots will be serviced by a suitable roof catchment area and rainwater tanks, having a minimum capacity of 120,000L.

The Department of Water and Environmental Regulation (DWER) has noted that it's unlikely that the superficial aquifer would be a reliable water supply for large volumes (i.e. horticulture). Therefore, Officers recommend that a provision be included in Appendix 4C that an approval for a bore beyond the superficial aquifer will be required.

#### *Power & Telecommunications*

Given the proximity of the existing infrastructure, the supply of electrical power and telecommunications is not a constraint. Each lot will be serviced by underground power and telecommunications infrastructure.



### *Public Open Space*

Section 153 of the Planning and Development Act 2005 (P&D Act) provides for a cash-in-lieu payment where a condition of subdivision requires a contribution towards open space. Section 154(2)(c) permits the money collected through these cash-in-lieu payments, to be applied towards improvement or development of parks, recreation grounds or open spaces, generally of any land in that locality vested in, or administered by the local government, with the approval of the Minister. Detail regarding the Public open space contribution is provided in the technical report in attachment OCM109.3/10/18.

Given the above, it is recommended that a provision be included in Appendix 4C of TPS2 applicable to the subject site, requiring the developer to provide a contribution (cash or otherwise) for 10% of the value of the site for district public open space.

Officers recommend that the conditions discussed above should be included as modifications to the submitted and advertised amendment. A full list of modifications recommended by Officers, is contained in attachment OCM109.4/10/18.

### **Options and Implications**

Option 1: Council may resolve to approve the amendment to the local planning scheme with modifications.

Officer recommended modifications to the Scheme Amendment document will ensure appropriate land use controls are in place to set future development standards suitable to the subject site. The modifications will require further negotiations with the applicant and possibly the Department of Planning prior to public consultation.

Option 2: Council may resolve to approve the amendment to the local planning scheme without modifications.

By resolving to approve Amendment No.205 without modifications, Council risks not fulfilling its responsibility to apply appropriate development provisions for the current and proposed lot(s).

Option 3: Council may resolve to refuse the amendment to the local planning scheme.

Resolving to refuse the amendment would result in the subject site remaining 'Rural' in line with TPS2.

Option 1 is recommended.

### **Conclusion**

Scheme Amendment No.205 to Town Planning Scheme No.2 seeks to rezone Lots 47, 48 and 809 Shanley Road, Mundijong from 'Rural to 'Farmlet'. The amendment also proposes specific development provisions associated with the development, to be contained within Appendix 4C of the Scheme.

Although the proposal varies the WAPC supported Rural Strategy ('Future Investigation Area #'), it is in-line with the Perth and Peel @ 3.5million sub-regional structure plan ('Rural Residential') as the 'Farmlet' zone as per TPS2 is less intensive than 'Rural Residential'. Additionally it is a more appropriate zone to facilitate the expanding equine industry, as well as minimise the potential impact of nutrient export from the accrual of on-site effluent disposal systems. As



discussed in the report and the assessments in the attachments, modifications to the advertised amendment will be required to address concerns from the Officers, agencies and submitters.

Officers recommend that Council support the proposed scheme amendment with modifications.

### Attachments

- [OCM109.1/10/18](#) – Scheme Amendment No. 205 – Advertised Report and Appendices (IN17/25045)
- [OCM109.2/10/18](#) – Summary of Submissions (E18/6250)
- [OCM109.3/10/18](#) – Technical Assessment Report (OC18/19020)
- [OCM109.4/10/18](#) – Schedule of Modifications (OC18/19022)

### Alignment with our Strategic Community Plan

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

### Financial Implications

There are no direct financial implications to the Council as part of this application. The proponent has paid a fee which will cover all relevant stakeholder consultation material.

### 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)
<b>Council may decide not to approve the application</b>	Possible (3)	Insignificant (1)	Low (1-4)	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
<b>Almost Certain</b>	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely</b>	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
<b>Possible</b>	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
<b>Unlikely</b>	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
<b>Rare</b>	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 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:** Simple Majority

**OCM109/10/18 COUNCIL RESOLUTION / Alternative Motion**

**Moved Cr Gossage, seconded Cr Coales**

**That the motion be deferred until next Ordinary Council Meeting on 26 November 2018.**

**MOTION LOST 4/4**

The Presiding Member exercised her casting vote and voted AGAINST the item.

*Reason for difference to Officer Recommendation:  
For further information to be presented to Council.*



**OCM109/10/18 COUNCIL RESOLUTION / Officer Recommendation:**

**Moved Cr McConkey, seconded Cr Byas**

**That Council:**

- 1. Considers the submissions received and endorses the Officer’s comments regarding the submissions, as included in the summary of submissions contained in attachment OCM109.2/10/18.**
- 2. Pursuant to Section 75 of the Planning and Development Act 2005 (as amended) and regulation 35(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to approve Scheme Amendment No.205 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, as contained in attachment OCM109.1/10/18, with modifications, as contained in OCM109.4/10/18, by:**
  - a) Rezoning Lots 47, 48 & 809 Shanley Road, Mardella from ‘Rural’ to ‘Farmlot’ zone as depicted on the Scheme Amendment Map; and**
  - b) Including Lots 47, 48 & 809 Shanley Road, Mundijong in Appendix 4C – Farmlot Zone and including the appropriate details in Appendix 4C of the Scheme as follows:**

<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>SPECIAL PROVISIONS TO REFER TO (b)</b>
<b>Lots 47, 48 &amp; 809 Shanley Road, Mundijong</b>	<ol style="list-style-type: none"> <li><b>1. Within the Farmlot zone the following land uses are permitted, or are permitted at the discretion of the Council:</b> <p><b>Use Classes permitted (P):</b></p> <ul style="list-style-type: none"> <li>* Residential - Single House</li> <li>* Residential – Ancillary Accommodation</li> <li>* Stables</li> <li>* Home Occupation</li> <li>* Home Office</li> <li>* Public Amusement</li> <li>* Public Utility</li> </ul> <p><b>Discretionary Uses (AA):</b></p> <ul style="list-style-type: none"> <li>* Home Business</li> <li>* Rural Use</li> <li>* Intensive Agriculture</li> <li>* Private Recreation</li> </ul> </li> <li><b>2. In exercising its discretion in respect to AA uses, the Council, having regard to the Planning Guidelines for Nutrient Management, shall only permit such uses when it is satisfied, following consultation with government agencies,</b></li> </ol>



<b>(a)</b> <b>SPECIFIED AREA OF LOCALITY</b>	<b>SPECIAL PROVISIONS TO REFER TO (b)</b>
	<p>that the land use does not involve excessive nutrient application or clearing of land.</p> <p>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health WA with an adequate phosphorous retention capacity, as determined by the Department of Environment, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>4. A Notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificate(s) of Title of the proposed lots. Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The notification is to state as follows:</p> <p>“This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road transport noise. Road transport noise levels may rise or fall over time depending on the type and volume of traffic.”</p> <p>5. All buildings and structures shall be constructed at a minimum setback of 20 metres from the primary street and 10m from any other lot boundary unless approved by the Shire.</p> <p>6. The subdivision of Lots 47, 48 &amp; 809 Shanley Road, Mardella shall be subject to the provision of a contribution (cash or otherwise) towards 10% of the value</p>





<b>(a)</b> <b>SPECIFIED AREA OF LOCALITY</b>	<b>SPECIAL PROVISIONS TO REFER TO (b)</b>
	<p>of the site for District Public Open Space.</p> <p>7. In preparation of a Structure Plan, the following specific items must be addressed, in addition to the requirements of the Structure Plan Framework:</p> <ul style="list-style-type: none"><li>(i) Appropriate water monitoring mechanisms are to be implemented for at least two winter seasons and handed over to the Shire for ongoing monitoring, in accordance with the recommendation contained within the Land Capability Assessment Report.</li><li>(ii) All existing drainage corridors on the site, are to be directed through nutrient treatments prior to discharge from the site.</li><li>(iii) A Level 2 Flora Survey are to be undertaken over the vegetation contained within the unmade road reserve along the southern boundary of the subject lots.</li><li>(iv) A site survey is to be undertaken to investigate potential illegal dumping on the property, to the satisfaction of the Shire.</li><li>(v) A Noise Management Plan is required in accordance with State Planning Policy 5.4, Road and Rail Noise (2009).</li><li>(vi) A Nutrient and Irrigation Management Plan is to be prepared addressing fertilizer application and treatment of stormwater, as well as requirements to be addressed by individual lot owners to comply with at future subsequent stages of development.</li></ul>



<b>(a)</b> <b>SPECIFIED AREA OF LOCALITY</b>	<b>SPECIAL PROVISIONS TO REFER TO (b)</b>
	<p>(vii) A Weed Management Plan is to be approved specifically addressing the eradication of "Cotton Bush".</p> <p>8. The land is situated within the Serpentine Groundwater Area and a well license for a bore must be obtained from the Department of Water and Environmental Regulation. The siting of bores shall be to the requirements of the Authority having regard to the location of any effluent disposal systems, water bodies, drains and neighbouring bores.</p>

3. **Forwards two (2) copies of Amendment No. 203 to Town Planning Scheme No.2 to the Western Australian Planning Commission in accordance with Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**CARRIED 6/2**

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

Councillors Rich, Byas, Denholm, McConkey, Piipponen and See voted FOR the motion.  
Councillors Coales and Gossage voted AGAINST the motion.



## 10.2 Infrastructure Services reports

Councillor Atwell returned to the Chambers at 8.38pm.

Councillor Coales declared a Proximity Interest in OCM109/10/18 and left the Chambers at 8.38pm prior to this item being discussed.

<b>OCM110/10/18 - Speed limiting devices in Old Brickworks Road, Byford – Study Report into solution following response to public petition (SJ1271-05)</b>	
<b>Responsible Officer:</b>	Manager Infrastructure and Assets
<b>Senior Officer/s:</b>	Director Infrastructure Services
<b>Disclosure of Officers Interest:</b>	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> .

### Report Purpose

The purpose of this report is to inform Council of the outcome of the traffic calming evaluation commissioned for Old Brickworks Road and to obtain Council approval to commence community consultation with the affected residents to outline the options and the rationale behind the most suitable “Speed Limiting Devices” deemed appropriate for the road, before implementation.

The possible traffic calming solutions and associated costs have been included in the evaluation report. The costs of the solutions have not been budgeted for, and implement of any of the solution will have budgetary implication.

### Relevant Previous Decisions of Council

Council resolved (OCM021/03/18) 3. *That Council requests a traffic calming evaluation plan be prepared with appropriate engagement principles with the affected community.*

### Background

In response to concerns raised by some residents in Old Brickworks Road, Byford regarding excessive speed of vehicles using that street in late 2017, the Shire undertook tests to measure traffic speeding. These showed that the 85th percentile speed (the standard measure adopted for traffic data) was considerably in excess of the posted 50km/h speed limit. An assessment was then undertaken of potential measures to limit vehicle speeds in the interests of public safety. The most cost-effective measure, taking into account the type and volume of traffic using the street, was the installation of “speed cushions” at regular intervals over the length of the street from Nettleton Road to Beenyup Road. Six sets of speed cushions were installed in January 2018.

On 26 February 2018 a petition by Tricia Duggin of White Gum Rise on behalf of 60 households (97 signatures) objecting to the installation of the speed cushions and requesting their removal, was presented to Council.

Officer commissioned a traffic calming evaluation into different speed limiting devices that could adequately be implemented on the road. The potential advantages versus possible risks of the resulting options have been considered. As per the above resolution it is proposed that the



findings be presented to the affected community and the rationale behind the most suitable "Speed Limiting Device" be explained before implementation, to address any unresolved public safety concerns.

### **Community / Stakeholder Consultation**

A petition signed by 97 residents was submitted to Council, requesting removal of the speed cushions and consultation as to any alternative speed limiting measures. Anecdotal evidence suggests that many residents are supportive of some form of speed control on the street, but not the speed cushions. Numerous suggestions have been received from residents as to alternative speed limiting measures including raised plateaus similar to those on nearby Beenyup Road, roundabouts at intersections along the street, and control signage. The Council in considering Officer's report of the petition, resolved to instruct the Chief Executive Officer to remove the speed cushions as soon as practical and undertake further evaluation into other speed limiting devices with appropriate engagement with the affected community before considering any implementation of speed limiting measures on the road.

The Council resolution OCM021/03/18 specified as follow:

- Instructs the CEO to remove the speed cushions as soon as practicable.
- Requests a traffic calming evaluation plan be prepared with appropriate engagement principles with the affected community.
- Authorises the CEO to draw funds from the road maintenance account for the purposes of undertaking costing options for traffic calming devices on Old Brickworks Road to a maximum of \$50,000.00

Following Council resolution, all the speed cushions were removed and the site made good. A traffic calming evaluation study was undertaken and relevant solution derived with associated costs ranging between \$113,710 and \$232,317.

### **Statutory Environment**

Section 3.53 of the *Local Government Act 1995 - Control of Certain Unvested Facilities* assigns responsibility for the control and management of local roads to local governments.

The Shire has authority to install measures such as speed cushions, raised thresholds, roundabouts etc. However, it has no power to instigate any regulatory controls such as through speed limits or regulatory signage, as these matters fall under the jurisdiction of Main Roads Western Australia.

### **Comment**

In fulfilling the Council resolution, Officer commissioned Shawmac, an external and independent consultancy firm, to undertake a Local Access Traffic Management Option assessment of Old Brickworks Road, Byford including indicative costs for each determined option.

The Local Access Traffic Management Option assessment was based on the review and analysis of traffic and speed data, crash data and the horizontal and vertical geometry of the road.



Community concerns were around the use of speed humps (vertical deflection). As part of the Shawmac assessment horizontal deflection (redirecting the flow of traffic in a horizontal direction through road alignments) were instead considered and two possible options were proposed:

- Slow Point
- Centre Blister Island

**SPEED LIMITING OPTION 1 – Speed Humps (previously installed and removed)**

Advantages:

- Reduce speed to a maximum of 10-20km/h
- Produce an 85<sup>th</sup> percentile speed reduction of up to 34%
- Reduce crashes and discourage through traffic with minimum inconvenience to local residents.
- Able to be placed so only impact on existing driveway is due to line marking
- No impact on services
- Bolts into existing pavement
- No impact on drainage

Disadvantages:

- Vertical displacement of vehicle traveling more than 30km/h
- Rejected by the affected party and Council in its Resolution OCM021/03/18 requested the Chief Executive Officer to remove the speed humps.

Financial implication:

For an effective speed control and ensure effective traffic safety, six speed humps are recommended with an indicative cost of \$14,000 excluding GST.

**SPEED LIMITING OPTION 2 - Slow Points**

Advantages:

- Reduce speed to a maximum of 10-20km/h
- Produce an 85<sup>th</sup> percentile speed reduction of up to 34%
- Reduce crashes and discourage through traffic with minimum inconvenience to local residents.
- Able to be placed so only impact on existing driveway is due to line marking
- No impact on services
- Bolts into existing pavement
- No impact on drainage
- Traffic reduced to one lane



**Disadvantages:**

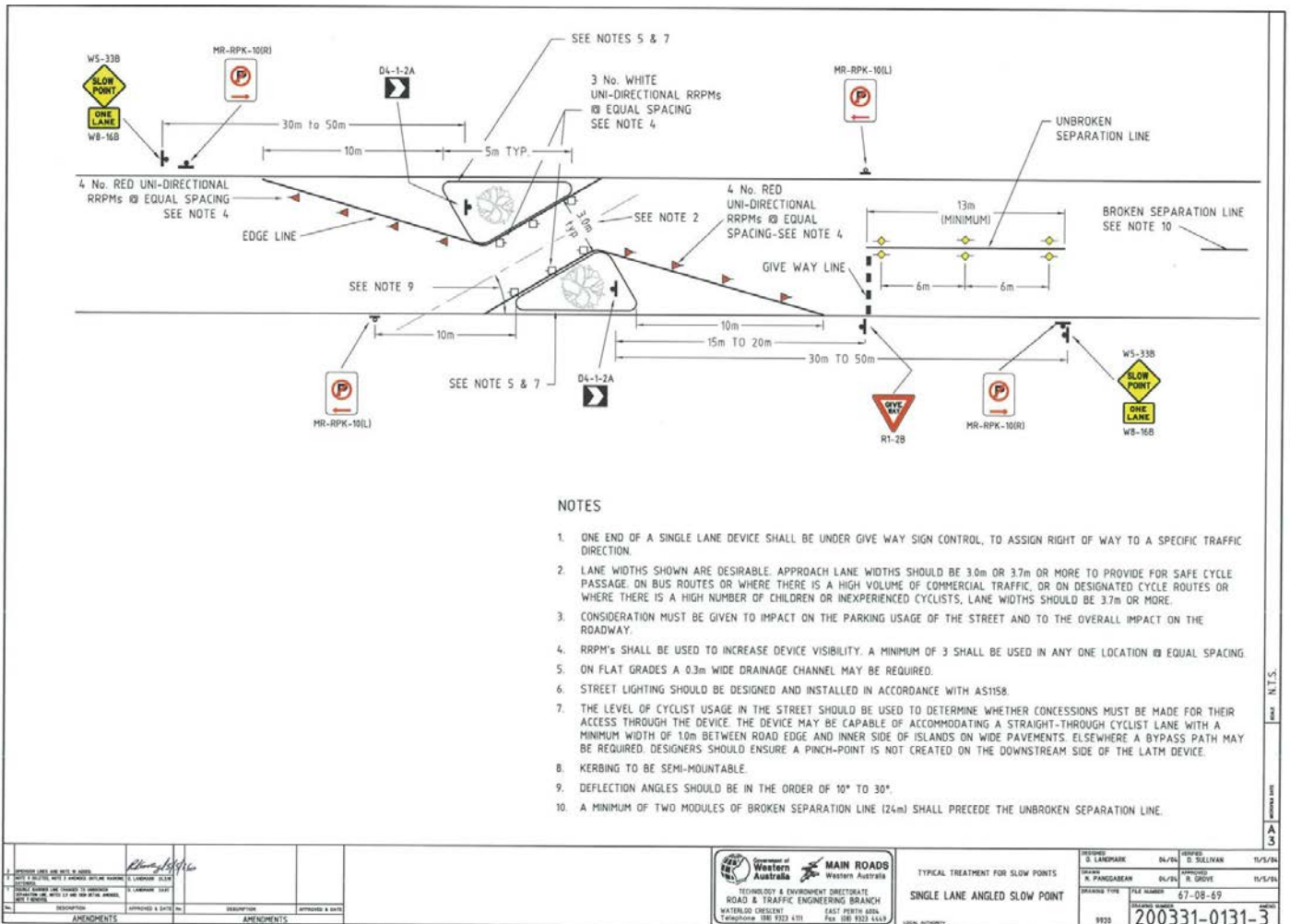
- Confusion between opposing drivers may occur when arriving simultaneously (extreme consequence of this risk is a head on collision)
- Not suitable for buses or commercial vehicles (can be designed to suit)
- Not suitable for use with adjacent on-street parking

**Financial implication:**

For an effective speed control and ensure effective traffic safety, five slow points are recommended with an indicative cost of \$113,710 excluding GST.

Refer to Figure 1 for the layout of slow point devices.

Figure 1: Slow Points



**SPEED LIMITING OPTION 3: Centre Blister Island**

**Advantages:**

- Reduce speed to a maximum of 10-20km/h
- Produce an 85<sup>th</sup> percentile speed reduction of up to 34%



- Reduce crashes and discourage through traffic with minimum inconvenience to local residents
- Suitable for buses and commercial vehicles
- Two way traffic

Disadvantages:

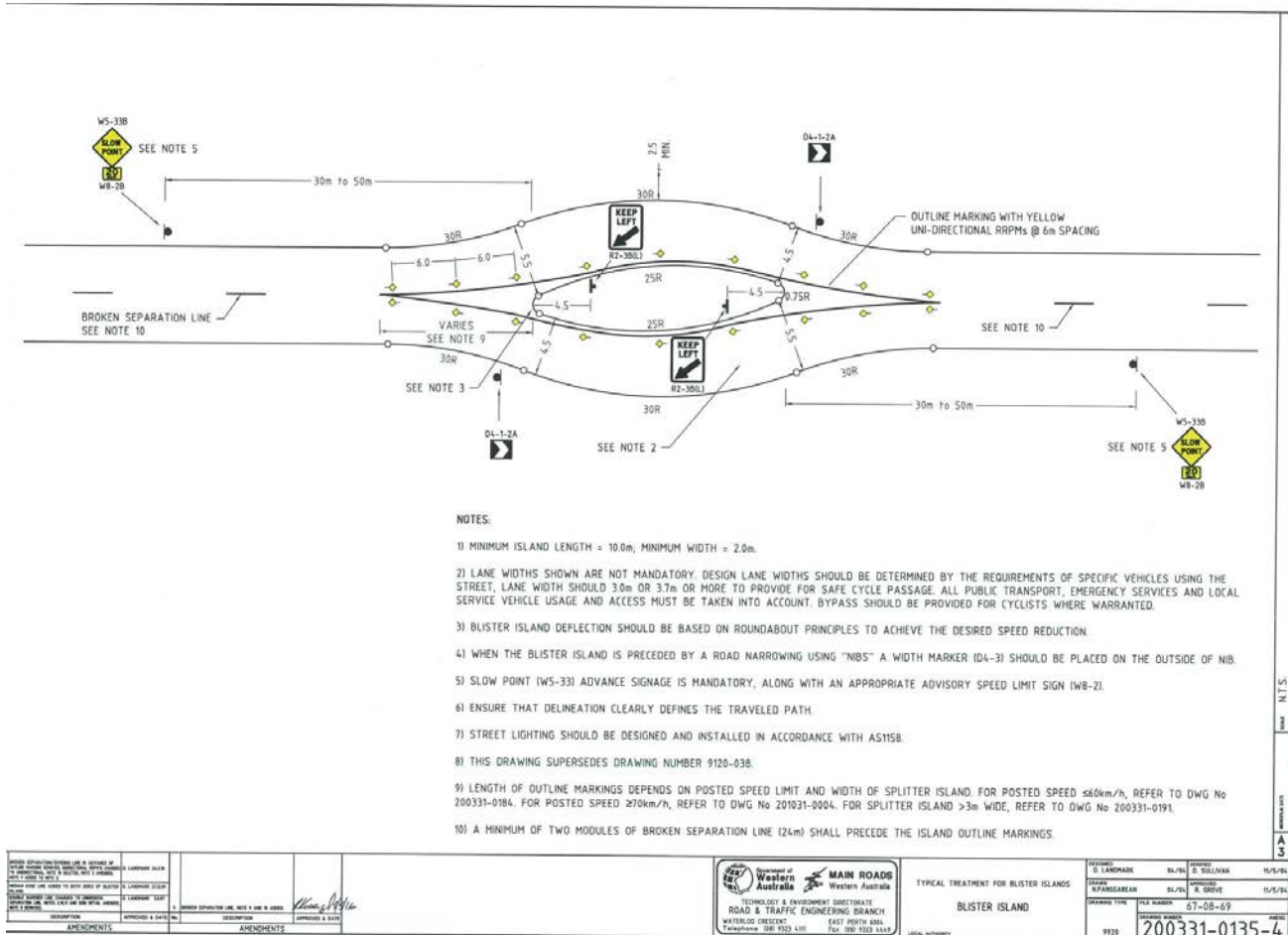
- Unable to be placed without impacting existing driveways
- Not suitable for use with adjacent on-street parking
- Increased risk from drivers performing U-turn manoeuvres into driveways
- Potential to impact services
- Requires detailed design
- Impacts drainage

Financial implication:

Four centre blister islands are recommended to ensure an effective speed control and traffic safety, at an indicative cost of \$232,317 excluding GST.

Refer Figure 2 for the layout of blister islands.

Figure 2: Centre Blister Island



**SPEED LIMITING OPTION 4: No action**Advantages:

- Nil

Disadvantages:

- Risk to life and property remain unchanged

Financial implication:

Nil

**Table:** Option Comparison

<b>OPTIONS</b>	<b>Option 1 Speed humps</b>	<b>Option 2 – Slow Points</b>	<b>Option 3 – Centre Blister Islands</b>	<b>Option4 – No action</b>
<b>Features</b>	Six Speed Humps	Five single lane slow points Traffic reduced to one lane	Four centre blister islands Two way traffic	Nil
<b>Impact on Speed</b>	Reduction of Speed Speed reduction due to slowing into and over the speed humps	Reduction of speed Give way on one approach, increased caution from other approach	Reduction of Speed Speed reduction due to navigation of blister island	Nil – current issues will remain
<b>Impact on Driveways</b>	Able to be placed so only impact on existing driveway is due to line marking	Able to be placed so only impact on existing driveway is due to line marking	Islands unable to be placed without impacting existing driveways	Nil
<b>Impact on Safety</b>	Nil	Confusion between opposing drivers may occur when arriving simultaneously	Increased risk from drivers performing U-turn manoeuvres into driveways	Nil – current safety concerns will remain
<b>Impact on Carriageway</b>	Suitable for buses and commercial emergency vehicles suitable for use with adjacent on-street parking	Not suitable for buses or commercial vehicles (can be designed to suit) Not suitable for use with adjacent on-street parking	Suitable for buses and commercial vehicles Not suitable for use with adjacent on-street parking	Nil





<b>OPTIONS</b>	<b>Option 1 Speed humps</b>	<b>Option 2 – Slow Points</b>	<b>Option 3 – Centre Blister Islands</b>	<b>Option4 – No action</b>
<b>Design Impact</b>	No impact on services Bolts into existing pavement No impact on drainage	No impact on services Bolts into existing pavement No impact on drainage	Potential to impact services Requires detailed design Impacts drainage	Nil
<b>Street Lighting</b>	Street lighting design will be required	Street lighting design will be required	Street lighting design will be required	Nil
<b>Cost</b>	\$14,000 excluding GST	\$112,710 excluding GST	\$232,317 excluding GST	Nil

### Council Options

#### *Option One –*

*Council accept the report and approve community consultation with the affected residents. The consultation will be for the purpose of informing residents of the options and rationale behind the most suitable “Speed Limiting Devices” deemed appropriate for the road, and for this feedback and any resulting action and/or financial implication (of between \$14,000 and \$232,317 excluding GST) to be considered at a future Council meeting.*

#### *Option Two –*

*Council accept the report and make a decision based on the supplied results of the traffic calming evaluation to implement a “Speed Limiting Device” without public consultation, accepting the possible financial implications of between \$14,000 and \$232,317 excluding GST.*

#### *Option Three –*

*Council accepts the report and decides to take no action and not consult with the affected public.*

### **Options and Implications**

Council Officer recommends Option One (based on the outcome of Council’s resolution OCM021/03/18) which requests a traffic calming evaluation plan be prepared with appropriate community consultation. Feedback from the consultation process and any budgetary implications are to be brought back to a future Council meeting for approval of any proposed actions and/ or budget implications.

### **Conclusion**

Following traffic safety concerns on Old Brickworks Road and Council’s resolution OCM021/03/18, a traffic calming evaluation was commissioned and completed. The recommendation of the investigation is the implementation of horizontal speed limiting devices i.e. traffic flow being redirected in a particular path on the road space, as opposed to the previously rejected vertical speed controlling devices i.e. a raised obstacle in the path of traffic e.g. speed humps.



Of the options proposed by Shawmac, Officers have concerns with speed limiting option two (slow points). While slow points are accepted as legitimate traffic calming devices, there are concerns of an increased possibility of head on and rear end accidents.

Officers favour either speed limiting options one (speed humps) or three (centre blister islands) depending on adequate funds being available for construction.

### Attachments

Nil.

### Alignment with our Strategic Community Plan

<b>Outcome 1.3</b>	A safe place to live.
<b>Strategy 1.3.3</b>	Enhance community safety.
<b>Outcome 3.3</b>	An innovative, connected transport network.
<b>Strategy 3.3.1</b>	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Footpath and Bicycle Plans.
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation.
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### Financial Implications

Speed limiting option one was rejected by the affected community, therefore the remaining choice is between options two to four. If Council decided based on affordability to install option one (speed humps) there is a cost implication of \$14,000.00 plus GST. Speed limiting option four has no financial implication.

Adoption of options two and three will require an additional budget of between \$112,710 and \$232,317 depending on the speed limiting device option selected by either the affected community of the Shire. It must be noted that no budget allocation is in the current financial year 2018/19 or the Long Term Financial Plan for the implementation of speed limiting devices on Old Brickworks Road.

### Risk Implications

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

<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Budget implication of installing speed	Unlikely (2)	Minor (2)	Low (1-4)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation



<b>Risk</b>	<b>Risk Likelihood (based on history and with existing controls)</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating (Prior to Treatment or Control)</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
reduction devices					
Head on Collision	Unlikely (2)	Moderate (3)	Low (1-4)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation
Not consulting with community	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		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
<b>Almost Certain</b>	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely</b>	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
<b>Possible</b>	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
<b>Unlikely</b>	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
<b>Rare</b>	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of **9** 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:** Simple Majority

OCM110/10/18 Officer Recommendation:

1. That Council receives the traffic calming report for Old Brickworks Road.
2. That Council agrees to commence community consultation with affected residents on the most appropriate speed limiting devices for Old Brickworks Road.

**OCM110/10/18 COUNCIL RESOLUTION / Alternative Motion**

**Moved Cr Atwell, seconded Cr See**

1. That Council receives the traffic calming report for Old Brickworks Road.
2. That Council take no further action in relation to Old Brickworks Road traffic calming devices.

**CARRIED UNANIMOUSLY 8/0**

*Reason for difference to Officer Recommendation:*

*Given the feedback from the public already received as a result of this report, there is a strong message to not require speed control devices.*



Councillor Coales returned to the Chambers at 8.46pm.

### 10.3 Corporate Services reports

OCM111/10/18 - Confirmation of Payment of Creditors (SJ801)	
<b>Responsible Officer:</b>	Acting Manager Finance
<b>Senior Officer/s:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	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> .

#### 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 1.1.18 - 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 1 September 2018 to 30 September 2018 is provided in attachment OCM111.1/10/18.

### Attachments

- [OCM111.1/10/18](#) – Creditors List of Accounts 1 September 2018 to 30 September 2018. (E18/10844)

### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	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 September 2018 totalled \$3,097,965.20.

### 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)
<b>That Council does not accept the payments.</b>	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
<b>Almost Certain</b>	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely</b>	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
<b>Possible</b>	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
<b>Unlikely</b>	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
<b>Rare</b>	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item.

**Voting Requirements:** Simple Majority

**OCM111/10/18 COUNCIL RESOLUTION / Officer Recommendation:**

**Moved Cr Byas, seconded Cr Piipponen**

**That Council receives the Schedule of Accounts as paid under delegated authority for September 2018, totalling \$3,097,965.20 as attached, covering:**

- 1. EFT Vouchers EFT52717 to EFT53063 totalling \$2,978,086.37.**
- 2. Municipal Cheque Vouchers CHQ45939 to CHQ45942 totalling \$1,101.40.**
- 3. Municipal Direct Debits DD46614.1 to DD46668.33 totalling \$118,777.43.**

**CARRIED UNANIMOUSLY 9/0**

**OCM112/10/18 – Monthly Financial Report – September 2018 (SJ801)**

<b>Responsible Officer:</b>	Acting Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	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>

**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 30 September 2018.

**Relevant Previous Decisions of Council**

The original budget for 2018/19 was adopted on 25 June 2018 at an Ordinary Council Meeting (OCM059/06/18). As a part of this decision, and in accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2018/19 for reporting material variances, as resolved by Council, shall be:

- a) 10% of the amended budget; or
- b) \$10,000 of the amended budget, whichever is greater.

In addition, that the material variance limit be applied to total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

**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 September 2018. Please note that this is a preliminary result as the Financial Statements for 2017/18 are still to be finalised including completion of end of financial year journals, allocations, asset revaluation, rollover of the asset module and audit sign off. The opening surplus and opening balances are subject to change and no depreciation can be processed until the asset revaluation is finalised and the module rolled over.

The municipal surplus for the month ending 30 September 2018 is \$26,591,403, which is favourable, compared to a budgeted surplus for the same period of \$20,691,509. This variance is attributable primarily to the factors identified below relating to the carry forward surplus and inability to process depreciation, along with timing differences.

Description	YTD Budget	30 September 2018 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2018	441,441	4,684,688	4,243,247
Proceeds from sale of assets	88,335	-	(88,335)
Changes to net transfers to and from Reserves	(52,778)	(52,778)	-
Changes to net transfers to and from Restricted Cash	-	-	-
Loan principal Drawdown (New loans)	-	-	-
Loan principal repayments	-	-	-
Capital expenditure	(1,210,602)	(1,482,331)	(271,729)
Capital revenue (cash items)	322,500	252,178	(70,322)
Operating revenue (cash items)	28,948,409	28,769,239	(179,170)
Operating expenditure (cash items)	(7,845,796)	(5,579,593)	2,266,203
	<b>20,691,509</b>	<b>26,591,403</b>	<b>5,899,894</b>

A more detailed explanation of these variances can be found in attachment OCM112.1/10/18.

## Attachments

- [OCM112.1/10/18](#) – Monthly Financial Report September 2018 (E18/11010)



### Alignment with our Strategic Community Plan

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

### Financial Implications

As at 1 September 2018 the Shire's respective cash position was as follows:

Municipal Fund:     \$3,977,387.06

Trust Fund:         \$1,480,383.72

Material variances that may have an impact on the outcome of the budgeted closing surplus position are detailed in this report and listed below:

### Operating Revenue

#### Rates

No variance analysis required, variance to budget is less than 10%.

#### Operating Grants, Subsidies and Contributions

Unfavourable variance of \$405,000 due to timing differences related to payment of grant funding, significant budgeted amounts unpaid at reporting date include untied Financial Assistance Grants - \$328,000 and Local Government Grant Scheme Volunteer Fire Brigades Funding - \$90,000. Both of these amounts are generally paid quarterly and should be received by the end of November if not before.

#### Fees and Charges

No variance analysis required favourable variance less than 10%.

#### Interest Earnings

Favourable variance of \$150,000 due to timing differences relating to payment of interest earned on Term Deposits. Payments made based on maturity dates of these investments.

#### Other Revenue

Unfavourable variance of \$30,000 due primarily to reimbursements outstanding from SJ Rec (Utilities) as a result of timing of when utility accounts are received to be onchaged.

### Operating Expenses

#### Employee Costs

Favourable variance of \$774,000 due to timing differences related to new positions not recruited yet and positions currently vacant.

#### Materials and Contracts

Favourable variance of \$1,311,000 due to timing differences in relation to provision of services and receipt of invoices across all programs and business units, the major components being Waste Services - \$525,000, SJ Rec Management & Youth Services -



\$120,000 (Invoices received in October), Parks & Reserves Maintenance and Weed Control - \$75,000 and consultancy, legal expenses, organisational strategies and initiatives across all departments - \$165,000.

**Utility Charges**

Favourable variance of \$105,000 due to timing differences in relation to utility charges across the organisation, the most significant component being electricity costs associated with Street Lighting - \$60,000, SJ Rec - \$15,000 and Volunteer Fire Brigades - \$10,000.

**Depreciation on Non-Current Assets**

Favourable variance of \$1,585,000 due to the fact that no depreciation is able to be processed until year end completed, asset revaluation processed and asset module rolled over.

**Interest Expenses**

Favourable variance of \$43,000 due to timing differences relating to loan repayment dates.

**Insurance Expenses**

Unfavourable variance of \$44,000 due to timing differences related to dates on which insurance premiums fall due.

**Other Expenditure**

Favourable variance of \$75,000 primarily in relation to timing of Community funding programs.- \$50,000 and Conference/Training Costs - \$25,000.

**Other****Profit on Asset Disposals**

No variance analysis required as no variance to budget.

**Loss on Asset Disposals**

Favourable variance of \$44,000 due to timing differences as no light fleet vehicles have been disposed to date.

**Non-Operating Grants, Subsidies and Contributions**

Unfavourable variance of \$70,000 due to timing of grant funding for Capital Projects.

**Proceeds from Disposal of Assets**

Unfavourable variances of \$88,000 due to timing differences as no light fleet vehicles have been disposed to date.

**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)
<b>That Council not accept the Officer's recommendation.</b>	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
<b>Almost Certain</b>	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely</b>	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
<b>Possible</b>	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
<b>Unlikely</b>	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
<b>Rare</b>	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 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.



Continued

**Ordinary Council Meeting Minutes**  
Monday 22 October 2018

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**Voting Requirements:** Simple Majority

**OCM112/10/18 COUNCIL RESOLUTION / Officer Recommendation:**

**Moved Cr Byas, seconded Cr McConkey**

**That Council receives the Monthly Financial Report for September 2018, 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 OCM112.1/10/18.**

**CARRIED UNANIMOUSLY 9/0**



<b>OCM113/10/18 – Review of Local Laws (SJ1066)</b>	
<b>Responsible Officer:</b>	Manager Governance
<b>Senior Officer/s:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	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> .

### **Report Purpose**

Section 3.16 of the *Local Government Act 1995* (the Act) requires Local Governments to undertake a review of their local laws every eight years. The Shire's local laws are due for review.

### **Relevant Previous Decisions of Council**

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

### **Background**

Based on records kept by the Shire and the WA Department of Local Government, Sporting and Cultural Industries the Shire has a number of local laws in place, some of which are clearly no longer required, and others require amendment due to changing circumstances and/or the passage of time or overlap other more recent local laws.

### **Community / Stakeholder Consultation**

Section 3.16 of the *Local Government Act 1995* requires a local government to give Statewide public notice for a period of at least 6 weeks advising that it is reviewing a local law and calling for submissions from the public, after which the local government may make amendments to local laws (which includes repealing local laws) using the process set out in s3.12 of the *Local Government Act 1995*.

As noted above, it is clear that some local laws should be repealed. Making the summary table below available to members of the public who may be considering making a comment may assist in this regard.

### **Statutory Environment**

Section 3.16 of the *Local Government Act 1995* requires local governments to undertake a formal review of local laws every 8 years.

**Comment**

The Shire has a number of local laws in place, and some that while still technically in force are not used and should be repealed.

A summary of action required is:

Local law	When gazetted and/or last amended	Comments
Bee Keeping	06-Apr-01	Review to determine if used or required – application of Schedule 3.1 of the Act (notice to remove bees) is often sufficient. If this local law is kept, it requires replacement/ updating to reflect current provisions of the <i>Biosecurity and Agriculture Management Act 2007</i> and associated regulations.
Cemeteries	22-Jul-05	This local law is rarely used, no action required.
Dust and Building Waste	17-Aug-17	This is a relatively new local law; no action required.
Extractive Industries	07-Jan-00	Review to determine if this local law is used/ required; if not then deal with under local planning scheme and development approval requirements.
Fences	07-Sep-04	This local law deals with what constitutes a 'sufficient fence' in the district under the <i>Dividing Fences Act 1961</i> . Review and update if required to ensure terminology used (eg 'town planning scheme' is now referred to as a 'local planning scheme' is up to date.
Health	27-Aug-99 Amended 25-May-01	This local law requires amendment and/or replacement. The <i>Public Health Act 2016</i> replaced many of the provisions of the <i>Health Act 1911</i> under which his local law was originally made. Local laws made in relation to health matters are now made under the Local Government Act 1995. This local law could be split into: <ul style="list-style-type: none"> <li>• A Waste Local Law (made under <i>Waste Avoidance and Resource Recovery Act 2007</i>);</li> <li>• An amenity type local law; and</li> <li>• A residual health local law.</li> </ul>
Dogs	13-Feb-04	This local law requires amendment and/ or replacement. Extensive changes to the <i>Dog Act 1976</i> and its associated regulations in 2013 mean that there are few matters now dealt with by local laws – in particular off leash dog exercise are now established by council resolution rather than via a local law.
Kennels and catteries	13-Feb-04	This local law requires amendment and/ or replacement. Dog kennels should be regulated under a Dogs Local Law; in addition the <i>Cat Act 2011</i> and its associated Regulations deal with many aspects of keeping of cats.



<b>Local law</b>	<b>When gazetted and/or last amended</b>	<b>Comments</b>
Livestock in public places	13-Feb-04	Leave 'as is'. While this local law could be combined with the proposed Local Government Property and Public Places local law, it works reasonably well.
Standing orders	07-May-03 Amended 14-May-10	Review to ensure the local law reflects current provisions of the Act and effectively deals with any issues that may arise in the conduct of council and committee meetings at the Shire.
Trading in public places	02-Mar-99	This local law requires amendment and/ or replacement; it and a number of other local laws could be replaced by a single local law that deals with local government property and thoroughfares (basically road reserves).
Unightly Land	13-Feb-04	This local law requires amendment and/ or replacement; it may not be required. Schedule 3.1 of Act allows a local government to serve a notice on an owner of occupier of land to remove material considered unsightly.
Parking and Parking Facilities	05-Dec-14	This is a relatively new local law; no action required.
Pest plants	20-Mar-1987 Amended 22- Nov-96	Review this local law to determine if used/ applicable.
Holiday Accommodation - Draft Model by-law No. 18	26-Sep-86	Repeal - this local law is actually an amendment to a Model local law originally Gazetted on 22 February 1974 and repealed/
Bylaws relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades	29-Mar-85	Review to ensure: <ul style="list-style-type: none"> <li>• Local law deals only what is required by the Bush Fires Act; and</li> <li>• Use other mechanisms to achieve objectives</li> </ul>
Rubbish Litter, Vehicle Bodies, Disused Materials, Unightly Items Removal of	02-Mar-90	Repeal – this issue is now dealt with by Schedule 3.1 of the Act which allows a local government to serve a notice on an owner of occupier of land to remove material considered unsightly.
Recreation ground, general and hawkers	16-Apr-37 Amended 26- Jan-55	Repeal - this local law and a number of others could be replaced by a single local law that deals with local government property and thoroughfares (basically road reserves).





Local law	When gazetted and/or last amended	Comments
Poundage fees, halls	16-Apr-37  Amended 23-May 1947, 30 Dec 1955	Repeal - fees and charges are set by council resolution when adopting a local governments annual budget under s6.2(4)(c) of the Act.
Townsite lot clearing	15-Jun-56	Repeal - tree preservation is dealt with by the local planning scheme and land clearing in general by State legislation.
Bridge - loaded vehicles	14-Nov-57	This local law and a number of others can be replaced by a single local law that deals with local government property and thoroughfares (basically road reserves).
Roads - pipes and pipelines beneath	13-Nov-59	This local law and a number of others can be replaced by a single local law that deals with local government property and thoroughfares (basically road reserves).
TV masts and antennas	18-Apr-60	Repeal - dealt with by <i>Building Act 2011</i> and associated regulations.
Building	18-Aug-60	Repeal - dealt with by <i>Building Act 2011</i> and associated regulations.
Recreation grounds	09-Sep-49	This local law and a number of others can be replaced by a single local law that deals with local government property and thoroughfares (basically road reserves).
Poisonous plants	01-Sep-50	Repeal - the provisions of this local law appear to have been replaced (but not formally repealed) by the Pest Plants Local Law 1987 (which in itself may not be required).
Playground Equipment	26-Jan-55	This local law and a number of others can be replaced by a single local law that deals with local government property and thoroughfares (basically road reserves).
General bylaws	31-May-60	Repeal - this appears to be an amendment to an earlier by-law originally made in 1936 but for some reason is still listed as being in place. It deals with the use of roads and bridges and can be repealed.
Removal & Disposal of Obstructing Animals or Vehicles - Draft Model By-Law - No. 7	07-Feb-63	Repeal - this local law and a number of others could be replaced by a single local law that deals with local government property and thoroughfares (basically road reserves).
Obstruction Of Animals & Vehicles - Draft Model By-Law - No. 7	18-Feb-65	Repeal - this local law and a number of others can be replaced by a single local law that deals with local government property and thoroughfares (basically road reserves).



<b>Local law</b>	<b>When gazetted and/or last amended</b>	<b>Comments</b>
Quarrying and excavating	03-03-67	Repeal - the provisions of this local law appear to have been replaced (but not formally repealed) by the Extractive Industries 2000.

Note that while the Dust and Building Waste Local Law 2017 and the Parking and Parking Facilities Local law 2014 are not due for a s3.16 review until 2025 and 2022 respectively, their inclusion is recommended so that the entire suite of local laws can be dealt with at the same time which will obviate the need for separate and further reviews of these local laws in isolation in future.

Similarly, it may be of assistance to set the number of cats that may be kept on a property without a permit from the Shire via a Cats Local Law.

These matters can be dealt with via making new local laws, repeal of existing local laws and amendments to others under s3.12 of the Act.

### **Options and Implications**

The Shire must undertake the review, but may make amendments to local laws at the conclusion of the public consultation period.

### **Conclusion**

From the above analysis, it is clear that most of the Shire's local laws are out of date and require attention to ensure they reflect current legislation. The table above should be made available to members of the public who may wish to make comment.

Actual changes to local laws will be brought before council beforehand.

### **Attachments**

Nil.

### **Alignment with our Strategic Community Plan**

Nil.

### **Financial Implications**

There are costs associated with advertising the request for public comment under s3.16 *Local Government Act 1995*. If Council subsequently agrees to amend and/or repeal the various local laws, there are also costs associated with drafting, obtaining legal advice where necessary, advertising and eventual Gazettal of any new local laws or amendments to existing ones.

### **Risk Implications**

If local laws are not kept up to date there is a risk of conflict with State or Commonwealth laws, non-compliance by the community, or a mistake by the Shire or an authorised person when administering a local law.



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 Officers Recommendation	Unlikely (2)	Minor (2)	Low (1-4)	Compliance - 2 Minor - Regular noticeable temporary non-compliance	Accept Officer Recommendation

**Risk Matrix**

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 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:** Simple Majority

**OCM113/10/18 COUNCIL RESOLUTION / Officer Recommendation:**

Moved Cr Byas, seconded Cr See

That Council

1. In accordance with s3.16 of the *Local Government Act 1995*, gives State wide and local public notice stating that the Shire proposes to review the following local laws:
  - a. Bee Keeping Local Law 2001;
  - b. Cemeteries Local Law 2005;
  - c. Dust and Building Waste Local Law 2017;
  - d. Extractive Industries Local Law 2000;
  - e. Fences Local Law 2007;
  - f. Health Local Law 1999;
  - g. Dogs Local Law 2004;
  - h. Kennels and Catteries Local Law 2004;
  - i. Livestock in Public Places Local Law 2004;
  - j. Standing Orders Local Law 2003;
  - k. Trading in Public Places Local Law 1999;
  - l. Unsightly Land Local Law 2004;
  - m. Parking and Parking Facilities Local Law 2014;
  - n. Pest Plants Local Law 1987;
  - o. Holiday Accommodation - Draft Model Bylaw No. 18 1986;
  - p. Bylaws relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades;
  - q. Removal of Rubbish Litter, Vehicle Bodies, Disused Materials, Unsightly Items Bylaw 1990;
  - r. Recreation ground, general and hawkers Bylaw 1937;
  - s. Poundage fees, halls Bylaw 1937;
  - t. Townsite lot clearing Bylaw 1956;
  - u. Bridge - loaded vehicles Bylaw 1957;
  - v. Roads - pipes and pipelines beneath Bylaw 1959;
  - w. TV masts and antennas Bylaw 1960;
  - x. Building Bylaw 1960;
  - y. Recreation grounds Bylaw 1949;



- z. Poisonous plants Bylaw 1950;**
- aa. Playground Equipment Bylaw 1955;**
- ab. General bylaws 1960;**
- ac. Removal & Disposal of Obstructing Animals or Vehicles - Draft Model By-Law - No. 7 1963;**
- ad. Obstruction of Animals & Vehicles - Draft Model Bylaw -No. 7 1965;**
- ae. Quarrying and Excavating Bylaw 1967.**

**2. Notes that:**

- a. A copy of the local laws may be inspected or obtained at the Shire offices or from its website;**
- b. A copy of the table in the report to Council summarising each local law and comments about them will also be made available to interested persons;**
- c. Submissions about the local laws may be made to the Shire before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and**
- d. The results of the above advertising will be presented to Council for consideration of any submissions received.**

**CARRIED UNANIMOUSLY 9/0**



<b>OCM114/10/18 – Elected Member Code of Conduct (SJ708)</b>	
<b>Responsible Officer:</b>	Manager Governance
<b>Senior Officer/s:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	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> .

### Report Purpose

The purpose of this report is for Council to adopt a new Elected Member Code of Conduct, a new Committee Member Code of Conduct, a policy on Social Media for Elected Members, and to note the Business Operating Process for dealing with complaints made under the Code of Conduct.

### Relevant Previous Decisions of Council

OCM205/10/15 – Revised Code of Conduct for Councillors and Employees

### Background

Section 5.103(1) of the *Local Government Act 1995* requires that every local government is to prepare or adopt a Code to be observed by Elected Members, committee members and employees. Section 5.103(3) states that regulations may prescribe the content of, and matter in relation to the Code but must not be inconsistent with regulations.

Subsequent to the proclamation of the *Local Government (Official Conduct) Amendment Act 2007* and the formulation of the *Local Government (Rules of Conduct) Regulations 2007 (Regulations)*, as well as amendments to the *Local Government (Administration) Regulations 1996* and the *Local Government (Constitution) Regulations 1998*, local governments were required to amend their Codes to be consistent with the new and amended legislation.

It is normal for Codes of Conducts to either be drafted as a “statutory” look and to more closely resemble a legislative document or a marketing publication. It is recommended that neither of these formats be used.

The Regulations cover many areas that are commonly dealt with in a local government’s Code and as a result, the Code has been reviewed with a view to removing any inconsistency. It is also suggested that it would be advantageous for the Shire to adopt three separate codes, one for Elected Members which is succinct and does not repeat any of the provisions already incorporated in the Regulations, one for employees incorporating new provisions controlling the acceptance of gifts and a separate code for committee members who are not Elected Members to, amongst other things, emphasise the need to declare impartiality interests.

The review has also considered the role of external oversight agencies in dealing with complaints against Elected Members. As part of the review, it was intended to include a reference to the procedure for making and dealing with a complaint in the Code however, subsequently Officers recommend against including the current avenue for a complaint to be made against an Elected Member as complaints are more appropriately addressed by external oversight bodies such as



the Standards Panel, the Department of Local Government, Sport and Cultural Industries, the State Administrative Tribunal and the Corruption and Crime Commission.

In summary, after the Regulations came into force there was a compelling reason to support the position that a complaint mechanism under a Code of Conduct was appropriate due to the Standards Panel only dealing with alleged breaches of certain parts of the Regulations, excluding behavioral matters. Subsequently an interpretation by the Standards Panel, the State Administrative Tribunal and the Supreme Court suggest that matters covered by the Regulations have significantly expanded to include the standards of conduct applying to an Elected Member including behavioral guidelines. Regulation 7 deals with “improper use of office” which is now understood to encompass the behavioral standards typically set out in a Code.

In this context, it is significant that the Standards Panel is the specialist body established by Parliament to determine the outcome of complaints of a minor nature against Elected Members. An alleged breach of the Code may constitute an improper use of office which the Standards Panel can consider and the *Local Government Act 1995* deals with the making of a complaint of an alleged breach of the Regulations. Complaints of a more serious nature are dealt with by the State Administrative Tribunal or the Corruption and Crime Commission.

There is little remaining scope for the Code to contain a mechanism or a separate complaint handling procedure and Officers consider it appropriate that Elected Members consider the proposed changes to the Code and adopt a separate complaints handling process.

A Business Operating Process has been developed for the consistent handling of any complaint made against the Code of Conduct and is attached (OCM114.4/10/18) for Council to note. Subject to Council’s approval of the Code of Conduct, all complaints received in respect of the Code will be progressed according to the process detailed above.

### **Community / Stakeholder Consultation**

The Shire has consulted with the Department of Local Government, Sport and Cultural Industries.

#### Policy Concept Forum

<b>Meeting Date</b>	1 October 2018
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Denholm, Cr Gossage

### **Statutory Environment**

#### *Local Government Act 1995*

Part 5 – Administration Division 9 – Conduct of certain officials

Section 5.103 - requires that every local government prepare or adopt a code of conduct to be observed by council members, committee members and employees.

#### 5. *103 Codes of conduct*

(1) *Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.*

[(2) *deleted*]

(3) *Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.*



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**Comment**

The Code of Conduct provides Elected Members of the Shire of Serpentine Jarrahdale with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

There are two significant conduct issues that are impacting upon the Local Government industry in Western Australia by various Elected Members across the state, these are:

1. Elected Members and Social Media
2. Elected Members involvement in Administration

Elected Members and Social Media is a relatively new issue that is increasingly becoming a part of daily life and an accepted method of instant communication. The use of social media by the Shire and Elected Members can improve communication, engagement and collaboration with the community, and share the positive and professional identity of the organisation.

There are no new rules for social media. The existing expectations around professional conduct should and do apply. The adoption by Council of a policy will however provide guidance and direction for the use of social media by Elected Members. The Elected Member Social Media Policy (OCM114.5/10/18) is provided to guide Elected Members in the preparation of social media content and responses. It is therefore recommended that Council adopt the Elected Member Social Media Policy.

Elected Member involvement in Administration is a long standing and continuing issue that has had significant attention since the 1995 Local Government Act was first established which saw the separation of duties clearly defined. An Elected Member's role does not extend to administration of local government functions, which is the responsibility of the CEO and other employees of the local government. (s. 2.10 of the *Local Government Act 1995*).

The introduction of the Rule of Conduct legislation in 2007 provided further clarity into this issue and is considered the most appropriate mechanism for dealing with this issue. Elected Members are prohibited from undertaking tasks which constitute the administration of local government (*Regulation 9 of the Local Government (Rules of Conduct) Regulations 2007*).

The term '*administration*' is not defined in either the *Local Government (Rules of Conduct) Regulations 2007* or the *Local Government Act 1995*.

Accordingly, the ordinary meaning of that term applies and must be considered.

The *Macquarie Dictionary* relevantly defines '*administration*' in the following terms:

- “1. the management or direction of any office or employment.
2. the function of a political state in exercising its governmental duties.
3. any body of people entrusted with administrative powers.
4. the duty or duties of an administrator.”

The ordinary meaning of '*administration*' thus encompasses both the activity of administration ('management ... of any office') and the body engaged in the activity of administration ('body of people entrusted with administrative powers').

The meaning of the term '*administration*' must also be considered in the context of the *Local Government Act 1995*, in which it appears, and the applicable subsidiary legislation (including the *Local Government (Rules of Conduct) Regulations 2007*).





When considered in this context, it should be noted that the prohibition against involvement in administration as expressly referenced in r. 9 of the *Local Government (Rules of Conduct) Regulations 2007* reflects one of the primary objectives of the *Local Government Act 1995* to clarify the roles of the major players in local government. That objective was also emphasised by the Minister during the Second Reading Speech<sup>1</sup> -

*“There will be clear specification of the roles of key players; that is council, mayor or president, and councillors. This is designed to promote efficient administration at the local government level and to avoid conflicts caused by uncertainty. The lack of role clarity has led to some mayors/presidents and councillors becoming involved in administrative matters which should be handled by staff. The new Act will provide a clear distinction between the representative and policy making role of the elected councillors and the administrative and advisory role of the chief executive officer and other staff.”*

An Elected Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Elected Members activities should focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Shire's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other levels of governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Elected Members and the Shire.

In carrying out its functions, the Shire is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

## **Options and Implications**

### Option 1

That Council adopt the new Elected Member Code of Conduct, the Committee Member Code of Conduct, notes the Business Operating Process for Elected Member Code of Conduct Complaints and adopts the Elected Member Social Media Policy.

This option would ensure Legislative compliance and necessary processes are in place.

### Option 2

That Council does not adopt the new documents, and the existing Code of Conduct for Councillors and Employees would remain.

### Option 3

That Council adopt some of the documents discussed in this report.



Option 1 is recommended.

### Conclusion

The existing Code of Conduct for Councillors and Employees required reviewing to be consistent with current Legislation. The Elected Member Code of Conduct and the Committee Member Code of Conduct comply with Legislative and the Shire's requirements. The Business Operating Process – Elected Member Code of Conduct Complaints indicates the process that will be undertaken in the event of a breach of the Code of Conduct. The Elected Member Social Media Policy provides guidance and direction for the use of social media by Elected Members to meet the expectations of the community and their professional requirements, particularly when commenting or engaging with the community in both a private and public capacity.

### Attachments

- [OCM114.1/10/18](#) – Existing / Current Code of Conduct for Councillors and Employees (E16/1248)
- [OCM114.2/10/18](#) – Elected Member Code of Conduct (E18/10061)
- [OCM114.3/10/18](#) – Committee Member Code of Conduct (E18/10065)
- [OCM114.4/10/18](#) – Business Operating Process - Elected Member Code of Conduct Complaints (E18/10264)
- [OCM114.5/10/18](#) – Elected Member Social Media Policy (E18/10319)

### Alignment with our Strategic Community Plan

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

### Financial Implications

There are costs associated with the investigation of any complaint which will be met from the Governance legal 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 does not accept the Officers Recommendation	Unlikely (2)	Minor (2)	Low (1-4)	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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 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:** Simple Majority

**OCM114/10/18 COUNCIL RESOLUTION / Officer Recommendation:**

**Moved Cr Byas, seconded Cr Piipponen**

- 1. That Council adopts the Elected Member Code of Conduct as set out in attachment OCM114.2/10/18.**
- 2. That Council adopts the Committee Member Code of Conduct as set out in attachment OCM114.3/10/18.**
- 3. That Council notes the Business Operating Process – Elected Member Code of Conduct Complaints adopted process for complaints regarding alleged breaches of the Code by Elected Members as set out in attachment OCM114.4/10/18.**
- 4. That Council adopts the Elected Member Social Media Policy as set out in attachment OCM114.5/10/18.**

**CARRIED UNANIMOUSLY 9/0**



<b>OCM115/10/18 – Ward Boundary Review (SJ172)</b>	
<b>Responsible Officer:</b>	Manager Governance
<b>Senior Officer/s:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	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> .

### Report Purpose

To consider a discussion paper on a review of the Shire of Serpentine Jarrahdale boundaries and Councillor representation for the purpose of public consultation in accordance with clause 7 of Schedule 2.2 of the *Local Government Act 1995*.

### Relevant Previous Decisions of Council

Nil.

### Background

Local governments with ward representation are required to carry out reviews of:

- Ward boundaries; and
- The offices of councillor for each ward

From time to time, but so that not more than eight years elapse between successive reviews.

The purpose of the review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the district and its people. Any of the following may be considered:

- Creating new wards in a district already divided into wards;
- Changing the boundaries of a ward;
- Abolishing any or all of the wards into which a district is divided;
- Changing the name of a district or ward;
- Changing the number of offices of councillors on a council; and
- Specifying or changing the number of offices of councillor for a ward.

The Local Government Advisory Board encourage Councils to complete their review so that any changes can be in place within the eight-year period. It is appropriate for Councils to undertake reviews on a more frequent basis when the district is experiencing changes to its population that may impact on representation.

Council last conducted a review in 2010 for implementation for the 2011 Local government Ordinary elections. Given 8 year has now elapsed and two of the three wards are outside the required +/-10% deviation factor, a review must be undertaken.



In carrying out the review, the Council must develop options and assess those options against the following five factors:

- Community of interest
- Physical and topographical features
- Demographic
- Economic Factors
- The ratio of Councillors to Electors in the various wards

The board considers that the ratio of Councillors to Electors is the most significant of the above options. It is expected that each Council will have similar ratios of Electors to Councillors across the wards of its district. To that end, only under very exceptional circumstances will the Board consider deviations to this ratio greater than plus or minus 10%. Growth corridors and rapidly changing populations are not considered exceptional circumstances. Where Councils are experiencing rapid changes in population like the Shire of Serpentine Jarrahdale, the board recommends the use of more frequent Ward reviews as the solution.

## **Community / Stakeholder Consultation**

### Policy Concept Forum

<b>Meeting Date</b>	8 October 2018
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Gossage, Cr McConkey, Cr See

Clause 7 of Schedule 2.2 of the Local Government Act 1995 requires that before carrying out a review a local government has to give public notice advising the review is to be carried out and that submissions may be made within a six-week period.

## **Statutory Environment**

### *Local Government Act 1995*

- Section 2.2 – districts may be divided into wards
- Section 2.3 – names of districts and wards
- Section 2.18 – fixing and changing the numbers of councillors
- Schedule 2.2 – provisions about names, wards and representation



**Comment**

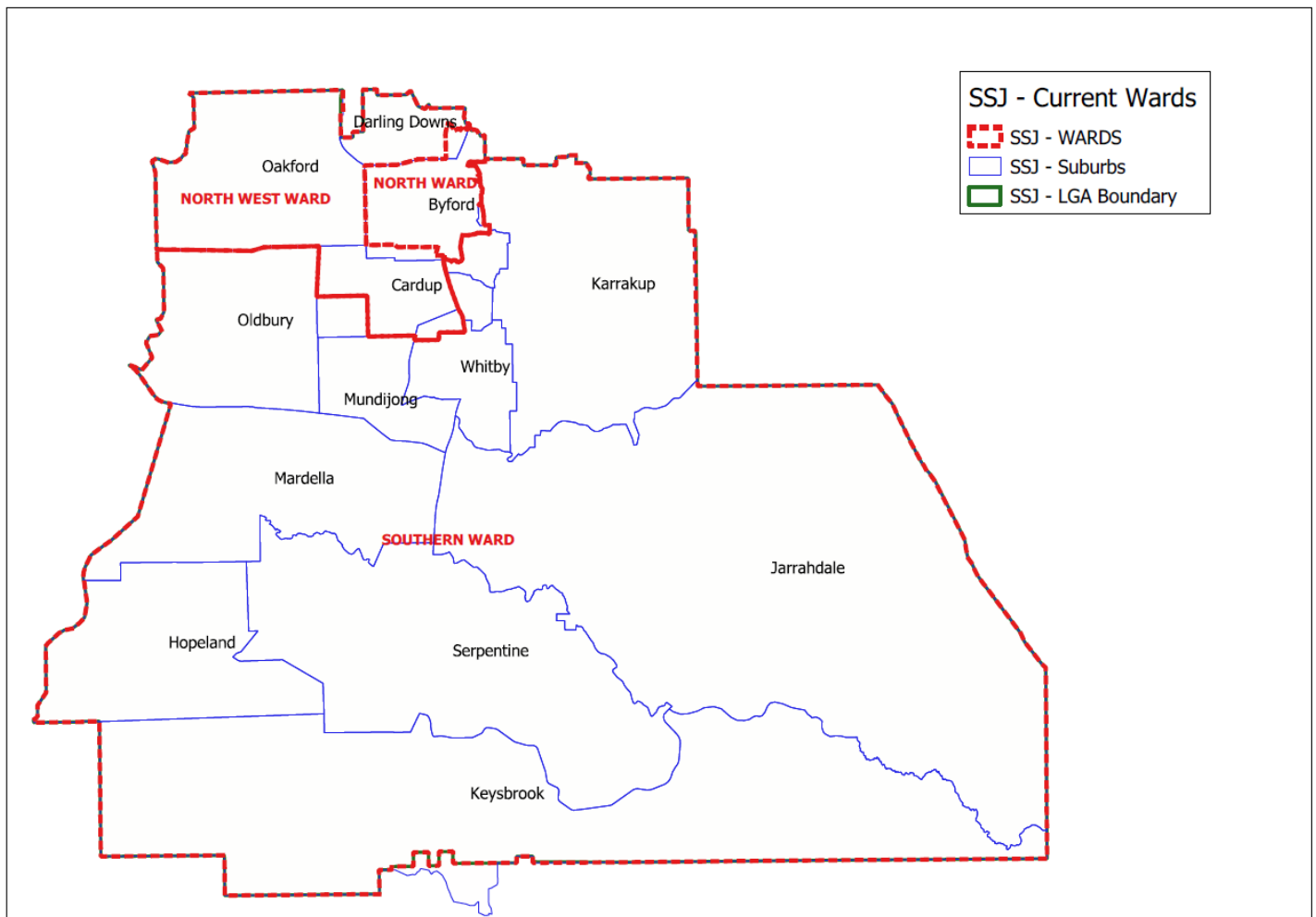
The Shire of Serpentine Jarrahdale currently has nine Councillors spread across three wards. North ward has four Councillors, North West Ward has two, and the Southern Ward has three.

Wards	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	Ratio Deviation %
North	8817	4	2204	-13.68%
North West	3792	2	1896	+2.21%
Southern	4840	3	1613	+16.80%
<b>Shire</b>	<b>17449</b>	<b>9</b>	<b>1939</b>	

**Table 1: Shire of Serpentine Jarrahdale elector to Councillor ratios – situation as at 21 October 2017.**

It can be readily seen in the above table that there is currently an in balance in ward representation with the North ward being underrepresented and the Southern Ward being overrepresented.

The current ward boundaries are shown below:





A review of ward boundaries takes several months to complete. The Board has informed the Shire that the review must be completed and be lodged with the Board by the end of January 2019 at the latest.

The review process (as explained in the Board's guide on How to conduct a review of Ward and Representation) involved a number of steps:

- Council must firstly resolve to undertake a review of its wards representation (i.e. the purpose of this report)
- Before conduction / determining the review, a council is to give local public notice that a review is to be carried out. The notice must also advise that submissions may be made to the Council by a date at least 42 days (six weeks) from the date of the first public notice.
- The purpose of the public notice is to inform the community that the Council intends to conduct a review – it is not to try to “sell” the Council's preferred option. A range of alternatives to the current ward structure will be developed so that all options can be considered. Whilst Council may have a preferred option, the public notice must not limit the possible responses and suggestions from the community.
- In addition to giving public notice, Council may undertake other initiatives to promote community discussion including public meetings, media articles, sending information to ratepayers or progress associations.
- A discussion or information paper will be prepared to outline the various options and explain the five factors against which the options will be assessed. The availability of the discussion paper will be included in the public notice. Maps clearly showing the current ward boundaries and possible options are essential.
- Council must consider all submissions its receives and record this in the minutes of its meeting.
- All options must be assessed against the following five factors-
  - Community of interest
  - Physical and demographic features
  - Demographic trends
  - Economic factors
  - The ration of Councillors to Electors in the various wards
- In reaching a Council decision, it needs to be clear form the consideration of submissions and the assessment of options against the factors why an option has been chosen as the best option for the district.
- Council cannot propose to maintain the status quo given the current elector deviation numbers. The changes that Council does make is required to be made by an absolute majority, and the resolution of Council must propose the making of an order under S2.2(1), S2.3(3) and / or S2.18(3) and schedule 2.2 of the *Local Government Act 1995*.
- Once Council has completed its review, it must provide a written report about the review to the Board. The report must outline the process and outcome of the review and include any recommendations for change.





- The board will consider the review report submitted by council and assess it against the requirements of the *Local Government Act*. If the Board determines that some part of a review does not meet the requirements of the Act, then Council may be requested to undertake another review (or part of a review) that does meet the requirements.
- The Board makes recommendations to the Minister, who has the final decision and may accept or reject the Boards Recommendations.
- If the Minister accepts the Board's recommendations, then several other processes follow. Changes to wards and representation are subject to an order to be signed by the Governor and then published in the Government Gazette. The order will include the date of implementation of changes, which may be the date of gazettal or the next ordinary Election Day, and any resulting elections arising from the changes. Where there are changes to boundaries, the order will also include a new technical description of the ward boundaries (prepared by Landgate, at Council's expense). If a boundary change affects electors, then the WA Electoral Commission will prepare new rolls for those affected wards.

A proposed project plan / timetable, to assist in the management of the required process for the review is as follows

22 October 2018 Council meeting – Council decision to undertake a Ward Review

24 October 2018 Public notice period commences inviting submission – 6 week minimum statutory advertising

6 December 2018 Public notice period finishes. Officers finalize accessing public submissions and prepare report and recommendation.

17 December 2018 Council meeting – Council to resolve preferred ward representation option for forwarding to the Local Government Advisory Board.

Following this process, the Board will determine if the review has been carried out in the appropriate manner and either recommend to the minister the making of Orders (if the review is deemed to have been done in an appropriate manner) or instruct Council to complete the process in accordance with the requirements (if the review is deemed not to have been done in the appropriate manner)

### **Options and Implications**

That Council agrees to undertake a review of its current ward representation.

That Council not agree to undertake a review of its current ward representation breaches legislation and then it made to undertake a review by the board.

### **Conclusion**

That Council, pursuant to Schedule 2.2 of the *Local Government Act 1995*, undertakes a review of its current Ward Representation.



### Attachments

- [OCM115.1/10/18](#) - Discussion Paper (OC18/20340)
- [OCM115.2/10/18](#) - Department of Local government, Sport and Cultural Industries – Guide for Local Governments – How to conduct a review of wards and representation for local governments with and without a ward system.(IN18/23336)

### Alignment with our Strategic Community Plan

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

### Financial Implications

A review into the Shire's ward boundaries and Councillor Representation will require research and public consultation. The majority of the cost to undertake the review will be in staff resource time which is provide for in the budget adopted by Council. Other administrative costs of a minor nature including advertising and printing costs will be absorbed as a part of normal operating costs from the Governance and Council support 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 does not accept the Officers Recommendation	Unlikely (2)	Minor (2)	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
<b>Almost Certain</b>	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely</b>	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
<b>Possible</b>	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
<b>Unlikely</b>	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
<b>Rare</b>	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 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:** Simple Majority

#### OCM115/10/18 COUNCIL RESOLUTION / Officer Recommendation:

##### Moved Cr Coales, seconded Cr Byas

1. That Council, pursuant to Schedule 2.2 of the *Local Government Act 1995*, undertakes a review of its current Ward Representation.
2. That Council endorses the discussion paper, as per attachment OCM115.1/10/18.

**CARRIED UNANIMOUSLY 9/0**



## 10.4 Community Services reports

Councillor Atwell declared an Impartiality Interest in OCM116/10/18. Councillor Atwell remained in the Chambers to partake in debate and vote on this agenda item.

Councillor Denholm declared an Impartiality Interest in OCM116/10/18. Councillor Denholm remained in the Chambers to partake in debate and vote on this agenda item.

OCM116/10/18 – Sporting Club Fee Waiver Requests (SJ337)	
<b>Responsible Officer:</b>	Acting Director Community Services
<b>Senior Officer/s:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	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> .

### Report Purpose

The purpose of this report is for Council to consider facility hire fee waiver requests received from sporting clubs for the 2018/19 financial year.

### Relevant Previous Decisions of Council

OCM059/06/18 - Adoption of 2018/19 Budget and 2019–2029 Long Term Financial Plan

As part of the 2018/19 Budget adoption process, Council considered facility hire costs for sporting and community groups in the 2018/2019 Schedule of Fees and Charges. Council indicated that it is important that all user groups make a contribution to the costs associated with the maintenance and operations of these facilities, reinstating applicable seasonal charges for all junior sporting clubs in the 2018/19 financial year.

#### *PART D – GENERAL FEES AND CHARGES FOR 2018/19*

*That Council, pursuant to section 6.16 of the Local Government Act 1995, adopts the Schedule of Fees and Charges as included in the revised attachment OCM059.4/06/18.*

#### *Reason for Amended Officer Recommendation*

*The Schedule of Fees and Charges has been revised to include Playgroup fees on page 26. These fees were omitted in error.*

*CARRIED EN BLOC BY ABSOLUTE MAJORITY 8/0*

### Background

Council Policy 5.1.4 - Facility Hire outlines a fair and equitable method for determining fees and charges for the hire of community facilities. It states that the intention of charging fees and charges is to assist the Shire with the cost of operating and maintaining community facilities.

During the 2017/2018 financial year budget process, Council set seasonal charges for junior sporting clubs at zero. This provided Byford Little Athletics Club, Byford Bushrangers, Mundijong Centrals Junior Football Club, Serpentine Jarrahdale Junior Cricket Club and Serpentine



Jarrahdale Netball Association the use of reserves/courts, change rooms and community pavilions for free throughout the season.

During the same budget process, the 2017/18 Schedule of Fees and Charges set a seasonal hire rate for senior sporting clubs that included reserve/court and change room hire only. However, as appears to be a historical arrangement, the adopted seasonal hire rate was applied to all facility hire by the senior clubs including use of the community pavilion for club activities such as meetings, events, game day use and operations of the club bar.

This resulted in a common practice of 'blanket' facility bookings not necessarily reflective of actual usage needs. Difficulties in identifying whether the facility was available for use by the wider community eventuated, and challenges are presented when assessing/understanding future needs for facility provision.

Additionally other sporting and community groups not subject to seasonal hire fees had historical arrangements in place for how their facility hire fees were calculated, the origins of which were in most cases unclear.

The process of charging varied fees based on historical arrangements and contrary to the adopted fees and charges is recognised as being inconsistent, inappropriate and created inequities amongst user groups. It has also resulted in limited financial contributions towards the operations of the facilities.

In order to assist with these challenges and to have a more transparent and consistent charging method, the 2018/19 Schedule of Fees and Charges outlines the seasonal hire rate inclusions and lists each community facility with an applicable hourly hire fee. As adopted by Council through the 201/8/2019 budget process, the Schedule of Fees and Charges includes charges for junior sporting clubs.

The 2018/2019 Schedule of Fees and Charges specifies seasonal charges for junior clubs which includes:

- reserves/courts;
- change rooms;
- four hours per week of facility hire.

It also specifies seasonal charges for senior clubs which includes:

- reserve/courts;
- change rooms.

Any facility hire outside of these stipulated provisions is calculated at the hire rate outlined in the Schedule of Fees and Charges.

Post 1 July 2018, Officers have applied the Schedule of Fees and Charges as adopted to each hire request. As a result, a number of sporting groups have seen changes to their hire fees and booking arrangements, as have some community groups. Four requests have subsequently been received for fee reduction/waivers for the 2018/2019 financial year.

In the absence of a Council Policy regarding hire fee waiver/ reduction requests, the item is presented to Council for consideration.



## Community / Stakeholder Consultation

### Policy Concept Forum

<b>Meeting Date</b>	11 June 2018	
<b>Councillors Attendance</b>	<b>in</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Gossage, Cr McConkey, Cr Piipponen, Cr See

### Letter notification

Letters regarding fees and charges for 2018/2019 were sent to:

<b>Club</b>	<b>Date Letter Sent</b>
Byford Bushrangers	30 July 2018
Centrals Football Club	30 July 2018
Mundijong Centrals Junior Football Club	30 July 2018
Serpentine Jarrahdale Cricket Club	30 July 2018
Serpentine Jarrahdale Netball Association	30 July 2018
Byford Little Athletics Club	30 July 2018
Mundijong Centrals Netball Club	30 July 2018

### Sport Working Group

<b>Meeting Date</b>	13th September 2018	
<b>Councillors Attendance</b>	<b>in</b>	Cr Atwell, Cr Denholm
<b>Clubs in Attendance</b>	Byford Bushrangers, Centrals Football Club, Mundijong Centrals Junior Football Club, Serpentine Jarrahdale Cricket Club, Serpentine Jarrahdale Netball Association, Mundijong/Serpentine Little Athletics, Serpentine Horse and Pony Club.	

### Email regarding fee waiver requests

Emails regarding fee waiver requests were sent to:

<b>Club</b>	<b>1<sup>st</sup> Email Sent</b>	<b>2<sup>nd</sup> Email Sent</b>
Byford Bushrangers	17 September 2018	27 September 2018
Centrals Football Club	17 September 2018	27 September 2018
Mundijong Centrals Junior Football Club	17 September 2018	27 September 2018
Serpentine Jarrahdale Cricket Club	17 September 2018	27 September 2018
Serpentine Jarrahdale Netball Association	17 September 2018	27 September 2018

### Club meeting dates

Individual meetings were held with sporting clubs upon request from the club:

<b>Club</b>	<b>Meeting Date</b>
Byford Bushrangers	12 September 2018
Centrals Football Club	28 August 2018
Mundijong Centrals Junior Football Club	28 August 2018
Serpentine Jarrahdale Cricket Club	20 August 2018



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## Statutory Environment

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.

Section 6.12 of the *Local Government Act 1995* is relevant to this report.

## Comment

Officers have worked closely with sporting and community groups to encourage their assessment of actual facility hire needs, as opposed to 'blanket' type bookings that previously occurred. This has allowed for a clearer picture of facility use and more accessibility to hire of facilities to the wider community.

Where a group has expressed concerns with their ability to meet the fees for their hire, Officers have worked with the group to explain options available for support dependent on the circumstances of the 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.

Following a range of consultation between individual clubs and Officers fee waiver or fee reduction requests have been received from the following clubs.

- Serpentine Jarrahdale Cricket Club (Junior and Senior) OCM116.1/10/18.
- Serpentine Badminton Club Inc. OCM116.2/10/18.
- Jarrahdale Badminton Club OCM116.3/10/18.
- Mundijong Centrals Junior Football Club OCM116.4/10/18.

Other clubs involved in 2018/19 fees and charges or fee waivers discussions have chosen not to submit a fee waiver request at this stage.

A summary of the club, membership base, fee waiver request and recommendation is provided in Options and Implications. Officers have taken a range of factors into account when providing a recommendation:

- Health and wellbeing benefits for individuals actively engaging in recreational pursuits.
- Usage per week (and/or per season) of facilities and reserves.
- Whether the information provided allows for reasonable and consistent consideration in the context of current (and possible future) requests.
- An affordable option to sustain points above.

## Options and Implications

### Option One (Recommended)

Below outlines the recommended fee waivers and suggested value. In the absence of a clear policy and procedure regarding fee waiver requests, Officers requested that clubs provide:

- The fees and correlating amount that the club was requesting to have waived.
- A brief description of both the community and organisational benefit of waiving fees.
- The current (or anticipated) membership numbers of the club.



The submitted fee waiver requests are attached to this report. Officers are unable to substantiate comments received from clubs regarding ability to meet costs and have not requested any evidence of financial status or information regarding the clubs annual fee structure. Recommendations have been based on the information provided within the written request only.

#### *Serpentine Jarrahdale Cricket Club (SJCC)*

The Serpentine Jarrahdale Cricket Club indicated in their fee reduction request that they are unable to financially meet the total cost of the fees in the 2018/2019 season (inclusive of seasonal fees and facility hire fees) due to:

- Cricket season having started (player fees have already been set); and
- Increase in fees payable comparative to previous years.

SJCC uses Briggs Park Reserve and Pavilion, Mundijong Reserve and Pavilion, Kalimna Reserve and Pavilion for activities during the cricket season and has 140 junior members and 70 senior members.

SJCC have worked with Officers to determine the hours of facility hire for both junior and senior players. This has been an ongoing process and as a result, changes to the total value of the fees has occurred between the time of writing this report and when the request for fee reduction was received.

The present total value of fees for hire based on the booking information provided by SJCC is \$12,849 for the senior cricket and \$16,811 for the junior cricket totalling \$29,660. Not \$35,356.05 as outlined in the fee reduction request – see attachment OCM116.1/10/18.

The club's fee reduction request stated that the club in-principally committed to pay \$4,000 of seasonal and facility hire costs for the 2018/2019 cricket season.

Officers recommendation is to approve a fee reduction to the value of \$25,640, requiring the club to pay \$4,020 in the 2018/2019 financial year. This will result in a total contribution towards facility hire (additional to the seasonal fees) of \$10 per member.

The reduction will require SJCC to pay their junior season (\$635) and senior season (\$1,285) fees totalling \$1,920, with the balance of \$2,100 to be paid for additional facility hire.

It is also recommended that SJCC be informed that no further reduction in facility or reserve hire costs can be considered for the 2018/2019 financial year.

#### *Serpentine Badminton Club Inc*

With only 10 members, the Serpentine Badminton Club have indicated they are unable to meet the hourly facility hire rate for hire of Clem Kentish hall, as they believe this additional cost would reduce their membership numbers and result in the club disbanding.

In the 2017/2018 financial year, the club was charged a sessional hire fee of \$28.40 which included two hours of hire once a week, 52 weeks per year.

The club has requested that they continue to be charged the sessional hire of \$28.40 in the 2018/2019 financial year.





In the 2018/2019 Schedule of Fees and Charges the facility hire rate is \$35/hour and as the club plays for 2 hours, the current value is \$56 a session (a 20% local club discount has been applied, as per the Schedule of Fees and Charges).

The Serpentine Badminton Club is therefore requesting a fee reduction of \$27.60/week. Officers recommend a fee reduction of \$27.05/week, allowing for a 1.9% CPI increase from 2017/2018 as has been applied across the 2018/2019 Schedule of Fees and Charges.

Officers recommendation is a reduction of \$1,407 for hire of the Clem Kentish Hall for the 2018/2019 financial year and that the Serpentine Badminton Club Inc be informed that no further reduction in facility hire costs can be considered for 2018/2019.

#### *Jarrahdale Badminton Club*

With only 8 members, the Jarrahdale Badminton Club have indicated they are unable to meet the hourly facility hire rate for hire of Bruno Gianatti Hall, as most members are retired pensioners on a fixed income.

The club has indicated that they would be able to pay \$35/hour at most. This would result in a greater hire rate than Serpentine Badminton Club Inc (described above), despite Jarrahdale Badminton Club having fewer members. The facility hire rate is \$35/hour and the club plays for 2 hours. Hence the current value is \$56/session (a 20% local club discount has been applied, as per the fees and charges schedule).

Officers recommend that the same fee waiver amount applied to Serpentine Badminton Club Inc (above) also apply to Jarrahdale Badminton Club. This being a fee reduction of \$27.05/week.

Officers recommendation is a reduction of \$1,407 for hire of the Bruno Gianatti Hall for the 2018/2019 financial year and that the Jarrahdale Badminton Club Inc be informed that no further reduction in facility hire costs can be considered for 2018/2019.

#### *Mundijong Centrals Junior Football Club*

Mundijong Centrals Junior Football Club have requested that any increase in fees from 2017/18 be waived. As no charges were applied in 2017/18, this means the Junior Football Club have requested the total value of any/all fees this financial year be waived. The value of this is not currently known as a booking has not been finalised. Preliminary calculations based on the 2018 season bookings indicate seasonal and facility hire charges to be in the vicinity of \$6,048 for the season (approximately \$7.56 per member).

The fee waiver request to pay \$0 in 2018/19 is not consistent with previous resolutions of Council, nor consistent with fees and charges applied to other sporting clubs. With an exceptionally strong membership base, further information would be required to support why the Club is unable to contribute towards seasonal and facility hire.

As the 2018 football season has only just concluded, Officers are recommending Council postpone consideration towards a fee waiver until such time as the booking details (and therefore value of the request) can be presented and reasonably considered by Council.



### Option Two

Council may determine to waive all the applicable seasonal and facility hire fees. This option would not be recommended as it does not present a sustainable option for the clubs, ratepayers or Council.

Providing free hire does not support the long-term sustainability of clubs in the Shire. Clubs may become financially dependent on the Shire making it difficult for clubs to meet their financial commitments should Council find it necessary to increase fees and charges to meet increasing demands in the future and making it challenging and/or financially unsustainable for Council to offer the same level of support to all local clubs into the future. Particularly when new or emerging clubs establish in the area.

Providing free seasonal hire is not a sustainable practice and places additional financial burden on the Shire for the upkeep and provision of sporting and community facilities to the community, without support being received through the payment of minimal seasonal hire and facility hire fees. This is in direct conflict with the intention of Council Policy 5.1.4 - Facility Hire.

### Option Three

Council may determine not to waive any of the applicable fees and charges. This option would not be recommended as it is likely to result in the groups experiencing negative operational consequences.

## **Conclusion**

Following a range of consultation between individual sporting clubs and Officers, fee waiver and reduction requests have been received from four local sporting clubs.

Officers have taken a range of factors into account when providing a recommendation to reduce fees for three of these clubs. Further information is required from the Mundijong Centrals Junior Football Club in order to present a considered recommendation and as such, Council is requested to defer consideration of this fee waiver request until such time as the clubs season and facility hire information is received.

## **Attachments**

- [OCM116.1/10/18](#) - Serpentine Jarrahdale Junior and Senior Cricket Seasonal Charges Summary & Fee Waiver Request (E18/11099)
- [OCM116.2/10/18](#) - Serpentine Badminton Club Incorporated Fee Waiver Request (E18/11096)
- [OCM116.3/10/18](#) - Jarrahdale Badminton Club Fee Waiver Request (E18/11097)
- [OCM116.4/10/18](#) - Mundijong Central Junior Football Club Fee Waiver Request (E18/11098)



### Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations

### Financial Implications

No increase to facility hire income was budgeted for in the 2018/2019 financial year and remains the same as budgeted in 2017/18, therefore the proposed hire fee reductions will not result in a change to the projected income budgets.

Group	Proposed Hire Income	Hire Fee Reduction	Revised Hire Income
Serpentine Jarrahdale Cricket Club	\$29,660	\$25,640	\$4,020
Serpentine Badminton Club	\$2,912	\$1,407	\$1,505
Jarrahdale Badminton Club	\$2,912	\$1,407	\$1,505

### 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)
Clubs financially not able to afford fees and charges.	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
Shire unable to sustain the upkeep and provision of sporting	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key	Accept Officer Recommendation



facilities to the community.				stakeholder trust or moderate media profile	
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### Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of **9** 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**

#### OCM116/10/18 COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Denholm, seconded Cr Byas

That Council:

1. Approves a fee reduction to the value of \$25,640 for the Serpentine Jarrahdale Cricket Club's 2018/2019 junior and senior seasons for the 2018/2019 financial year period and advises the Serpentine Jarrahdale Cricket Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.
2. Approves a fee reduction to the value of \$1,407 for the Serpentine Badminton Club Incorporated for the 2018/2019 financial year period and advises the Serpentine Jarrahdale Badminton Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.
3. Approves a fee reduction to the value of \$1,407 for the Jarrahdale Badminton Club Incorporated for the 2018/2019 financial year period and advises the Jarrahdale Badminton Club that no further reduction in facility or reserve hire costs will be considered for 2018/19.



Continued

**Ordinary Council Meeting Minutes**  
Monday 22 October 2018

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- 4. Defers consideration towards a fee waiver for Mundijong Central Junior Football Club until such time as the booking details and value of fee waiver can be determined.**  
**CARRIED BY ABSOLUTE MAJORITY 9/0**



<b>OCM117/10/18 – Food and Farm Fest Sponsorship 2019 (SJ684)</b>	
<b>Responsible Officer:</b>	Acting Director Community Services
<b>Senior Officer/s:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	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> .

### Report Purpose

The purpose of this report is to ask Council to consider sponsorship arrangements between the Shire of Serpentine Jarrahdale and the Serpentine Jarrahdale Food & Farm Alliance for the provision of the SJ Food and Farm Fest for the period 1 January 2019 to 31 July 2020.

### Relevant Previous Decisions of Council

OCM108/08/17 – Authorises the Chief Executive Officer to execute MOU's with the Serpentine Jarrahdale RSL, Lions Club of Serpentine Jarrahdale and Food and Farm Alliance Inc., in accordance with funding amounts approved in the 2017/18 Budget.

### Background

In 2017 the Shire entered into a Memorandum of Understanding with the Serpentine Jarrahdale Food & Farm Alliance to provide a framework for the provision of sponsorship by the Shire for the SJ Food and Farm Fest events for the period 2017 to 31 July 2020.

The Memorandum of Understanding, whilst not legally binding, outlines a commitment in good will from the Shire, to provide sponsorship to the value of \$18,000 for each financial year 2017/2018, 2018/2019, 2019/2020 and a commitment from the Serpentine Jarrahdale Food & Farm Alliance to acknowledge the sponsorship and provide an event acquittal each year.

This represents that largest sponsorship amount that the Shire provides to a single event. The table below outlines the Shire's commitment to major community events held in the Shire in 2018.

<b>Event</b>	<b>Organiser</b>	<b>Council Contribution</b>	<b>Attendance numbers</b>
Food and Farm Fest 2018	SJ Food and Farm Alliance	\$18,000 cash Traffic management plan Assistance with site plan Assistance with application process	3000 people
Log Chop 2018	SJ Lions	\$10,000 cash Traffic management and parking plan Risk Management plan Stall holder applications	15,000 people



Event	Organiser	Council Contribution	Attendance numbers
		Assistance with application process	
ANZAC Day Dawn Service 2018	SJ RSL	\$10,000 cash	4000 people
SJ Community Fair 2018	SJ Community Resource Centre	\$5,500 cash (sponsorship package from CRC) Assistance with application process	17,000 people

The SJ Food and Farm Fest Facebook page describes the event as being “... *our annual festival - a family, fun packed day at Quarry Farm. Healthy food and its production is the focus. Festival goers can connect with local producers and there will be healthy food choices and displays of methods and tools to enhance your lifestyle*”.

### Community / Stakeholder Consultation

#### Policy Concept Forum

<b>Meeting Date</b>	1 October 2018
<b>Councillors Attendance</b>	in Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Gossage.

Discussion has been had with Serpentine Jarrahdale Food & Farm Alliance regarding the format of the event and ideas for possible additions and improvements including an alternative venue. To date, representatives from the organisation have not expressed a desire to alter the format or location of the event.

### Statutory Environment

Nil.

### Comment

The Serpentine Jarrahdale Food & Farm Alliance plays an important role in raising awareness of, and supporting local farmers and agricultural producers in the Shire and promoting food security, community health and local economic development.

The Shire of Serpentine Jarrahdale Economic Development Strategy recognises the importance of the agricultural sector and its contribution to the local economy and its role in local employment.

The SJ Food and Farm Fest has the opportunity to be a premier food and farm event offering in Western Australia, through the promotion of locally based products, opportunities to purchase locally grown meats, fruits, vegetable and other products, enjoy food offerings made from local products and the opportunity to engage with and hear from relevant specialists.

Community events such as the SJ Food and Farm Fest play an important role in the fabric of a community, allowing for participation by volunteers, opportunities for residents to engage and learn about their community and opportunities for non-residents to visit and experience the Shire.



Shire support of such events both financial and in-kind should act to enhance the capacity of the funded body to deliver the event and should not result in an arrangement of dependency on the Shire contribution for successful event delivery.

As a rapid growth Shire it is important that a range of existing, new and future community groups can be supported to run community events and to recognise that the requests for funding assistance will need to be met within the budget capacity of the Shire. In order to do this it is necessary to ensure that Shire funding enables sustainability.

The 2018 event acquittal indicates attendance figures of 1000 children, 1000 adults, 600 participants and 40 volunteers, adults paid \$15 to enter the event. This is the only major community event that the Shire sponsors that has an entry fee. The total expenditure for the event was \$30,952.63 and the group made a profit of \$9,871.85 from the event.

Officers consider there are a number of challenges existing in relation to this event.

The first being concerns that the current model of sponsorship encourages financial dependence and does not encourage sustainability beyond the funding period. Using acquittal information for the 2018 event, the Shire's contribution was 53% of the total income for the event. Using the proposed 2019 budget the Shire's contribution will be 40% of the total income for the event, dependent on both the gate income and stall holder income received this figure could be higher (income from both was lower than predicted in 2018). The proposed 2019 event budget indicates an anticipated profit of approx. \$5670.

The event attracts sponsorship from the Shire \$18,000, Bendigo Bank \$4,500 and Peel Harvey Catchment Council \$2,500. Other income is based on gate fees estimated to be \$20,000 in 2019 although the group is proposing to lower the gate fee to \$10, and in 2018 only made \$11,144.48 from gate income (down from an estimated \$22,500), and stallholder income of \$6,000 in 2019, where \$4,500 was made in 2018.

To date the event organisers have provided a proposed event budget for 2019 that does not indicate additional funding from alternative sources, which will result on continuing dependence on Shire sponsorship past the agreement period.

The second concern is that the current format does not deliver a clear purpose for the event. In 2018 the event had many components, however it appeared that resources had been spread thinly over each component as opposed to specifically focusing on a smaller number of event components and enhancing the delivery of those.

Using the purpose as outlined on the SJ Food and Farm Fest Facebook page '*Healthy food and its production is the focus*' the guest speaker element of the event was in keeping with the purpose, as were some stall holders, however the majority of the food vendor offerings were owners from outside of the Shire. The foods included ice cream and crepes, and the collection of private seller stalls and community group stalls leant more to a community fair type feel, which is a sector of community events already well serviced in the Shire and supported by the Shire.

The event itself presents many opportunities to enhance and promote both healthy food and its production with a Serpentine Jarrahdale flavour. With a clear focus on the intention of the event and efforts to attract local producers, address layout issues, enhance the guest speaker and skill development component of the event, it is considered that the event would be a significant food and farm event in Western Australia.

Officers have had discussions with the event organisers who have indicated no intention to change the event format. As the major contributor to the event Council must be sure that the





sponsorship provided is achieving what is intended in terms of delivery of a quality event and ensures a sustainable approach to the event.

It is not considered that the event in its current format meets the event purpose; however, with strategic review and planning it has the potential to exceed these expectations.

### **Options and Implications**

#### *Option One (Preferred)*

Council is requested to support advising the Serpentine Jarrahdale Food & Farm Alliance that it will provide sponsorship of \$18,000 for the 2019 Food and Farm Fest event, however further sponsorship will be conditional upon the Alliance undertaking a strategic review of the event and production of a strategic event plan to the satisfaction of the Shire which clearly articulates;

- The purpose of the event.
- The outcomes to be achieved by the event.
- Additional funding opportunities to ensure the sustainability of the event.
- Marketing and promotions.
- Possible event exhibitors, stall holders and guest speakers.

That Shire Officers are to be consulted as a part of the review of the event and the strategic event plan is to be provided to the Shire for consideration prior to budget determinations for the 2019/20 financial year.

That Council strongly encourage the Alliance to undertake the strategic review process prior to the 2019 Food and Farm Fest event.

This will allow the group to undertake a strategic assessment and planning process for the event, providing them with a guiding document for future delivery of the event, addressing the event purpose, identifying opportunities and ensuring sustainability. As the Alliance made a profit of \$9,871.85 from the 2018 Food and Farm Fest event, it is considered that the group have sufficient funds to undertake this work and further funding will not be provided to the group for this purpose.

#### *Option Two*

The Council approves a sponsorship payment of \$18,000 in the 2018/2019 financial year for the Food and Farm Fest 2019 event without condition.

This will result in the continued delivery of the event in its current format and will not address the issues of sustainability.

### **Conclusion**

With a clear strategic direction and plan for future sustainability the Food and Farm Fest has the potential to provide an event to offer both residents and visitors to the Shire with an opportunity to learn, experience, promote and purchase local food products.

### **Attachments**

Nil.



**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.2</b>	Provide a healthy community environment
<b>Outcome 2.3</b>	A productive rural environment
<b>Strategy 2.3.1</b>	Identify and promote rural and agriculture industry opportunities
<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local businesses within the district
<b>Outcome 3.2</b>	A vibrant tourist destination experience
<b>Strategy 3.2.1</b>	Actively support tourism growth within the district

**Financial Implications**

An amount of \$18,000 is budgeted in account FFA529 in the 2018/2019 financial year budget as adopted by Council.

**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 do not adopt the Officers recommendation	Possible (3)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Risk

**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 is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 3



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:** Simple Majority

OCM117/10/18 Officer Recommendation

That Council

1. Requests the Chief Executive Officer to advise the Serpentine Jarrahdale Food & Farm Alliance that:
  - a. The Shire will provide sponsorship of \$18,000 for the 2019 Food and Farm Fest event, however further sponsorship will be conditional upon the Serpentine Jarrahdale Food & Farm Alliance undertaking a strategic review of the event and production of a strategic event plan to the satisfaction of the Shire which clearly articulates;
    - i. The purpose of the event.
    - ii. The outcomes to be achieved by the event.
    - iii. Additional funding opportunities to ensure the sustainability of the event.
    - iv. Marketing and promotions.
    - v. Possible event exhibitors, stall holders and guest speakers.
  - b. Requires that Shire Officers are to be consulted as a part of the review of the event and the strategic event plan is to be provided to the Shire for consideration prior to budget determinations for the 2019/20 financial year.
  - c. Strongly encourages the Serpentine Jarrahdale Food & Farm Alliance to undertake the strategic review process prior to the 2019 Food and Farm Fest event.



Voting Requirements: Simple Majority

**OCM117/10/18 COUNCIL RESOLUTION / Alternative Motion**

Moved Cr See, seconded Cr Gossage

That Council

1. Requests the Chief Executive Officer to advise the Serpentine Jarrahdale Food & Farm Alliance that:
  - a. The Shire will provide sponsorship of \$18,000 for the 2019 year and \$18,000 for the 2020 year.
  - b. The Shire strongly encourages the Serpentine Jarrahdale Food & Farm Alliance to undertake a strategic review process after the 2020 Farm Fest event.

**CARRIED 6/3**

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

Councillors Coales, Denholm, Gossage, McConkey, Piipponen and See voted FOR the motion.  
Councillors Rich, Atwell and Byas voted AGAINST the motion.

*Reason for difference to Officer Recommendation:*

*To continue to support a volunteer community group that has already made great change for our community.*

**11. Urgent business:**

Nil.

**12. Councillor questions of which notice has been given:**

**12.1 Councillor Coales**

**Councillor Coales asked the Chief Executive Officer in accordance with 3.11A of Council's Standing Orders Local Law 2002 (as amended) as below:**

*3.11A Questions by Members of which due notice has not been given*

- (1) *A Member who wishes to seek general information from the CEO at a Council meeting may, without notice –*
  - (a) *ask the CEO a question; and*
  - (b) *with the consent of the Presiding Member, ask the CEO one or more further questions.*
- (2) *Where possible, the CEO, or the CEO's nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO's nominee may ask that-*
  - (a) *the question be placed on notice for the next meeting of the Council; or*



*(b) the answer to the question be given within 7 days to the Member.*

1. In regards to the amount for GT Media of \$8,315.10 as reflected in Invoice 02252, September 2018 listing of accounts for Abernethy Road Byford Project Communications Support, I hereby request a copy of the Job time Detail Report.

*The Chief Executive Officer advised Councillor Coales that the question would be taken on notice and the information provided.*

### **13. Closure**

There being no further business, the Presiding Member declared the meeting closed at 9.09pm.

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

.....  
Presiding Member

.....  
Date