



Shire of
Serpentine
Jarrahdale

Public

Ordinary Council Meeting

**Confirmed
Minutes**

7.00pm

Monday 23 July 2018

Contact Us

Enquiries

Call: (08) 9526 1111

Fax: (08) 9525 5441

Email: info@sjshire.wa.gov.au

In Person

Shire of Serpentine Jarrahdale

6 Paterson Street, Mundijong WA 6123

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



www.sjshire.wa.gov.au



Councillor Attendance Listing

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

Attendances

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Denholm	Cr Gossage	Cr McConkey	Cr Piipponen	Cr See
18/12/17	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
19/12/17	SCM	✓	✓	✓	✓	✓	A	A	A	✓
05/02/18	AEM	✓	✓	✓	✓	✓	✓	✓	✓	✓
12/02/18	SCM	✓	✓	✓	✓	✓	✓	✓	NA	✓
12/02/18	PCF	✓	✓	✓	✓	✓	✓	✓	NA	✓
26/02/18	OCM	✓	A	✓	✓	✓	✓	✓	✓	✓
09/03/18	PCF	✓	✓	✓	✓	✓	✓ (by phone)	NA	NA	✓
12/03/18	PCF	✓	✓	✓	✓	✓	A	✓	NA	A
13/03/18	SCM	✓	✓	✓	✓	✓	✓	✓	NA	✓
26/03/18	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
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	✓

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 decision 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 23 July 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.

Minutes

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

In Attendance:

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

Officers: Mr K Donohoe Chief Executive Officer
Ms H Sarcich Deputy CEO / Director Community Services
Mr A Schonfeldt Director Development Services
Mr F Sullivan Director Corporate Services
Mr S Harding Director Infrastructure Services
Ms A Liersch Agendas and Minutes Officer (Minute Taker)

Leave of Absence: Nil

Apologies: Cr D Atwell

Observers:

Members of the Public – 22

Members of the Press – 1

Shire Officers – Mrs Kellie Bartley, Manager Corporate Services,
Mr Ashwin Nair, Manager Planning and Compliance



2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting 25 June 2018

Questions asked by **Mr John Kirkpatrick, 77 Mead Street, Byford 6122** Ordinary Council Meeting 25 June 2018. A letter (OC18/12353) was sent to Mr Kirkpatrick on 2 July 2018.

These three questions are all similar in that legal opinion suggests that the following four people may not have complied with the *Local Government Act 1995* and the regulations supporting them.

It would appear that Mr Richard Gorbunow as then CEO, Mr Alan Hart as then Director of Finance, Mr Keith Ellis as then Shire President and Mr John Erren as a previously elected member may have acted contrary to the *Local Government Act 1995*, when the Shire agreed to contribute \$280,000.00 to the relocation and reconstruction of the Byford and Districts Country Club.

I believe the CEO should possibly obtain legal advice on the following matters.

Question 1

Did Mr Keith Ellis, Mr Alan Hart and Mr Richard Gorbunow act contrary to the provisions of the *Local Government Act 1995* and the regulations underpinning it when they brought to Council the item (OCM105/12/14) to approve the expenditure of about \$560,000.00 for the earthworks of the Byford and Districts Country Club when they were aware that there was no money in the budget for this activity and that it was in the budget subject to grant funding meeting the costs?

These grant funding applications had been unsuccessful so the money was not available. I believe that by doing this had they misled the Council. The positions of these Councillors and officers are as described in the attendance register for the relevant meetings.

Response:

No breach of the Local Government Act 1995 is apparent on the currently available evidence.

The Department of Sport and Recreation grant for \$280,000 was approved on 20 February 2014 and the Lotterywest grant for \$900,000 was approved on 29 October 2014. The Shire was also in possession of a letter of support dated 18 July 2014 from Home and Community Care (HACC) stating that a "significant capital contribution" was being recommended as part of the annual HACC funding process for 2014/2015.

At the time Council approved the Tender for Forward Works the Budget contained an expenditure item of \$5,500,000 for the project.



Question 2

Did Mr John Erren, Mr Alan Hart and Mr Richard Gorbunow act contrary to provisions of the *Local Government Act 1995* and the regulations underpinning them in bringing to Council item SCM007/12/15 for approval when there was no money in the budget for this activity given that the document to approve the finance (Item OCM036/03/16) did not come to the Council until 14th March 2016 for approval?

Response:

No breach of the Local Government Act 1995 is apparent on the currently available evidence.

Whilst from a financial management point of view it would have been better to have a signed agreement in place with Byford and Districts County Club there is no requirement under the Act for this form of funding agreement to be in place prior to incurring expenditure.

Question 3

Did Mr John Erren, Mr Alan Hart and Mr Richard Gorbunow act contrary the *Local Government Act 1995* and the regulations underpinning them by failing to bring to the elected members for a decision whether to charge or not charge a management fee for the supervision and management of the construction of the Byford and Districts club given that the Council allowed a fee of 18% to manage the upgrade of the Briggs Park Upgrade which would reflect a cost to the Council of about \$850,000.00 for the Byford and Districts Country Club Project?

Response:

No breach of the Local Government Act 1995 is apparent on the currently available evidence.

The decision whether or not to charge a management fee is entirely within the purview of the Council and management of the day.

Questions asked by **Mrs Lee Bond, Box 44, Armadale WA 6112** Ordinary Council Meeting 25 June 2018. A letter (OC18/12891) was sent to Mrs Bond on 6 July 2018.

Question 1

Will or has the Shire of Serpentine Jarrahdale given permission for a substantial wholesale nursery to be built and operated on a wetland and sulphate acid soil property in this shire? If yes, why?

Response:

Council conditionally approved a Nursery at 37 Holmes Road, Oakford in 1995.

An application was submitted over 45 Holmes Road, Oakford on 5 April 2005, to extend the operations of the approved Nursery at 37 Holmes Road, Oakford. During this process in acknowledgment of the Conservation Category Wetland located on the eastern side of the property, the application was referred to the Department of Environment (DoE) for comment. DoE subsequently advised that they did not object to the proposal, however, recommended the following:

- *A 15 metre vegetated buffer between the development and Conservation Category Wetland Buffer;*
- *A Revegetation and Weed Management Plan for the minimum 15 metre buffer to the CCW.*



No comments were made from the Shire or DoE relating to Acid Sulphate Soils during the development assessment process. This may be due to the 'Moderate to Low' acid sulphate soil risk rating registered against the site.

On 6 October 2005, Planning Approval was granted for the extension of the Nursery subject to 15 conditions. A number of these conditions relate to mosquito management, revegetation, stormwater retention, buffer requirements and for development to be undertaken in accordance with the approved Nutrient Management Plan.

Since this time a number of other minor developments have been approved over the site.

Question 3

A particular Councillor believes it appropriate that a recent gym application for whatever number of people per session should be granted because of all the extra parking at Aldi. Will the appropriate officer explain as succinct as possible why this cannot be permitted by any business?

Response:

The minimum number of car parking bays required by Town Planning Scheme No.2 or a Local Structure Plan requires, parking to be provided on the same site as a development or land use. The proposal does not comply with this requirement.

2.2 Public questions:

Public question time commenced at 7.01pm.

Ms Karina Baker, on behalf of Mr John Kirkpatrick, 77 Mead Street, Byford 6122

On Item OCM156/08/16 it shows clearly that Mrs Sandra Hawkins as an elected member not only failed to declare an interest in the item but moved an alternative motion to the recommendation to the officers and voted on it. She failed to declare that she lived opposite the matter to be discussed and it may have had a financial implication on her residence.

Question 1

Did Mr John Erren and Mr Garry Clark as Acting CEO, act contrary to the Local Government Act 1995 and the regulations underpinning it on Item OCM156/08/16 when they accepted the conflict declaration of interest by Mrs Sandra Hawkins following the closure of the OCM on 22nd August 2016, when the Act clearly states that the two opportunities to declare an interest are prior to the meeting in writing and the form of the interest or immediately prior to the matter coming before the Council for debate and decision?

Also, there is no mention of Mrs Hawkins declaring an interest in the Minutes of the meeting as published.

Response:

This question will be taken on notice as a significant amount of research will need to be undertaken. A response will be provided to Mr Kirkpatrick.



Mr Keith Ellis was instrumental as seen on social media in the either Illegal or unlawful clearing of vegetation on the Public Open Space reserve number R35701 in Darling Downs. Correspondence from the Shire supports this position in that they had no planning or clearing approval. As there was no active MOU between the Shire and the Darling Downs Ratepayers Association at the time so the reply given at the time was irrelevant.

Question 2

Did Mr John Erren as Shire President and Mr Richard Gorbunow as CEO act contrary to the Local Government Act 1995 and the regulations underpinning it when they dismissed my question on 19th December 2016 summarily? When the Darling Downs Ratepayers Association had no active MOU with the Shire to manage this reserve or portion of it therefore no authority to clear the reserve and with Mr Ellis being an elected member the matter should have been brought before the full Council for a decision?

Response:

Following a review of the Minutes, I am unable to find any evidence of a question that was summarily dismissed.

At the Ordinary Council meeting of 19 December 2016, in response to your question we provided the following answer:

“The alleged clearing was investigated by the Department of Environment Regulation and they have advised that they will take no further action. The Darling Downs Ratepayers Association has acted in good faith to ensure the public open space is maintained for the community.”

I notice that two large trees in George Street have been identified with marker flags. These correspond with a plan supplied by the Shire planning department for a loading bay for Mr Stephen White, the owner of Lot 837 George Street although this is some distance from the shopping centre in question and would pose a traffic hazard. In reply to previous questions to Council on the matter of the deficiency of parking at Lot 837 it was stated that Mr White had not paid any monies to compensate for the shortfall.

Question 3

Are these two trees to be removed to make room for an unloading bay for Lot 837 and who is going to pay for it considering Mr White did not make any financial contribution to the shortfall of parking for his shopping centre although it was many bays short?

Response:

The Shire is still in discussions with the developers as to where the Loading bay will be located. These matters will continue to be addressed by Shire officers until a satisfactory arrangement is achieved. There are no trees to be removed in relation to the loading bay.



Ms Valerie Thompson, PO Box 212, Serpentine WA 6125

Question 1

Could the Shire please clarify their submissions procedure, particularly in relation to submissions recently received regarding the proposal and Noise Management Plans for the proposed motorsports facility in Keysbrook, and the fact that submissions were forwarded to the proponent? Will the council be addressing the submissions themselves, and will they be seeking independent advice and doing independent research to check any responses provided by the proponent, who would clearly have both a bias and a conflict of interest in the matter at hand?

Response:

The proponent applied for approval of a Noise Management Plan for the proposed motorsport venue under Regulation 16AA of the Environmental Protection (Noise) Regulations 1997. Under the Regulations, before making a decision on a Noise Management Plan, the Chief Executive Officer must give the occupiers of any noise sensitive premises within 1km of the motorsport venue and the Local Governments that may be affected reasonable opportunity to make a submission.

The Shire made an effort to go beyond this 1km by:

- Writing to all properties owners (not just noise sensitive premises) within a 4.5km radius and inviting them to make a submission*
- Advertising on the Council website and having copies available at the Shire Office*
- Inviting the Shire of Murray and the City of Rockingham to comment*
- Sending the Noise Management Plan to the Department Water and Environmental Regulation Noise Branch for comment*

After the consultation period, a summary of submissions was prepared. It is important to provide this summary with the nature of concerns to the proponent to resolve issues and negotiate changes to the Noise Management Plan that are workable and achievable for the venue occupier. The Shire has also sought independent advice from the Department of Water and Environmental Regulation's Noise Branch and have engaged the services of an independent acoustic consultant to review the Noise Assessment and Noise Management Plan. The acoustic consultant chosen, Marshall Day Acoustics, is a member of the Association of Australasian Acoustical Consultants (AAAC), where members are expected to provide unbiased advice under their code of conduct.

The Shire will be considering the issues raised during the submissions as well as the response from the proponent, the Department of Water and Environmental Regulation's Noise Branch and the Independent Consultant in determining the Noise Management Plan.

Question 2

What are the exceptions to the State Industrial Policy (SPP4. 1) and can the Shire and the proponent please clearly state why this Keysbrook Motorsport proposal is apparently exempt from such buffer requirements?

Response:

The purpose of the State Industrial Buffer Policy is to provide a consistent Statewide approach for the protection and long-term security of industrial zones, transport terminals (including ports) other utilities and special uses. It will also provide for the safety and



amenity of surrounding land uses while having regard to the rights of landowners who may be affected by residual emissions and risk.

In this Policy, it is recognised that motorsport sites are considered as Special Use facilities and that a buffer area is required to enable them to operate in the context of the surrounding areas. In assessing the appropriate buffer distance, the Shire referred to the EPA's Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses where raceways for motor vehicles may have noise and dust impacts, but there was not a buffer distance in metres specified in the guidelines and it is to be assessed in case by case basis.

Since the required separation distance is on a "case by case", the Shire requested a noise assessment and provided the opportunity to submit a Noise Management Plan for approval under Regulation 16AA of the Noise Regulations.

Mr Aaron Boots, (address withheld by request) Hopeland WA 6125

Question 1

Some comments made by councillors in the public forum over the last few months have created the impression that the council is favourable, or have even given tacit approval, to the proposed motorsports complex in Keysbrook. Could the council please clarify its policy and procedure for public comment by councillors before a matter has been tabled, discussed and determined in council?

Response:

Thank you for your query. Shire Officers are unaware of any particular instances that favourable comments have been made by Council in relation to the proposed Motorsport Complex in Keysbrook. The application is still under assessment, and as such, officers are not able to provide comment at this point in time.

Question 1a

What do I do if Public Comment has been made?

Response:

If you have evidence, please write to the Chief Executive Officer, or arrange to meet with the Chief Executive Officer.

Question 2

In light of the serious need to upgrade the roads in the local area, (I speak as a resident of the Hopeland/Keysbrook area, with its well known often unsealed, and where sealed single lane, gravel sided road system), it would appear that significant cost will be incurred by the council for major road works at some point. Can the council please:

- a) let us know whether there is any intention to undertake these works without outside impetus, such as development or new business proposals and also
- b) outline their plan for dealing with the attendant costs?

Response:

The Shire commissioned a "Road Hierarchy" study and is currently completing a Road Asset Management Plan which will guide the Council short and long term financial and capital work program/management plans of the road assets. The plan will identify the sequence of road renewal and upgrade works based on the road condition rating, hierarchy



(which is based on a number of criteria including Traffic volumes, and type), required level of service and connectivity.

Road upgrades are subject to the long term financial plan which is based on all Asset Management Plans and potential grant funding. Grant funding will be sought through State and Federal Government to complement Shire fund for high hierarchy road renewal/maintenance/upgrade works.

Question 3

The proposed motorsports complex mentioned above will be placed in the Hopeland/Keysbrook area, making use of the aforementioned road system. Can the council please explain:

- a) what their expectations and plans are for road quality, specific to the proposed project, given the projected significant increase of traffic in the area,
- b) what their projection of the total cost is,
- c) whether this projection was arrived at by independent research or whether it was put forward by the proponent,
- d) who will be responsible for the costs, and if it is shared, what percentage will be borne by the ratepayers and what percentage will be the responsibility of the proponent, and
- e) who will be responsible for the also significant and cumulative cost of ongoing road maintenance once the roads have been upgraded to a reasonable standard?

Response:

The application is still under assessment as such Officers are not able to provide comment at this point in time.

Ms Margaret Cala, 49 Phillips Road, Karrakup WA 6122

Firstly, I'd like to commend Officers and Councillors on their submission to the Planning Reform Green Paper. I am pleased to see that the issue of Third Party Appeals has been addressed; and the submission appears to support the principles of some Local Government autonomy and recognition of community consultation in determining future development within its boundaries.

Question 1

Will the Shire also address the issue of SAT appeals on Planning approvals, the outcomes of which regularly overturn established Local Planning strategies to satisfy Developers who have little long term commitment to our Shire?

Response:

The current proposed submission does not address State Administrative Tribunal decisions; this is mainly because such decisions cannot be appealed any further on the planning merits but only on the procedure; if there are significant flaws in how the decision was reached. The Shire has therefore not made any specific recommendations in regards to the Tribunal as in this process SAT remains the ultimate decision making authority where there is an appeal. It is also considered that third party appeal rights may further address these issues. It should be noted that in recent decisions by the Tribunal, the Shire has seen



that the Tribunal does pay a lot more attention to the Strategic Planning documents and the amenity impacts associated with the proposed developments.

Question 2

Does the Shire support the proposed reduction in number of WAPC members and also the qualifications of Members which would see Environmental expertise sidelined? This apparent 'streamlining' of the WAPC in fact diminishes the democratic process.

Response:

Officers support the restructure of WAPC in part, however it is recommended that the response under 4.1.4 in the table of attachment OCM066.2/07/18 be updated to read as follows:

*The Shire supports the need to reform the membership of the WAPC and supports having members with expertise in the 9 fields listed **and would recommend that the environment also be included.** However, the Shire notes that it is proposed to have 5-7 members of the WAPC, meaning that some of the 9 fields listed would not be represented. The Shire does not support this aspect of the proposal as it could result in local government **and the environment** not being represented.*

Officers will provide an amended Officer Recommendation to Council.

Question 3

Does the Shire accept that the term 'Smart Growth' needs to be treated with caution, as its aim is to create concentrations of population around train stations to justify Metronet, which is a transport plan created by political campaigners. The proposed Smart Growth concentrations of population around stations will not in itself guarantee the benefits of liveable neighbourhoods and mixed land uses.

Response:

I would agree that the concentration of population around train stations does not in itself, guarantee the benefits of liveable neighbourhoods and mixed land uses. Officers are therefore supportive of a review of Liveable Neighbourhoods and the R-Codes to provide a better policy framework to guide development to better outcomes. The Shire is also proactively working on the Local Development Strategies and reviews of the District Structure Plans to encourage appropriate land use patterns and better outcomes including appropriate community facilities.



Ms Bev Brickwood, (address supplied but withheld by request)

The proposed motorsport facility site on 732 Punrak Road is a small 120 acre property and is winter waterlogged which dissipates away over the season into the Peel Harvey Estuary system through available waterways. The water table is on the surface whilst it is inundated. Under the plan for the racetrack, there is a huge amount of tarmac, concrete and roofed areas. Exhaust emission particles, oil and rubber and other contaminants would all be washed, at great speed, from the sheer volume of water flow created, into the Peel Harvey Estuary and RAMSAR wetlands.

Question 1

Are the proposed sumps for water containment on site adequate?

In the diagram of the motorsport facility, p93, their plan for water runoff is to send the flow across Wigg Road then north into private property. If this is allowed, the water would still eventually flow into the Serpentine River and then into the Peel Harvey Estuary. Water run off to the south again flows into private property and then into the Punrak drain which flows into the Peel Harvey Estuary system and RAMSAR wetlands.

Question 2

What restrictions will the Shire put on the proposed motor sport facility to make sure the water, and pollutants, stay on the property and will not enter the Estuarine system or its tributaries?

Response:

The application is still under assessment. Drainage and its impacts to the surrounding environment is currently being assessed as part of this process whereby the application has also been referred to the Department of Water & Environmental Regulation for comments.

Question 3

Will the Shire adopt the recommendations of the Dept. Water Quality Protection Note WQPM 100, April 2007 that refers to "Motor sport facilities near sensitive waters"?

The waterlogged soils also produce a problem for sewerage and waste products.

The Department of Water note regarding Motorsport facilities near sensitive waters suggests a minimum vertical separation distance of two metres to the maximum (wet season) groundwater table for free-draining soils, to avoid waterlogging and allow for soil contaminant filtration and aerobic microbial action.

Response:

The Shire has not received an application for waste-water disposal at this point in time. When an application is submitted, Officers will assess the application against the relevant policies including the Water Quality Protection Note.



Mrs Lee Bond, Box 44, Armadale WA 6112 re OCM071/07/18

Question 1

How many more times am I going to receive rubbish answers to my questions asked at OCM's, especially those taken on notice?

Response:

Officers responded accurately to your question, based on the information provided verbally at the previous council meeting regarding Hope Valley Nursery. I note however, that the response stated Hopeland instead of Oakford. To enable Officers to provide more detail, it will be appreciated if you could clearly state which property your question relates to.

Ms Ann Dyer, 254 Soldiers Road, Cardup WA 6122

I would like to put forward to this Council meeting 23rd July 23, 2018 about the flood lights around the SJ Shire causing some confusing problems.

The Grammar School on the corner of Soldiers and Bishop Roads, at night time the floodlight looks like it is a freight train on the railway track.

Corner George Street and Abernethy Road in Byford:- when coming from the west over the railway and turning into George Street, right on the corner, the flood lights are dazzling to the drivers and you can't see where the cars are waiting to turn right from George street.

Why can't owners of property keep flood lights pointing downwards onto their own land. We are not allowed to have our high beam on our car when passing another car but these lights are a lot worse.

Question 1

Could Council please look into this as it is a safety hazard? This is a lot worse when it's raining.

Response:

In relation to the specific sites that you have identified, Council will investigate your concerns and make an assessment and action accordingly.

Public question time concluded at 7.26pm.

3. Public statement time:

Nil.



4. Petitions and deputations:

4.1 Petition – Proposal to construct a dual use path on Linton Street and Shelley Street, Byford.

Cr Coales to present a petition from Mr Ron Holmes, 6 Linton Street, Byford respectfully requesting that Council consider constructing a dual use path on Linton Street and Shelley Street, Byford.

Background

A petition has been received requesting Council consider constructing a dual use path on Linton Street and Shelley Street, Byford.

The ratepayers and residents of Serpentine Jarrahdale, whose names, details and signatures are set out in attachment [OCM4.1/07/18](#) (IN18/15220) support this proposal.

A summary of the reasons for this proposal is to allow residents and children and parents to access the footpath on Helen Crescent via Shelley Street and residents and children and parents to walk safely along Linton Street to the Byford and Districts Country Club and the Scout Hall.

This proposal contains 98 signatures appearing on the petition and is served on behalf of the listed signatures by Mr. Ron Holmes.

Of the 98 signatures, all the names and addresses on the Petition have been confirmed as electors or residents of the district.

In accordance with Clause 3.6 of Councils Standing Orders Local Law 2002 (as amended), the abovementioned petition has met the requirements of (1)(a) – (f) as listed below. Clause 3.6 (1)(g) is not applicable for this petition.

3.6 Petitions

- (1) A petition, in order to be effective, is to—
 - (a) be addressed to the President;
 - (b) be made by electors or residents of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the names, addresses and signatures of the electors or residents making the request, and the date each signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (g) be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is—
 - (i) a proposal to change the method of filling the office of President;
 - (ii) a proposal to create a new district or the boundaries of the Local Government;
 - (iii) a request for a poll on a recommended amalgamation;
 - (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.



On the presentation of a Petition, Clause 3.6(4) specifies the action required by Council.

3.6 Petitions

- (4) The only question which be considered by the Council on the presentation of any petition shall be:
- (a) that the petition shall be accepted; or
 - (b) that the petition not be accepted; or
 - (c) that the petition be accepted and referred to a committee for consideration and report; or
 - (d) that the petition be accepted and be dealt with by the Council at a subsequent meeting.

OCM4.1/07/18 COUNCIL DECISION / Officers Recommendation

Moved Cr Piipponen, seconded Cr Gossage

That Council, as the petition meets the requirements of clause 3.6(1)(a) – (f), Council, in accordance with clause 3.6(4) (a) and (d) of Council's *Standing Orders Local Law 2002 (as amended)*:

- 1. Accepts the Petition requesting Council considers constructing a dual use path on Linton Street and Shelley Street, Byford, and**
- 2. Requests the Chief Executive Officer include the Petition in a report to a subsequent meeting of Council allowing the petition request to be further considered.**

CARRIED UNANIMOUSLY 8/0

5. President's report:

Hello and welcome to the July Ordinary Council Meeting.

I would firstly like to acknowledge the passing of Mr Ron Webb. A longstanding member of the community, Mr Webb's family was historically involved with dairy farming in Mundijong. On behalf of Council and the Shire, I wish to send his family and friends our sincerest condolences.

Essential maintenance work to improve the structural safety of the Richardson Street Bridge in Serpentine has wrapped up nearly a month ahead of schedule, with the road now reopened to the public. Funding for the \$850,000 project was provided by the Federal Government and by Main Roads WA who also oversaw construction. Thank you to all involved in the successful and efficient completion of this important project.

The Arts Heritage and Culture Advisory Committee has now had its second meeting. Items discussed on the agenda included Public Art Strategy Procurement, Urban Art Project, and The Opera at the Mill, with the Committee keen to progress in these areas. We're very excited to see what develops in this space in future.

A new policing district is now in effect, which will see Serpentine Jarrahdale monitored as part of a larger area including Armadale, Gosnells, and Canning Vale. We are fortunate to have the new Police station in Mundijong operating on our doorstep, and I encourage you all to attend events such as the 'Cuppa with a Copper' evenings at the Serpentine Jarrahdale CRC.

On the subject of cuppas, the Keysbrook Community Group held a Cancer Council Cuppa Suppa fundraiser this month, with their efforts adding up to a fantastic \$1,887.40 donation. Well done to all involved for such an amazing effort!



Ordinary Council Meeting Minutes

Monday 23 July 2018

Local seniors will be spoiled for choice as the Shire launches its new 12-month lifestyle program that aims to leave you feeling active, informed, entertained, and outgoing. The event will be held at the Serpentine Jarrahdale Community Recreation Centre in Byford, from 10am to 2:30pm on Wednesday 25 July.

I'm excited to announce the launch of the GAPP Sports Facility Project. Delivered in partnership with ten other outer-metropolitan Councils, the program seeks to advocate for Federal Government funding for twelve projects put forward by the participating eleven members over a six year period. This will result in collaborative outcomes for the wider community.

I met with Senator Pratt and Melissa Teede to discuss the Tonkin Highway extension, Keirnan Street Sporting Precinct and the pressures of a fast growing area keeping up with infrastructure demands.

I also met with the Honourable Anthony Albanese Tonkin Highway, Freight Railway Realignment, Keirnan Street Sporting Precinct, Metronet into Byford

Date	Meeting Title	Location
27 June 2018	PDC Board Meeting	Shire of Murray
	CEO/Council Strategic Discussion	Shire Offices
28 June 2018	Peel Zone Meeting	Shire of Boddington
	Peel Bright Minds ESTEAM Awards Ceremony	Mandurah
29 June 2018	Green Paper Forum	South Perth
	Volunteer Emergency Services Awards Presentation Evening	Byford
2 July 2018	Policy Concept Forum	Shire Offices
3 July 2018	Ratepayers Meeting	SJ Landcare
4 July 2018	Weekly Meeting with CEO	Shire Offices
	State Council Meeting	Shire Offices
6 July 2018	Photo Opportunity - Richardson Road Bridge	Serpentine
	SJ Library Friends Book Sale	Mundijong Library
9 July 2018	Arts, Culture and Heritage Committee Meeting	Shire Offices
	Policy Concept Forum	Shire Offices
10 July 2018	Meeting with RDA Peel, John Lambrecht and John Erren	Shire Offices
	Meeting with CEO and Deputy CEO/Director Community Services about Men's Shed	Shire Offices



Date	Meeting Title	Location
11 July 2018	GAPP Sports Facilities Project Launch	Shire Offices
	Board Briefing by Barry Court - PDC	Mandurah
	PDC Board Farewell Dinner	Mandurah
12 July 2018	Phone Interview with Coast FM	Shire Offices
	Cuppa with a Copper	CRC
13 July 2018	Peel Regional Leaders Forum Meeting	Boddington
	A Celebration of Energy Metals	Perth
16 July 2018	Q&A	Shire Offices
18 July 2018	Weekly Meeting with CEO	Shire Offices
	City of Gosnells Citizenship Ceremony	Gosnells
19 July 2018	Meeting with Sen Louise Pratt and Melissa Teede	Shire Offices
20 August 2018	Westport Local Government Reference Group Meeting	City of Cockburn
23 August 2018	Meeting with Hon Anthony Albanese	Byford

6. Declaration of Councillors and Officers interest:

Councillor Denholm declared a Financial Interest in item OCM064/07/18 as he is a contractor for the Zorzi Family, part owners of the development. Councillor Denholm will leave the Chambers when this item is discussed.

Councillor McConkey declared an Impartiality Interest in item OCM071/07/18 as her Grandfather is a member of the Club. Councillor McConkey will consider the matter on its merits and stay in the Chambers, and vote accordingly.

Councillor Coales declared an Impartiality Interest in item OCM072/07/18 as he is a serving Police Officer. Councillor Coales will not be a participant in the Games. Councillor Coales will consider the matter on its merits and stay in the Chambers, and vote accordingly.

Councillor Gossage declared a Financial Interest in item OCM076/07/18 as he works in the Bushfire Control Industry. Councillor Gossage will leave the Chambers when this item is discussed.



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

7.1 Ordinary Council Meeting – 25 June 2018

OCM7.1/07/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That, in accordance with Regulation 11, *Local Government (Administration) Regulations 1996*, the minutes of the Ordinary Council Meeting held on 25 June 2018 be confirmed (E18/6567), subject to the Administrative corrections detailed below in 10.6 – OCM060/06/18 - Confidential Reports and 11.1 - OCM061/06/18 - Confidential Late Item

a) i) *Original Resolution*

COUNCIL DECISION

Moved Cr Denholm, seconded Cr Gossage

That the meeting be closed to members of the public at 8.06pm whilst items OCM060/06/18 is discussed pursuant to section 5.23(2)(b) and (d) of the *Local Government Act 1995*.

CARRIED 6/2

a) ii) *Corrected Resolution*

COUNCIL DECISION

Moved Cr Denholm, seconded Cr Gossage

That the meeting be closed to members of the public at 8.06pm whilst items OCM060/06/18 is discussed pursuant to section 5.23(2)(b) and (d) of the *Local Government Act 1995* and OCM061/06/18 is discussed pursuant to section 5.23(2)(e), (f) and (h) of the *Local Government Act 1995*.

CARRIED 6/2

and

b) the inclusion of the wording to reflect that the Shire President at 9.37pm informed the public that the Councillor Recommendation for Confidential item OCM060/06/18 was lost 2/6 and that the Original Motion for Confidential item OCM061/06/18 was carried 4/4 with the Presiding Member having the casting vote.

CARRIED UNANIMOUSLY 8/0

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

8.1 Arts, Culture and Heritage Advisory Committee Meeting – 9 July 2018

OCM8.1/07/18 COUNCIL DECISION

Moved Cr McConkey, seconded Cr Byas

That the [minutes and resolutions](#) contained therein of the Arts, Culture and Heritage Advisory Committee Meeting held on 9 July 2018 be adopted. (E18/7127).

CARRIED UNANIMOUSLY 8/0

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

Nil

10. Chief Executive Officer reports:**10.1 Development Services reports**

OCM0062/07/18 – Local Emergency Management Committee Information Report (SJ71602)	
Author:	Gillian French – Emergency Services Technical Officer
Senior Officer:	Andre Schonfeldt – Director Development Services
Date of Report:	25 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is to provide Council with the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held on 12 June 2018.

Relevant Previous Decisions of Council

OCM040/05/18 – Minutes of Meeting 13 March 2018
OCM004/02/18 – Minutes of Meeting 12 December 2017
OCM134/09/17 – Minutes of Meeting 14 September 2017

Background

Minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting are tabled at an Ordinary Council Meeting. A formally constituted meeting was held on 12 June 2018 and the minutes are hereby presented for your information.

Community / Stakeholder Consultation

No formal community consultation is required.

Statutory Environment

Emergency Management Act 2005, Section 38

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*

Comment

At the meeting of 12 June 2018 there were no recommendations put forward by the Committee that require Council's consideration.



Conclusion

The minutes of the Committee are presented to Council for information and consideration. Officers recommend that Council receive the minutes of the meeting held 12 June 2018.

Attachments

- [OCM062.1/07/18](#) – Shire of Serpentine Jarrahdale Local Emergency Management Committee Minutes (E18/6028)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.2	Support local emergency services
Strategy 1.3.3	Enhance community safety

Financial Implications

There are no direct financial implications regarding this matter.

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)
Non-compliance with Section 36 of the Emergency Management Act 2005	Unlikely (2)	Major (4)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

**Risk Matrix**

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

A risk 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 8 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

OCM062/07/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Coales, seconded Cr McConkey

That Council receives the Local Emergency Management Committee Minutes of 12 June 2018 as per attachment OCM062.1/07/18.

CARRIED UNANIMOUSLY 8/0

**OCM063/07/18 – Local Planning Policy Review (SJ514-08)**

Author:	Ashwin Nair – Manager Planning and Compliance
Senior Officer:	Andre Schonfeldt - Director Development Services
Date of Report:	12 July 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to adopt reviewed Local Planning Policies (LPP) and draft LPPs in accordance with Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations*.

The report also seeks to revoke one existing LPP as its provisions have been incorporated in other policies and/or have been determined by Shire Officers as outdated and inconsistent with best practice.

Council should note that draft LPP 2.1: Structure Plan and Subdivision, LPP 2.2: Local Development Plan and Guidelines have been omitted from the suite of LPPs being presented to Council for adoption as additional modifications are required to be undertaken to these Policies to ensure best practice.

Relevant Previous Decisions of Council

OCM171/12/17 – Local Planning Policy Review – Adopted for the purposes of advertising.

Background

Local Planning Policies perform an important function in the Local Planning Framework to guide planning decisions and to provide consistency and direction to the Shire Officers and the community on what Council considers acceptable development.

In preparation of the Shire's draft Local Planning Scheme No. 3, a review of all existing LPPs were undertaken to ensure that development provisions reflect best practice and importantly administer the proper and orderly development of the locality. As such, this process has given rise to the preparation of a number of new LPPs and the revision of existing LPPs.

As part of the review, it was proposed that all existing LPPs adopt a consistent and new format. The purposes and intent of most LPPs have not been altered. Below is a summary of the key amendments proposed and applied to the majority of LPPs:

- New and consistent format of all LPPs;
- Align LPPs with relevant provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- Minor Administration Changes;
- Clearer and more concise development provisions which establish the Shire's requirements for orderly and proper planning throughout the locality;
- Some LPPs now make reference to the Minor Development LPP to ensure consistency;



In addition to the above, the LPPs are proposed to be compartmentalised into the following four (4) new sections for ease of interpretation for the public:

1. Operational Local Planning Policies;
2. Planning Frameworks;
3. Design Guidelines; and
4. Land Use Policies

Council at its Ordinary Council Meeting held on 18 December 2017 resolved to adopt a number of revised and new LPPs for the purpose of advertising and rescind LPPs that were considered to be outdated and provisions duplicated within another LPP. A schedule of the proposed changes and draft LPPs endorsed by Council at this meeting and the rationale behind the proposed changes are contained within OCM063.1/07/18.

The finalised draft LPPs can be viewed within OCM063.4/07/18, OCM063.5/07/18, OCM063.6/07/18 and OCM063.7/07/18.

Community / Stakeholder Consultation

Community consultation was carried out for a period of 30 days between 18 January - 19 February 2018. Consultation included a notice published in a local newspaper and on the Shire's website. At the conclusion of advertising the Shire received a total of 5 submissions. Four of the submissions received provided comment against LPP 2.1 – Structure Plan and Subdivision and LPP 2.2 - Local Development Plan and Guidelines which are not currently being presented to Council and do not form part of this process. These submissions will be presented to Council at a later date.

One submission was received addressing draft LPP 2.3 – Development Standards for Development Applications, LPP 1.4 - Public Consultation for Planning Matters and LPP 1.3 - Amendments and Extensions to Existing Approvals Policy. Key themes raised in the submission are addressed by Shire Officers in the table below. The submission has also been attached within OCM063.3/07/18 for Council perusal.

Issue – LPP 1.4 Public Consultation for Planning Matters	
Submission	Officer Response
<i>“Answers and comments made by the applicant and/or council officers to questions/statements put forward in any submissions should be forwarded to the person making the submission prior to the application being presented to Council”.</i>	Shire Officers acknowledge the submission; however, can advise that a Council report is required to be made available to the public one week prior to the Council meeting. Furthermore, it is not possible to provide the public with a response before this time due to the Shire's internal procedures and processes for Council reports.
<i>“Prior to presenting to Council, the officers recommendations, including any conditions, should be made available for public comment (Particularly those who made submissions) before being presented to Council”.</i>	Refer to previous comment.
<i>“Any additional information provided by the applicant should be made publically available”</i>	Shire Officers acknowledge the submission; however, advise that, the Shire under the <i>Planning</i>



	<p><i>and Development (Local Planning Scheme) Regulations 2015</i> (the Regulations) are not required to notify the public of additional information that has been received after the period of public consultation has been completed. Referring additional information to the public for comment would significantly impact the determination process as prescribed within the Regulations.</p>
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Issue – LPP 1.3 – Amendments and Extensions to Existing Approvals Policy	
Submission	Officer Response
<p><i>“Where the application was open to public comment, any changes should also be made available for public comment”</i></p>	<p>Shire Officers acknowledge the submission; however, advise that, the Shire under the Regulations 2015 has no obligation to re-advertise an application for public comment. Re-advertising an application would also impact the Shire’s determination timeframe as prescribed under the Regulations</p>

Statutory Environment

Legislation

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

Planning Assessment

The final LPPs were proposed to be presented to Council for adoption earlier this year to coincide with the endorsement of the Shire’s draft Local Planning Scheme No.03 by the Western Australia Planning Commission (WAPC); however, as this process has been significantly delayed, Shire Officers have decided to present the LPPs to Council for adoption to finalise the review process.

During the consultation process the LPPs were referred internally for comment. As a result of this a number of minor modifications have been recommended by the Shire Officers to ensure that the LPPs reflect best practice and to appropriately capture the intent and objectives of each LPP. A full schedule of the proposed modifications have been attached for Council perusal within OCM063.2/07/18; however, a summary of the most significant changes proposed through this process are discussed as follows:

LPP 1.1 – Development Assessment Unit (Previously LPP 01)

This Policy has been modified to facilitate a more streamlined planning process. A provision to allow minor development applications to be dealt with in a more efficient manner has been proposed to reduce the amount of days a planning application should be considered within.

LPP 1.2 – Development Application Information Policy (New)

This Policy has been modified to include mandatory information required by the Shire to assess a planning application. In addition, subject to what is being proposed the Shire reserves the right to request additional information in accordance with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



LPP 1.4 – Public Consultation for Planning Matters (Previously LPP 27)

This Policy has been modified to remove the provision which permits an applicant to undertake their own neighbour referral process prior to submitting an application to the Shire for planning approval as it does not reflect best practice.

LPP 1.5 – Exempted Development Policy (Previously LPP 81)

This LPP has been modified to include a number of additional provisions to exempt further developments considered as minor. A significant change is now proposed to exempt development within the Urban Development zone where an R-Code exists under a Structure Plan.

LPP 2.7 - Bio-Diversity Planning (Previously LPP 26)

This Policy was proposed to be rescinded as part of the LPP review; however, as draft LPP 2.1 and 2.2 are not being adopted as part of this report, it is required to be operational to ensure that the Shire's Local Biodiversity Strategy is captured during the decision making process of an application. As such, LPP 2.7 has been reformatted.

LPP 2.8 – Public Open Space (Previously LPP 60)

This Policy was proposed to be rescinded as part of the LPP review; however, as draft LPP 2.1 and 2.2 are not being adopted as part of this report, the Policy is required to be operational. As such, LPP 2.8 has been reformatted.

LPP 4.13 – Revegetation (Previously LPP 04)

This Policy was proposed to be rescinded as part of the LPP review; however, as draft LPP 2.1 and 2.2 are not being adopted as part of this report, the Policy is required to be operational. As such, LPP 4.13 has been reformatted.

LPP 4.14 – Rural Workers Dwelling (Previously LPP 58)

This Policy was proposed to be rescinded; however, after further consideration the Policy is required to be operational to provide guidance for the development of a Rural Workers Dwelling. As such, LPP 4.14 has been reformatted.

LPP 4.15 – Bicycle Facilities (Previously LPP 58)

This Policy was proposed to be rescinded as part of the LPP review as the Policy provisions were included within the draft Shire of Serpentine Jarrahdale Local Planning Scheme No.03; however, as the draft Local Planning Scheme has not been formally endorsed by the WAPC this Policy is required to be operational. As such, LPP 4.15 has been reformatted.

LPP 4.16– Landscape and Vegetation (Previously LPP 67)

This Policy was proposed to be rescinded as part of the LPP review as the Policy provisions were included within the draft Shire of Serpentine Jarrahdale Local Planning Scheme No.03; however, as the draft Local Planning Scheme No.03 has not been formally endorsed by the WAPC this Policy is required to be operational. As such, LPP 4.16 has been reformatted.

LPP 4.17 - Multiple Use Trails (Previously LPP 09)

This Policy was proposed to be rescinded as part of the LPP review; however, after further consideration the Policy is required to be operational to guide the development of trails in the Shire. As such, LPP 4.17 has been reformatted.



LPP 4.18 - Street Trees (Previously LPP 28)

This Policy was proposed to be rescinded as part of the LPP review as the Policy provisions were proposed to be included within LPP 2.1: Structure Plan and Subdivisions; however, as LPP 2.1 has not been completed and does not form part of this process, LPP 4.18 is required to be operational. As such, LPP 4.18 has been reformatted.

Policy to be Revoked

As part of the review, the following LPP has been proposed to be revoked as it has been identified as outdated and inconsistent with best practice:

LPP80 – Development within Structure Plan Areas which Development Approval is not required

Policy provisions have been included in LPP 1.5: Exempted Developments

If Council choose to support the revocation of the LPP, in accordance with Clause 6 (b) of the Deemed Provisions a notification is required to be published in the newspaper advising the community of Council's decision to rescind the Policy. No further action is required to be undertaken after this process.

Options and Implications

Option 1: Council resolve to deem the new and revised LPPs satisfactory for adoption and support the revocation of the existing LPP as listed within OCM063.2/07/18 and OCM063.8/07/18.

Option 2: Council resolve to deem the new and revised LPPs unsatisfactory for adoption and refuse the revocation of the existing LPP as listed within OCM063.2/07/18 and OCM063.8/07/18.

Option 1 is the Shire Officer recommendation.

Conclusion

The proposed changes (including new LPPs) to the Shire's suite of LPPs resulted from a recent internal local planning review which was aimed to ensure that all LPPs reflect best practice to achieve proper and orderly planning in the locality.

Attachments

- [OCM063.1/07/18](#) – Schedule of Adopted Changes for Advertising (IN17/25674)
- [OCM063.2/07/18](#) – Final Schedule of Proposed Changes (E18/6618)
- [OCM063.3/07/18](#) – Submission (E18/6620)
- [OCM063.4/07/18](#) – Operational Local Planning Policies (IN18/14776)
- [OCM063.5/07/18](#) – Planning Frameworks (IN18/14777)
- [OCM063.6/07/18](#) – Design Guidelines (IN18/14778)
- [OCM063.7/07/18](#) – Land Use Policies (IN18/14779)
- [OCM063.8/07/18](#) – Revoked Policy (E18/6617)

Alignment with our Strategic Community Plan

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



Financial Implications

There are no financial implications resulting from this report.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
New Policies	Unlikely (2)	Insignificant (1)	Low (1-4)	Property - 1 Insignificant - Inconsequential or no damage	Accept Risk
Revised Policies	Unlikely (2)	Insignificant (1)	Low (1-4)	Property - 1 Insignificant - Inconsequential or no damage	Accept Risk
Rescinded Policies	Unlikely (2)	Insignificant (1)	Low (1-4)	Property - 1 Insignificant - Inconsequential or no damage	Accept Risk

Risk Matrix

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

A risk 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.

2Voting Requirements: Simple Majority

OCM063/07/18 COUNCIL DECISION / Officer Recommendation

Moved Cr McConkey, seconded Cr Gossage

That Council:



1. Pursuant to Clause 4(3)(b)(i & ii) of Part 2 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to adopt the new and revised Local Planning Policies as listed within OCM063.2/07/18.
2. Revokes the following Local Planning Policy contained within OCM063.8/07/18 in accordance with Clause 6(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

(a) LPP 80 – Development within Structure Plan Areas which Development Approval is not Required
3. Pursuant to Clause 4(4) of Part 2 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, publish a notice of the adoption of new and revised Local Planning Policies within OCM063.2/07/18.

CARRIED UNANIMOUSLY 8/0



Councillor Denholm declared a Financial Interest in item OCM064/07/18 and left the Chambers at 7.37pm while this item was discussed.

OCM064/07/18 – Proposed Signage – Lot 5, 34 Abernethy Road, Byford (PA18/271)	
Author:	Heather Coles-Bayes – Planning Officer
Senior Officers:	Ashwin Nair – Manager Statutory Planning and Compliance Andre Schonfeldt – Director Planning
Date of Report:	5 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: J Prestipino Building Designs Pty Ltd
Owner: Australasian Property Investments Ltd
T/A The Byford Market Place Trust
Date of Receipt: 4 April 2018
Lot Area: 1.81ha
Town Planning Scheme No 2 Zoning: 'Urban Development'
Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The purpose of this report is for Council to consider a development application for signage to approved Shops and a Medical Centre at Lot 5, 34 Abernethy Road, Byford. The proposal seeks variations to Local Planning Policy No. 31 – Byford Town Centre Built Form Guidelines (LPP31). Officers do not have delegation to determine the application in accordance with Delegation 11.1.1, as such, the proposal is presented to Council for determination.

The variations include the area covered by the proposed on-building signs and the display of two pylon signs. Although this signage seeks variations to the policy requirements, they are considered appropriate to the approved building design and consistent with the objectives of the policy. The proposal is therefore recommended for approval.

Relevant Previous Decisions of Council

OCM184/17/17 – Council approved an amendment to the Shops and Medical Centre.

PA18/143 – A further approval was granted 1 March 2018 for amendments to the carparking layout under delegated authority.

Background

Existing Development

The site is located within the town centre of Byford and construction is currently underway for the approved shops and medical centre. Surrounding lots predominantly comprise of commercial properties. Abernethy Road runs along the southern boundary of the site.



Location Plan

Proposed Development

The application seeks approval for the signage for the approved Shop as follows:

- 1 x 10 metre high Pylon Sign (TP-PS01);
- 1 x 5.95 metre high Pylon Sign; (T1-PS02);
- 1 x internally illuminated wall mounted 'Woolworths' sign (11.7 metres x 2.5 metres) and 1 x wall mounted 'BWS' sign (3.8m x 2.5 metres) to north elevation (T1-S01);
- 3 x sets of wall mounted 'Woolworths' sign (8.7 metres x 1.8 metres) and 1 x wall mounted 'BWS' sign (2.8 metres x 1.8 metres) to east, south and west elevations (T1-S02, S03 and S04);
- 5 x Free Standing Trolley Signs (2 metres x 0.9 metres) (T1-S05 – T1-S09);
- 1 x wall mounted 'Loading Dock' sign (0.9 metres x 1.2 metres) to east elevation (T1-S10);
- 1 x internally illuminated wall mounted 'Byford Market Place' sign (4.7 metres x 0.8 metres) to south elevation (T0-S01);
- 1 x internally illuminated wall mounted 'Byford Market Place' sign (3 metres x 0.5 metres) to east elevation of specialty shop (T0-S02);
- 13 x internally illuminated shop sign (tenant to apply graphics) (2.4 metres x 0.6 metres) to various elevations; and
- 7 x internally illuminated shop sign (tenant to apply graphics) (2.4 metres x 0.45 metres) to various elevations.

Details of the signage is contained within attachment OCM064.1/07/18.

Community / Stakeholder Consultation

The proposal has been advertised to adjoining landowners for a period of 21 days from 14 May 2018 – 4 June 2018 whereby no submissions were received.



Statutory Environment

Legislation

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Byford Structure Plan
- Byford Town Centre Local Structure Plan
- Local Planning Policy 31 – Byford Town Centre Built Form Guidelines

Planning Assessment

In determining the application, Council is required to consider Schedule 2, Part 9, Clause 67 of the Deemed Provisions of the Regulations and relevant Local Planning Scheme provisions. Attachment OCM064.2/07/18 details a comprehensive assessment of each of the 27 matters contained within clause 67. For the purposes of this report, topics of concern or where variations are sought, are discussed within this report including 1) Land Use, 2) Orderly and Proper Planning and 3) Form of Development and Amenity.

Land Use

The subject site has development approval for 'Shops' and a 'Medical Centre'. The signage is proposed to be associated with these approved land uses defined under TPS2 as follows:

Shop - "a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry".

Medical Centre – "a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists and like allied medical professionals".

Although the land uses already have approval, it is worth noting that the subject site is zoned 'Urban Development' under TPS2. Within this zone, Structure Plans are prepared to guide development with regard to zoning, land use permissibility, and subdivision of land. The Structure Plans provide a framework to achieve certain land use and development outcomes within defined precincts.

The subject site is designated as 'Mixed Use' under the Byford Town Centre Local Structure Plan. Under Table 1 – Zoning Table of TPS2, a 'Shop' and 'Medical Centre' are permitted land uses within the 'Mixed Use' zone.

Orderly and Proper Planning

Clause 67 of the Deemed Provisions, specifically A – J, considers the State and Local Planning Policy Framework including Draft Schemes, Strategies, State Planning Policies, Local Planning Policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning. The Regulations also specifically require consideration of the aims and objectives of the Scheme.



Aims and Objectives of the Scheme

Clause 5.17 of TPS2 sets out the objectives of the 'Urban Development' zone to *"to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances"*. The zone allows for the provision of commercial facilities serving the community, maximising convenience and maintaining an appropriate level of amenity.

As previously stated, the application does not seek approval for a land use, however, it is worth noting that the land use to which the signage relates is consistent with the objectives of TPS2 by virtue of the provision of a commercial facility maximising convenience.

The issue of amenity is addressed in the relevant section of the report and concludes that the design and form of the proposed development is consistent with the intended character of the streetscape and would ensure the maintenance of an appropriate level of amenity in line with the TPS2 objectives.

Byford Structure Plan and Byford Town Centre Local Structure Plan

The subject site is identified under the Byford Structure Plan as 'Town Centre' and that it is subject to a Local Structure Plan and Town Centre Guidelines. As previously stated, under the Local Structure Plan the site is designated as 'Mixed Use' to which the approved and current application are consistent.

Form of Development and Amenity

Clause 67 of the Deemed Provisions, specifically K, L, M, N, P, all relate to the form and amenity of the development that is required to be assessed.

LPP31 sets out requirements and standards for development within the Town Centre. Signage provisions fall with the General Policy Requirements section of the policy. In addition, Clause 1.4 – Operation of LPP31 states that *"where an application does not comply with a Policy Requirement, Council at their discretion can assess the proposal against the related Design Objective(s)"*.

The design objectives of the policy are to provide signage *"which is informative and contributes positively to the overall streetscape and is not excessive or obtrusive"*. Signage is also required to positively contribute to the streetscape and not be excessive or obtrusive.

Wall Mounted/Fascia Signs

The design requirements of LPP31 state that wall mounted signs should not have a coverage of more than 0.4m² per 1 metre of street frontage, up to a maximum of 10m². The elevations fronting the street have been assessed against this requirement in the table below. All three elevations fronting the street seek variations to the policy requirement in relation to coverage as follows:

Elevation	Allowable coverage under LPP05 (m²)	Proposed Coverage under LPP05 (m²)	Variation to Policy (m²)
West elevation – main building	10m ²	21.7m ²	11.7m ²
South elevation – main building	10m ²	32.75m ²	22.75m ²
East elevation – Pioneer Street (Speciality shop building including medical centre)	10m ²	17.34m ²	7.34m ²

With regard to the south and east elevations, these contain several tenancies and therefore the coverage takes into account signage for each tenancy. It is considered that the signage individually and cumulatively would not appear excessive or obtrusive. The policy having a maximum coverage area of 10m² also does not necessarily take into account the scale of the building. In this instance, it is considered that due to the scale of the frontages and the fact that the building comprises of different tenancies, the area of the proposed signage is relative and appropriate. If each tenancy were a detached building, the signage would



be compliant for all the individual tenancies. As such, in this instance Officers are supportive to the variation by way of coverage and consider that the objectives of the policy have been met.

LPP31 also states that signs attached to the building facades should be aligned with and relate to the design lines of the façade. The proposed signage is considered to be compliant with this requirement.

Freestanding Trolley Signs

LPP31 does not provide specific design requirements for this type of signage. The proposed freestanding trolley signs are for identification purposes and provide informative instructions for customers. Five of these signs are proposed to be located at the trolley bays around the car park. This signage is internal to the site and would not appear excessive or intrusive in accordance with the objectives of LPP31 and therefore supported.

Pylon Signs

The proposal seeks approval for two pylon signs, however, LPP31 states “Free standing pylon structures” are a type of sign that are not permitted. In this case, one pylon sign is proposed to be located to the south west of the site fronting Abernethy Road. This pylon would measure 10 metres in height and include signage for the individual tenancies of the site. The second proposed pylon would be located towards the north east of the site adjacent to the access road and measures 5.95 metres in height.

As previously stated, the design objectives of LPP31 aim to ensure signage contributes positively to the streetscape and reflects the local character of the area. The existing streetscape comprises of a commercial area where signage of this nature is commonplace. There is a pylon sign located at the service station opposite the site with a height of 10 metres and also at the Fast Food/Takeaway Shop, although this is only 6 metres in height. Coles, which is located adjacent to the subject site, also has a 10 metre pylon sign.

The proposed pylon signs are synonymous with this type of Shop which is a permitted use within this area.

It is considered that due to the existing and intended streetscape of the ‘Mixed Use’ area, the pylon signs would not adversely impact the character of the area or appear visually obtrusive. It is acknowledged that this signs do not strictly meet the policy requirements of LPP31, however discretion exists to consider the proposal against the design objectives. The design and form of the signs are considered appropriate due to the land use, the building form and reflect character of the area. As such, Officers are supportive of these structures.

Options and Implications

With regards to the determination of the application for planning approval under TPS2, Council has the following options:

Option 1

Council may resolve to approve the application subject to appropriate conditions.

Option 2

Council may resolve to refuse the application providing appropriate reasons.

Option 1 is recommended.



Conclusion

The application seeks approval for signage to an approved development. Although the signage seeks variations to LPP31 by way of the pylon signs and coverage of the wall signs, it is considered that the objectives of the policy have been met.

Attachments

- [OCM064.1/07/18](#) – Application Details (E18/6064)
- [OCM064.2/07/18](#) – Clause 67 Checklist (E18/6071)

Alignment with our Strategic Community Plan

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

The subject site will provide an additional retail facility and medical centre facility for the community contributing to a commercially diverse and prosperous economy. The proposal is incidental to these facilities.

Financial Implications

Nil

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council approving the development application	Likely (4)	Minor (2)	Moderate (5-9)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Officer Recommendation
Council refusing the development application	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

**Risk Matrix**

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

A risk 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 8 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

OCM064/07/18 COUNCIL OFFICER / Officer Recommendation

Moved Cr Coales, seconded Cr See

That Council approves the development application submitted by J Prestipino Building Designs Pty Ltd on Lot 5, 34 Abernethy Road, Byford as contained in attachment OCM064.1/07/18 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:

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

Plans and Specifications	Plans P1 – P5 received at the Shire's Offices on 28 March 2018
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2. The signs shall be securely fixed to the structures by which they are supported, and maintained in a safe condition at all times to the satisfaction of the Shire of Serpentine Jarrahdale.
3. The signs shall be kept clean and free from unsightly matter and graffiti and shall be maintained by the landowner in good order free of dilapidation at all times to the satisfaction of the Shire of Serpentine Jarrahdale.

CARRIED UNANIMOUSLY 7/0

Councillor Denholm returned to the Chambers at 7.38pm.

Shire President, Councillor Rich advised Councillor Denholm that the Officer Recommendation for OCM064/07/18 was carried unanimously 7/0.



OCM065/07/18 – Road Naming Proposal – Extension of Indigo Parkway (SJ500-03)

Author:	Haydn Ruse – Statutory Planning Officer
Senior Officers:	Ashwin Nair – Manager Statutory Planning and Compliance Andre Schonfeldt – Director Development Services
Date of Report:	12 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: G & G Corp
 Owner: Pino Gangemi
 Date of Receipt: 2 October 2015
 Lot Area: 23ha (230,722m²)
 Town Planning Scheme No 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: Urban

Introduction

The purpose of this report is for Council to consider a road name proposal to extend Indigo Parkway from Larsen Road through to Malarkey Road. Section 26A of the *Land Administration Act 1997* requires the relevant local government to approve names for roads created as part of an approved subdivision. Those names approved by the Local Government must then be forwarded to the Minister for Planning, Lands and Heritage for final approval. The Geographic Names Committee has delegated authority from the Minister for Planning, Lands and Heritage to grant final approval for road names.

The proposal is presented to Council as Officers do not have delegation to approve road names.



Locality Plan

Relevant Previous Decisions of Council

OCM201/11/16 – Council resolved to rename Indigo Parkway and Malarkey Road for the extension of San Simeon Boulevard from Larsen Road to Thomas Road.



Background

The road naming proposal relates to the subdivision of Lot 9504 Briggs Road, Byford. Council previously supported the extension of San Simeon Boulevard to replace Indigo Parkway and part of Malarkey Road; however, the Geographic Names Committee (GNC) refused the extension. The reasons for refusal relate to concerns about the timeframe for the connection of the western portion of the road and eastern portion of the road and subsequent impact on navigation of service providers and emergency services.

As a result of this refusal Officers are instead proposing to extend Indigo Parkway. This road has not yet been constructed and is not expected to be constructed until the surrounding properties have developed. This means that the concerns the GNC have in relation to naming the road San Simeon Boulevard will not apply.

Community / Stakeholder Consultation

No consultation is required in accordance with the Shire's and GNC policy.

Statutory EnvironmentLegislation

- *Section 26A(3) Land Administration Act 1997*

State Government Policies

- Policies and Standards for Geographical Naming in Western Australia

Local Planning Framework

- Local Planning Policy 38 – Road Naming (LPP38)

Planning Assessment

The proposal has been assessed against the GNC policy and the Shire's LPP38. Section 6.6 of LPP38 provides guidance on preparation of road names consistent with the requirements of the GNC. The guidelines are listed below as:

Consideration of current and future street names

Under the Byford District Structure Plan, adopted in 2005 and last reviewed in 2009, it identifies a main neighbourhood and distributor road which provides connections to the north-west and south-east between Thomas Road and Abernethy Road. The extension of Indigo Parkway to Malarkey Road will establish an important future connection for residents and traffic heading into the Byford Town Centre.

Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases

The proposed extension will not affect any street numbering. The current extent of Indigo Parkway is unconstructed and does not act as an access road to any existing properties.

The origin of each name shall be clearly stated and subsequently recorded

The proposed road name 'Indigo' relates to an intense food colouring used by Plaimar Limited, a Western Australian manufacturing and distilling company established in 1919. Plaimar Limited produced colourings and flavourings that were used in Plaistowe confectionary and established a farm on the hills east of Byford in the 1920's growing peppermint, rose and lavender. The proposed name was approved as part of the Theme for Byford Central, being 'Confectionary, flavourings, colourings and essences', which recognises the industry that operated in the area until 1974.



Names shall not be offensive or likely to given offence, incongruous or commercial in nature

The proposed name Indigo Parkway is not considered to be offensive, incongruous or commercial in nature.

Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public

The proposed name is considered easy to read, spell and pronounce.

Unduly long names and names that comprise of two or more words should generally be avoided

The proposal is not considered to be unduly long and does not comprise of more than one word.

Proposals for road names shall include an appropriate road type suffix

Proposed suffix is considered to be appropriate as it is consistent with suffix definitions under the GNC policy.

Parkway (PWY) – Roadway through parklands or an open grassland area.

Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads

The length of the proposed name is considered to be suitable in relation to the length of the road.

Strategic Importance

The proposed Indigo Parkway will act as a neighbourhood distributor, directing traffic from Thomas Road to Larsen Road, which will then lead to San Simeon Boulevard and into the Town Centre. Ideally the road would have the same name for way finding; however, due to the discord in sites developing the provision of a consistent name for the entire road has not been possible.

San Simeon Boulevard and Indigo Parkway will form an important district road by providing a direct connection for residents and traffic into the Byford Town Centre. The road will act as a bypass around the Byford Trotting Complex, which is a sensitive area prone to impacts from increased vehicle movements.

Options and Implications

With regard to the determination of the application, Council has the following options:

Option 1: Council may resolve to approve the proposed road names with or without amendment and forward the approval to the Geographic Naming Committee.

Should Council approve the application, the approval will be forwarded to the Geographic Naming Committee for final approval.

Option 2: Council may resolve to refuse the proposed road names.

Should Council resolve to refuse the proposed names alternative names will need to be provided.

Conclusion

Council approval is sought for the extension of Indigo Parkway from Larsen Road through to Malarkey Road. The proposal is consistent with the requirements of LPP38 and the GNCs road naming policy. Officers support the proposed extension and recommend that Council approve the proposal.

**Attachments**

- [OCM065.1/07/18](#) – Road Layout Plan (E18/6104)
- [OCM065.2/07/18](#) – Road Name Background (E18/6105)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no financial implications associated with this proposal.

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)
Should Council reject the proposal the applicant will need to submit a new name or Council will need to propose alternatives, which may not be accepted by the GNC. This will cause a delay in the creation of new lots which have subdivision approval.	Likely (4)	Minor (2)	Moderate (5-9)	Service Interruption - 2 Minor - Temporary interruption to an activity – backlog cleared with existing resources	Accept Risk

**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 8 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

OCM065/07/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr Gossage

That Council:

1. Approves the extension of Indigo Parkway as shown in attachment OCM065.1/07/18, in accordance with section 26A(3) of the *Land Administration Act 1997*; and
2. Forwards the proposal to the Geographic Names Committee for final approval.

CARRIED UNANIMOUSLY 8/0



OCM066/07/18 – Planning Reform Green Paper (SJ1369-09)	
Author:	Lauren Dujmovic – Strategic Planner
Senior Officer:	Andre Schonfeldt – Director Development Services
Date of Report:	2 July 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report is presented to Council to consider the draft Shire of Serpentine Jarrahdale submission on the Planning Reform Green Paper released by the Minister for Planning for public comment. The Green Paper, as contained within attachment OCM066.1/07/18 was developed as a result of an independent review of the Western Australian planning system to recommend improvements to the system. Officers recommend Council endorse the draft submission on behalf of the Shire of Serpentine Jarrahdale contained within attachment OCM066.2/07/18.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 25 July 2016 – regarding the abolition of Development Assessment Panels (OCM066.4/07/18)

Special Council Meeting – 6 July 2017 – SCM006/07/17 – Formal Comment on Third Party Appeal Rights (OCM066.5/07/18)

Background

The complex nature of the Western Australian planning system has been recognised, and the need to simplify the process and instead focus on outcomes is apparent. In late 2017, the Minister for Planning commissioned an independent review of the Western Australian planning system with the objective of identifying ways to make the system more efficient and easy to understand. This review resulted in the development of a Green Paper, which is an independent discussion document that does not reflect the views of the State Government. The Green Paper proposes ways to modernise the planning system to make it more fair, open, understandable and able to achieve effective planning decisions in a timely manner.



Following the current consultation period on the Green Paper, the State Government will prepare a White Paper that sets out the proposed reforms for planning. The submissions received on the Green Paper will be considered in the preparation of the White Paper. The Planning Reform Green Paper proposes five key reform areas to improve the Western Australian planning system. The five key reform areas are as follows:



Figure 1: Five Key Planning Reform Areas

Each of the five key planning reform areas contain several reform proposals related to that area. There are a total of 77 reform proposals across the five reform areas.

1. Strategically-led

The strategically-led planning system key reform area focusses on increasing the prominence of strategic planning to set the framework for future development. It contains reform proposals such as including strategic planning as a function of the *Planning and Development Act 2005*, requiring complex scheme amendments to be accompanied by a proposed amendment to local planning strategies and developing a State Planning Policy for sustainability. Housing distribution is also addressed under this reform area with a proposal to require all local governments to prepare a Local Housing Strategy.

2. Legible

The legible planning system key reform area aims to streamline planning documents to make the system easier to understand and more accessible. This reform area contains proposals including consolidating State Planning Policies into a single framework and creating a 'line of sight' between planning documents by creating common elements for all planning documents. It is also proposed to reduce process complexity by requiring 'comprehensive local planning schemes' that include the local planning strategy, local planning scheme, deemed provisions and local planning policies. Further to this, it is proposed that there be delays to the progression of new local planning strategies and local planning schemes until further guidance is provided on the format. This reform area also proposes improving the consistency of local planning schemes by grouping similar land uses and standardising land use permissibility under the Deemed Provisions.

3. Transparent

The transparent planning system key reform area aims to increase community participation and make planning processes and decision making more open. Reform proposals include the creation of a 'community engagement charter' and concurrent community engagement processes for strategic community plans and local planning strategies. It also proposes that reasons for planning decisions are to be provided, Western Australian Planning Commission (WAPC) reports, agendas and recommendations are to be published and mandatory reporting by local governments on planning matters. Improved transparency of development assessment panels is also proposed.



4. Efficient

The efficient planning system key reform area aims to improve the function and timeliness of planning processes. The reform proposals under this area include introducing local government accreditation to increase delegations to local government for small infill subdivision and subdivision in accordance with local structure plans. Other proposals include revising WAPC membership to five to seven members with the ability to establish and abolish committees and engaging non-public sector expertise in policy development. Process efficiency improvements are also proposed including retaining a planning reform team at the Department of Planning, Lands and Heritage. Other proposals include allowing 10 business days for a local government to seek further information on a planning application, providing for Part 1 of local structure plans to be read as part of local planning schemes and providing local government with the ability to refuse to progress a structure plan. A proposal to establish a Development Contributions Infrastructure Panel to review amendments that include development contribution plans and proposals for a track-based approach to planning applications is also included under this reform area.

5. Delivering Smart Growth

The planning for consolidated and connected smart growth key reform area aims to enable the planning system to deliver key urban infill within strategic locations. Reform proposals include planning for targeted infill, updating growth management policies, planning for land use and infrastructure coordination and including an 'Industrial Deferred' zone and 'Urban Corridor' as a Reserved Roads category within the Metropolitan Region Scheme. This reform area also proposes that Liveable Neighbourhoods be elevated to a State Planning Policy.

Community / Stakeholder Consultation

The Minister for Planning has released the Green Paper for public comment, with submissions closing on 20 July 2018. All submissions on the Green Paper will inform the preparation of the White Paper that will be provided to the State government for consideration. The Shire has received an extension to the submission period until 31 July 2018 to enable the Shire's submission to be considered by Council at the July Ordinary Council Meeting.

Statutory Environment

Legislation and relevant State Government Policies

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

In conjunction with relevant Shire of Serpentine Jarrahdale Local Planning Framework.

Planning Assessment

Serpentine Jarrahdale Comments on Planning Reform

Officers are disappointed that the recommendations within the Green Paper do not propose a more fundamental review of the Western Australian planning system to reduce the number of planning instruments. There are currently approximately 32 planning instruments within the hierarchy of the Western Australian planning system ranging from statutory mechanisms, strategies and guidance documents. The instruments within the State Framework include the following:

1. *Planning and Development Act 2005*
2. *Planning and Development Regulations 2009*
3. *Planning and Development (Local Planning Scheme) Regulations 2015* particularly Schedule 2 – Deemed Provisions



4. State Planning Strategy
5. Regional Planning Frameworks & Sub Regional Frameworks
6. Regional Planning Schemes, which includes the following layers:
 - a. Zones;
 - b. Deferred Zones;
 - c. Reserves including land use / activity permissibility and referring to related DCP for permissibility;
 - d. Special Control Areas; and
 - e. Environmental Conditions
7. Regional District Structure Plans (Sometimes incorporated in Regional Planning Frameworks)
8. Layout Plans (Used for Aboriginal Settlements under State Planning Policy 3.2)
9. State Planning Policies
10. Development Control Policies
11. Operational Policies
12. Guidelines
13. Manuals
14. Planning Bulletins
15. Position Statements
16. Improvement Plans
17. Improvement Schemes
18. Planning Control Areas
19. Other Policies such as Government Sewerage Policy, Environmental Protection Authority Separation Distance Guidelines, Environmental Policies e.g. water quality protection notes
20. Local Laws made by the Governor under Schedule 8 of *Planning and Development Act 2005*

In addition to the above planning instruments within the State Planning Framework, the following planning instruments exist with the local planning framework:

1. Local Planning Strategy
2. Other Topic Specific Strategies e.g. housing / rural / activity centre strategies
3. Local Planning Scheme
 - a. Reserves
 - b. Zones
 - c. General Development Requirements
 - d. State Planning Policies read into the scheme
 - e. Site and Development Requirements
 - f. Environmental Conditions
 - g. Special Control Areas
 - h. Development Contribution Areas



-
- i. Schedules and Special Use Provisions
 4. District Structure Plans
 5. Local Structure Plans (Outline Development Plans, Subdivision Guide Plans etc.)
 6. Activity Centre Plans
 7. Local Development Plans
 8. Local Planning Policies
 - a. Operational
 - b. Frameworks
 - c. Design Guidelines
 - d. Land Use or
 - e. Topic Specific
 9. Interim Development Orders
 10. Development Contribution Plans
 11. Local Laws
 12. Others (precinct areas, policy areas and similar)

As noted within the Green Paper, the Western Australian planning system is currently burdened by complex processes and an increasing number of planning instruments that complicate the system. The current Western Australian planning system is a highly centralised system, with the State having some degree of control over all 32 planning instruments. There is little opportunity for local governments and communities to influence the planning instruments and decisions prescribed by the State. The illusion of local communities being able to plan for themselves under a very centralised planning framework is not good governance, nor is it best practice. The Western Australian planning system is thus at a crossroads:

1. Continue in the current path with local government having little actual say;
2. Centralise planning by giving full control to the State; or
3. Allow best practice by making the State responsible for regional planning and allowing local government to undertake local planning.

Officers consider that the number of planning instruments creates complexities, inefficiencies and duplications within the system, leading to difficulties in navigating and understanding the planning system. Officers strongly support the streamlining of the planning system and recommends that further streamlining and consolidation of the numerous planning instruments is essential to maximise efficiency. Officers therefore propose that the Western Australian planning system should be significantly streamlined and simplified to approximately 10 planning instruments. Such a system could contain only the following planning instruments, with the text in brackets referring to the proposed responsible authority:

1. *Planning and Development Act 2005* (State)
2. Regulations related to Enforcement (State, with Local Government enforcing)
3. Regulations related to Administration (State, with Local Government administering)
4. Regional Planning Strategy (State, with Local Government involvement and endorsement)
5. Regional Planning Scheme (State, with Local Government involvement and endorsement)
 - a. Reserves



-
- b. Zones (Standardised Zones and Land Use Permissibility across WA)
 - c. General and Site Development Requirements (Topic specific and should absorb current State Planning Policy provisions)
 - d. Environmental Conditions
 - e. Structure Plan Areas
 - f. Special Control Areas
 - g. Development Contribution Areas
 - h. Schedules
6. One Set of Planning Policies (State, with Local Government involvement and endorsement):
- a. Operational – aspects of development assessments;
 - b. Frameworks – such as the Design WA framework that incorporates Liveable Neighbourhoods and the Residential Design Codes with some further work on the ‘missing middle’ all in one guideline, with regional variations;
 - c. Land Use or Topic Specific – this should be used infrequently as most provisions should be included in the Regional Planning Scheme.
7. District Structure Plans with the force and effect of, and consistent with, the Regional Planning Scheme (completely controlled by Local Government):
- a. This becomes the fundamental shift from control led to strategically led planning, with an emphasis on allowing for outcomes driven planning. This approach results in the design, character and amenity that the local community aspires rather than the development that is permissible under the current planning instruments. District Structure Plans could form part of a Local Development Strategy that becomes both an informing document under the Integrated Planning and Reporting Framework (IPRF) and includes a District Structure Plan component for statutory planning purposes.
 - b. A manual would be required to demonstrate how such a District Structure Plan should be prepared and function, with the intent for local governments to have the ability to produce District Structure Plans.
 - c. A District Structure Plan would effectively replace local planning schemes. In greenfield local government areas where urban areas are zoned ‘Urban Development’, local planning schemes add very little to land use and development control with most developments assessed against structure plans instead. The Shire recommends that District Structure Plans are a preferable instrument for the following reasons:
 - i. Efficiency - due to the nature of this tool, it will improve the efficiency of the planning framework as it negates the need for amendments to both a local planning strategy and local planning scheme;
 - ii. Flexibility – due to ‘Urban’ areas already being established by the zones within Regional Planning Schemes, the flexibility of this instrument allows for local governments to work inside the ‘Urban’ zone to easily respond to changes that may be required as development progresses or redevelopment occurs.
 - iii. Effective – as land use permissibility would be established in the Regional Planning Scheme, District Structure Plans would provide the ability for local communities to encourage desirable development, rather than trying to control discouraged development. By promoting specific character and amenity outcomes, land use and development controls become more positive.



-
- iv. Better Outcomes – District Structure Plans can provide design guidelines that shape and create character areas that could relate to heritage, design, activity or similar without being bound by the limitations of a local planning scheme;
8. Development Contribution Plans – (State and Local Government)
 - a. Development Contribution Plans should be given effect by an amendment to the Regional Planning Scheme, allowing for detail and flexibility to be included in the standardised format of the plans.
 - b. There should be one approach for Development Contribution Plans for the two different types of infrastructure being:
 - i. Traditional Infrastructure including roads, rail, reserves for drainage and open space; and
 - ii. Community Infrastructure including pavilions, libraries, community centres etc.
 - c. Reporting and auditing provisions should be detailed in the Regional Planning Scheme along with the methodology for how Development Contribution Plans are best administered.
 9. Local Structure Plans with the force and effect of, and consistent with, the Regional Planning Scheme (completely controlled by Local Government)
 - a. To allow local governments to approve Local Structure Plans that are aligned with District Structure Plans to provide a greater level of detailed planning.
 - b. Local Governments should be able to determine subdivision and development applications that are consistent with Local Structure Plans.
 - c. Local Structure Plans could include design guidelines that vary residential development standards or similar policies and encourage and discourage certain land uses or design aspects, with the objective of promoting a specific character and amenity.
 - d. The State government could have the ability to prepare a Local Structure Plan over an area where an Improvement Plan was previously applied. This would allow the powers previously sought to remain, although in a standardised form.
 10. Interim Development Orders
 - a. This instrument could be used in very rare circumstances where immediate temporary provisions are required whilst appropriate legislation, schemes or structure plans are prepared or amended to address a significant issue.

A draft letter to accompany the Shire's submission has been prepared by Officers, contained within attachment OCM066.3/07/18. This letter outlines the above discussion and the following comments with regard to planning reform:

- The quality of the information received in regards to all planning applications must be of an adequate standard and sufficient to enable comprehensive planning assessments. Where the quality of information provided is compromised, it leads to delays in the assessment process and poor outcomes.
- Planning reform must address disruptive technologies and the impact that technologies such as drones and autonomous vehicles will have on transport, urban development and freight and distribution networks. Planning for disruptive technologies should be incorporated into the planning framework.
- Third party appeal rights should be available for all applications to allow third parties to appeal planning decisions. This would ensure that the rationale for decisions is strong, equitable and does not detrimentally affect surrounding properties and the community.
- Development Assessment Panels (DAPs) should be abolished to allow local government to implement local planning.



- The WAPC should be open and transparent as it is important to have transparency at both State and local level.

Serpentine Jarrahdale Submission on the 77 Green Paper Proposals

Officers have provided draft comment within a submission response table on the Green Paper, contained within attachment OCM066.2/07/18, to address each of the 77 proposals summarised under the five reform categories. In summary, the draft responses include the following:

1. Support strategic planning being included in *Planning and Development Act 2005*
2. Not support requirement for a Local Housing Strategy
3. Support consolidation of all State Planning Policies
4. Not support delays to preparation of new local planning strategies and local planning schemes
5. Support standardised zones, land uses and land use permissibility within the Deemed Provisions of a Regional Planning Scheme
6. Support development of a community engagement charter
7. Support WAPC publishing reports, agendas and recommendations
8. Support mandatory reporting by local government on planning matters
9. Not support local government accreditation process
10. Support the delegation of all subdivision applications to local government
11. Not support local governments having only 10 business days to request further information on development applications but do support if this was 21 days
12. Support Part 1 of approved structure plans having the 'force and effect' of the scheme
13. Support local governments being able to refuse to progress structure plans and seek appeal rights if local governments aren't given the approval authority back
14. Not support development contribution plan cost and cost contribution schedules being included in local planning schemes
15. Not support a Development Contributions Infrastructure Panel being established
16. In part support a fast track 30-day planning approval process for single houses with minor R-Code variations
17. Not support an 'Industrial Deferred' zone in the Metropolitan Region Scheme
18. Support 'Urban Corridor' as a category of Reserved Roads under the Metropolitan Region Scheme
19. Support Liveable Neighbourhoods being elevated to a State Planning Policy

Options and Implications

Option 1: Endorse the draft submission on the Green Paper

Implication – This option would allow the Shire to make comment on the Green Paper and for the views contained within the submission to be considered by the State Government in undertaking planning reform.

Option 2: Endorse the draft submission on the Green Paper with modifications

Implication – This option would allow the Shire to make comment on the Green Paper and for the views contained within the submission to be considered by the State Government in



undertaking planning reform. This option would allow Council to make changes to the draft submission proposed by Officers.

Option 3: Not endorse the draft submission on the Green Paper

Implication – This option would result in the Shire not providing comment on the Green Paper and the views of the Shire not being considered by the State Government in undertaking planning reform.

Option 1 is recommended.

Conclusion

The Green Paper is an independent discussion document that proposes key planning reform with the objective of improving the Western Australian planning system. The Green Paper contains a total of 77 reform proposals relating to five key reform areas; strategically-led, legible, transparent, efficient and delivering smart growth. Officers recommend that Council endorse the draft submission prepared on the Green Paper that addresses the key planning reform proposals.

Attachments

- [OCM066.1/07/18](#) – Planning Reform – Green Paper (IN18/14694)
- [OCM066.2/07/18](#) – Draft Shire of Serpentine Jarrahdale Submission Response Table (OC18/12819)
- [OCM066.3/07/18](#) – Draft Shire of Serpentine Jarrahdale Submission Letter (OC18/12818)
- [OCM066.4/07/18](#) – Extract of Minutes Ordinary Council Meeting – 25 July 2016 – Council Decision regarding the abolition of Development Assessment Panels (E18/7140)
- [OCM066.5/07/18](#) – Special Council Meeting – 6 July 2017 – SCM006/07/17 – Formal Comment on Third Party Appeal Rights (E18/7141)

Alignment with our Strategic Community Plan

Outcome 2.1	A diverse, well planned built environment
Strategy 2.1.1	Actively engage in the development and promotion of an effective planning framework

Financial Implications

There are no direct financial implications.



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 endorse submission	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation
Council endorse submission	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Risk

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 6 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

OCM066/07/18 Officer Recommendation

That Council:

1. Endorses the draft Shire of Serpentine Jarrahdale submission on the Planning Reform Green Paper contained within attachments OCM066.2/07/18 and OCM066.3/07/18.
2. Provides the Shire of Serpentine Jarrahdale submission on the Planning Reform Green Paper to the Department of Planning, Lands and Heritage by 31 July 2018.

OCM066/07/18 COUNCIL DECISION / Amended Officer Recommendation

Moved Cr See, Seconded Cr Byas

That Council:

1. **Endorses the draft Shire of Serpentine Jarrahdale submission on the Planning Reform Green Paper contained within attachments OCM066.2/07/18 and OCM066.3/07/18 with the following modification to the Shire's response to proposal 4.1.4 contained within Attachment OCM066.2/07/18:**

'The Shire supports the need to reform the membership of the WAPC and supports having members with expertise in the 9 fields listed and would recommend that the environment also be included. However, the Shire notes that it is proposed to have 5-7 members of the WAPC, meaning that some of the 9 fields listed would not be represented. The Shire does not support this aspect of the proposal as it could result in local government and the environment not being represented.'

2. **Provides the Shire of Serpentine Jarrahdale submission on the Planning Reform Green Paper to the Department of Planning, Lands and Heritage by 31 July 2018.**

CARRIED UNANIMOUSLY 8/0

Reason for Amended Officers Recommendation:

Further consideration regarding the WA Planning Commission structure led to Officers recommending that Environment being included in the proposed structure.

**OCM067/07/18 – Items for WALGA Peel Zone Committee 30 August 2018 (SJ514)**

Author:	Tony Turner - Manager Health and Building
Senior Officer:	Andre Schonfeldt – Director Development Services
Date of Report:	11 July 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report is presented to Council to consider two items proposed for Western Australia Local Government Association (WALGA) Peel Zone's next meeting in August 2018. The first item presents issues a number of Local Governments are having with the administration and servicing of Alternative Waste Water Treatment Units (ATU's), and the second item relates to problems Local Governments and Department of Health (DoH) are having interpreting key regulations relating to the identification, staining and tracing of pet meat.

The items attached OCM067.1/07/18 and OCM067.2/07/18 were developed in brief to inform two proposed resolutions seeking WALGA Peel Zone's support, firstly for a submission to DoH to participate in a working group and undertake a review of the State model for administering ATU's. The second resolution requests the Peel Zone petitions the Department of Health on matters relating to the interpretation of pet meat legislation.

The Officers recommend Council endorse the draft Items and proposed resolutions to be presented by the Shire President on behalf of the Shire of Serpentine Jarrahdale at the next WALGA Peel Zone Committee meeting 30 August 2018.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Background

The Shire of Serpentine Jarrahdale (the Shire) is making the submission to WALGA Peel Zone regarding the administration of secondary treatment systems (ATU's), because we currently have 850 systems installed and predicts 1,000 systems within 3 years. The Shire has also undertaken ATU audits over several years and found a growing proportion of systems not being serviced or maintained correctly, and 90% of disposal areas are non-compliant, causing potential health and environmental risks. The ATU Audit Report OCM067.3/07/18 presented to Metropolitan Environmental Health Management Group (MEHMG) meetings in March 2018 and June 2018 evoked submissions from a number of outer metro and regional Councils retelling the issues and offering their support for a working group and to partition DoH for a review of the current administration model for ATU's .

The Shire is making the second submission to WALGA Peel Zone because we have the majority of the States pet meat abattoirs (four knackeries) and our Environmental Health Officers are having difficulty interpreting and applying key regulations for the identification and the definition of pet meat. After contacting other Councils, the DoH, and attaining legal advice, refer to Confidential Attachment OCM067.4/07/18 which contradicts the DoH's interpretation. It is evident that there is a lack of clarity within the industry, Local Governments and DoH. This uncertainty regarding the identification and tractability of pet meat has resulted in an untenable situation for Local Government officers responding to growing



reports and concerns from the community and other Councils that pet meat is being purchased for human consumption by individuals and restaurants.

With WALGA's advocacy and DoH support for a review and working group/s it is proposed that, short and medium term amendments can be readily implemented to key pet meat regulations, and the current model administering ATU's, which would assist Local Governments administration and improve primary public health outcomes.

Community / Stakeholder Consultation

The ATU Report has been presented to Metropolitan Environmental Health Managers Group (MEHMG) meetings on 21 March 2018 and 13 June 2018. Copies have been provided to regional Councils; Shire of Murray, Shire of Margaret River Augusta and the City of Albany. MEHMG has also referred the matters raised to DoH requesting their support. A collaboration of Local Governments has formed to develop a list of issues and the evidence to support options to be tabled at a working group.

Correspondence has been referred to all pet meat processors in the Shire and to the DoH. The letter outlines the issues interpreting key pet meat identification and tractability provisions, and requests support in developing interim working guidelines.

Statutory Environment

Legislation

- *Food Regulations 2009*
- *Food Act 2008.*
- *Health (Miscellaneous Provisions) Act 1911.*
- *Health (Treatment of Sewerage and Disposal of Effluent and liquid Waste) Regulations 1974.*

State Government Policies

- Draft Government Sewerage Policy

Local Planning Framework

- Nil

Options and Implications

Option 1: Endorse the draft Items to WALGA Peel Zone Committee

Implication – This option would enable the items to be presented to WALGA Peel Zone and ultimately may provide support for reviews of primary local government administrations.

Option 2: Endorse the draft Items to WALGA Peel Zone Committee with modifications to the resolutions.

Implication – This option would enable the items to be presented to WALGA Peel Zone and ultimately may provide support for reviews of primary local government administrations, and allow Council to make changes to the draft resolutions proposed by Officers.

Option 3: Not endorse the draft Items to WALGA Peel Zone Committee



Implication – This option would result in the Shire not presenting the items and not securing support from WALGA for reviews of primary local government administrations. Ultimately the Shire could implement its own internal responses to the issues, but with much less effect.

Option 1 is recommended.

Conclusion

While Local Governments have a primary role in regulating key public health matters such as onsite sewerage disposal and food safety, State agencies such as the DoH are the lead agency for the review and administration of state wide statutes. With WALGA's advocacy it is likely the DoH will support a working group to review the current model administering ATU's and, the DoH will consider the legal opinion provided, support the development of an interim guidance and provide a recommendation for the interpretation of key pet meat identification provisions detailed in the *Food Regulations 2009*.

The Officers recommend Council endorse the draft Items and proposed resolutions to be presented by the Shire President on behalf of the Shire of Serpentine Jarrahdale at the next WALGA Peel Zone Committee meeting 30 August 2018.

Attachments

- [OCM067.1/07/18](#) – Item 1 presented to WALGA Peel Zone Committee Meeting, 30 August 2018 (E18/7060)
- [OCM067.2/07/18](#) – Item 2 presented to WALGA Peel Zone Committee Meeting, 30 August 2018 (E18/7091)
- [OCM067.3/07/18](#) – Serpentine Jarrahdale ATU Audit Report (E18/7063)
- **Confidential OCM067.4/07/18** – Legal Advice - Definition of Pet Meat, Kott Gunning, 21 June 2018 (IN18/15350)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interest of the community.

Financial Implications

There are no direct financial implications.



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 endorse items	Almost Certain (5)	Moderate (3)	High (10-16)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Manage by applying internal controls affected by the Shires officers.
Council endorse items	Almost Certain (5)	Moderate (3)	High (10-16)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

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

A risk 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 6 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 23 July 2018

Voting Requirements: Simple Majority

OCM067/07/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Gossage / seconded Cr Byas

That Council:

- 1. Endorses the proposed Shire of Serpentine Jarrahdale agenda items and recommendations for WALGA Peel Zone Committee for 30 August 2018 meeting contained within attachments OCM067.1/07/18, OCM067.2/07/18 and OCM067.3/07/18.**
- 2. Requests the Shire President present the items and recommendations as contained within attachments OCM067.1/07/18, OCM067.2/07/18 and OCM067.3/07/18 to the WALGA Peel Zone Committee on 30 August 2018.**

CARRIED UNANIMOUSLY 8/0

**10.2 Infrastructure Services reports**

OCM068/07/18 – Removal of Three Large Tasmanian Blue Gums on Verge at 713 (L1) Nettleton Road, Karrakup (SJ781)	
Author:	Penny Hollick – Environmental and Biodiversity Officer
Senior Officers:	Pascal Balley – Manager Infrastructure & Assets Steven Harding – Director Infrastructure Services
Date of Report:	2 July 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is to seek Council's directive on the removal of three large Tasmanian Blue Gums on the verge at 713 (L1) Nettleton Road, Karrakup.

Relevant Previous Decisions of Council

CGAM100/05/09 – no further action be taken on the matter

Background

Three large Tasmanian Blue Gums (*Eucalyptus globulus*) are growing on the verge adjacent to 713 Nettleton Road, Karrakup. These trees are not native to the area, were not planted by the Shire, and are estimated to be up to 50 years old. The Blue Gums are located approximately 3.5 metres from the edge of the overhead powerlines, and are adjacent to the residence at 713 Nettleton Road, Karrakup.

Removal of the three Blue Gums was first proposed in 2006. Following objections from the resident, an arborist's report was commissioned that recommended removal due to proximity to the powerlines. Negotiations between the Shire and the resident of 713 Nettleton Road, Karrakup, failed to resolve the matter, culminating in a Council decision in 2009 that no action should be taken.

In February 2018, Western Power contacted the Shire regarding the potentially hazardous nature of the trees, and the Shire's responsibility in this matter. As the trees are on a Shire verge, it is the Shire's responsibility to maintain them pruned back from the powerlines. The resident still wants to retain the trees. The powerlines supply the outskirts of Jarrahdale, with the town site receiving power through lines running along Jarrahdale Road.

An arborist's report was commissioned in May 2018, which recommended removal of the three Blue Gums and replanting with local native trees. Removal was recommended on the basis of the need for constant hard pruning to maintain clearance from the powerlines, the amount of which would increase over time as the trees grow, and the ongoing impacts from pruning to the trees, by way of increased stress, increased pest and disease attack, and canopy suppression by climbing weed species.

Community / Stakeholder ConsultationPolicy Concept Forum

Not Applicable.

Thorough consultation has taken place with the resident over many years, with the resident requesting that Council consider retaining the three Blue Gums on their verge, with annual maintenance pruning.



Western Power has also been consulted and considers that the trees are the Shire's responsibility, with annual pruning or removal and replacement with an appropriate local native species.

Statutory Environment

- *Town Planning Scheme No. 2 – 7.12 Tree Preservation and Planting* – Removal of any tree more than 4 metres tall or with a trunk diameter greater than 150mm at 1.2 metres above ground level requires planning consent unless an exemption applies, including an exemption for immediate threat.
- *Council Policy 2.1.12 – Street Trees – Clause 19* – Sets out the conditions under which street trees (including trees on rural verges) may be removed, including unauthorised plantings, decline, and structural unsoundness.

Comment

The three large Tasmanian Blue Gums (*Eucalyptus globulus*) on the verge of Nettleton Road, Karrakup, were not planted by the Shire, and are not native to the area, originating from Tasmania. Blue Gums are a very large tree; the three in question are already larger than the surrounding local native trees and are still growing. Originating from a higher rainfall area, the trees are likely to be under a certain degree of stress, and as such are more likely to fail or lose limbs than are local trees. Failure during either summer easterly winds or winter storms from the west would impact on people and property.

Previous and current pruning of the three Blue Gums has not been in keeping with the Australian Standard "Pruning of Amenity Trees" AS4373-2007. The trees have been completely side pruned to meet Western Power's requirements for vegetative clearances relating to high voltage power lines. These large trees now have unbalanced canopies, with the strong prevailing easterly winds and all the weight on the western or roadside of the road reserve. If the trees were to fail at any point, they would most likely fall across Nettleton Road and not onto the dwelling.

The Blue Gums are located approximately 3.5 metres from the edge of the overhead powerlines, while other nearby trees are 4.5 metres from the powerlines, and are also adjacent to the residence at 713 Nettleton Road, Karrakup. The Blue Gums are located to the east of the road and powerlines, and west of the residence. Photos presented in the recent arborist's report as per attachment OCM068.1/07/18 demonstrate the size of the trees, their proximity to the powerlines, and the location of the road and residence.

Removal of the three Blue Gums was first proposed in 2006, as part of the regular pruning program of trees close to powerlines. Following objections from the resident, an arborist's report was commissioned in 2006 that recommended removal due to proximity to the powerlines, despite the good health of the trees. The arborist's report was provided to the resident, along with an offer to replace the trees with 100L stock of a suitable species.

The resident did not agree to removal of the trees, on the grounds of their health, the Shire's policy of tree protection, the irrelevance of these three trees in the context of a large pruning program, and their amenity and shade value. The resident proposed negotiating a solution when and if the trees posed an unacceptable threat. Following a meeting between the resident and the Shire, a letter was sent to the resident in March 2007 summarising the agreement reached:

- to retain the trees for two years, followed by their removal;
- the Shire is to maintain the trees in the interim; and
- the supply of three replacement trees.

Two years later, in February 2009, the resident was informed that removal of the trees would occur shortly, as per the previous agreement. The resident disputed the terms of the agreement, stating their understanding that the matter was to be reviewed and determined, and that the trees were growing away from the powerlines and becoming less hazardous.



In May 2009, the matter was referred to Council to be determined. The Council resolution stated that “*No further action be taken*” with regards to the issue.

The tree contractor at the time continued to side prune the Blue Gums as previously requested by the Works Coordinator. When the Works Coordinator resigned from the Shire of Serpentine Jarrahdale there was no written record of the agreement to undertake yearly pruning of these trees outside of the Australian Standards between the Works Coordinator and the Shire’s tendered tree contractor.

The tree contractor continued the undocumented yearly works on the three Blue Gums until they lost the tender. The new tendered contractor had no documentation listing the three trees for maintenance pruning. It has now been three years since Council conducted any maintenance pruning to clear the vegetation the required distance from high voltage powerlines. Any works conducted since 30 August 2015 would have been undertaken by Western Power’s fault crew or contracted tree company.

Western Power contacted the property owner in February 2018, seeking the resident to action pruning works to comply with legislative clearance requirements. The property owner advised Western Power that the trees are not on private property but rather on the road reserve, and therefore they have no obligation to undertake maintenance of the trees.

In February 2018, Western Power contacted the Shire to enquire whether the Shire would be taking responsibility for maintaining and pruning the trees, expressing concern regarding potential fires and the possibility of removing the trees. Further correspondence received in May 2018 stated that Western Power had determined that the trees were the responsibility of the Shire. As the trees are on a Shire verge, it is the Shire’s responsibility to maintain them pruned back from the powerlines. The resident’s desire to retain the trees is noted, however as the species grows significantly taller and larger in girth the concerns relating to safety and interference with essential services are substantial.

A second arborist’s report was commissioned by the Shire in May 2018, which recommended removal of the three Blue Gums and replanting with local native trees. Removal was recommended on the basis of:

- the need for constant hard pruning to maintain clearance from the powerlines (reducing the associated risks of fire and power outages);
- the amount of pruning required would increase over time as the trees grow;
- the level of risk of harm from the trees to the power lines; and
- the ongoing impacts from pruning to the trees, by way of increased stress, increased pest and disease attack, and canopy suppression by climbing weed species.

Shire officers support the arborist’s report for removal of the non-local Blue Gums for the following reasons:

- Eliminate pruning requirements in high-risk areas, reducing ongoing insurance and financial risk to Council;
- Eliminate potential risk of root plate failure and risk to vehicles and pedestrians due to inappropriate pruning creating an unbalanced tree canopy – these pruning works are required to meet the legislative requirements for vegetation clearance for Western Power’s infrastructure;
- Eliminate potential risk of catastrophic bushfire from vegetation shorting high voltage powerlines;
- Inappropriate species planted near high voltage powerlines, average mature height is 35 – 55 metres with a trunk diameter of 2 metres (current size under 25 metres with a trunk diameter of 88 – 125cm);
- Removal of non-local species and replanting with more appropriate local native species that will not require annual pruning works, removing the annual financial burden of approximately \$1,200 (increasing over time) on Council; and
- Pruning required is not in keeping with the **Australian Standard** “Pruning of Amenity Trees” AS4373-2007.



Initial Proposal

Option One

Council resolves that the three Blue Gums on the verge at 713 (L1) Nettleton Road, Karrakup, should be removed in the interests of public safety, based on the recommendations of the arborist's report, and their replacement with local native trees, at an estimated one-off cost of \$3,500 for tree removal and \$300 for replacement trees. The wood from the trees to be donated to Community Group(s) at the determination of the Chief Executive Officer.

Option Two

Council resolves to retain the three Blue Gums on the verge at 713 (L1) Nettleton Road, Karrakup, with annual pruning away from the powerlines at an estimated cost of \$1,200 per annum, subject to the residents agreeing to bear the risk to themselves and their property of tree retention.

Options and Implications

Officer recommendation is Option One. A qualified, professional arborist has recommended removal of the three trees.

Conclusion

The three Blue Gums on the verge at 713 (L1) Nettleton Road, Karrakup, are highly valued by the adjacent resident, who wishes to retain them. Western Power, the utility provider of an essential service, are requesting that the trees be removed on the basis of safety and provision of reliable power services. Shire Officers consider that removal may be justified due to unacceptable risk from size, characteristics, close proximity to powerlines (and related risks of fire and power outages), potential damage to people and property, and tree health. A second arborist's report has recommended removal of the trees. Council officers recommend that the three trees be removed, for the greater good of the community, cost, and risk mitigation.

Attachments

- [OCM068.1/07/18](#) – Nettleton Road, Karrakup 713 (L1) 170401 – Query on Owner of Trees – Tree Condition Report (E18/5318)
- [OCM068.2/07/18](#) – CGAM100/05/09 – Removal of Three Large Tasmanian Blue Gums at Lot 713 Nettleton Road, Karrakup (CR09/89)
- [OCM068.3/07/18](#) - #713 (L1) Nettleton Road, Karrakup – Arborist Report – Hoyer's Residence (IN06/13867)
- [OCM068.4/07/18](#) – Nettleton Road, Karrakup 713 (L1) 170401 – Query on Owner of Trees (IN18/7166)
- [OCM068.5/07/18](#) – Nettleton Road, Karrakup 713 (L1) 170401 – Query on Owner of Trees – Further Correspondence from Western Power (IN18/13121)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.3	Enhance community safety.
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community.



Financial Implications

Removal of the three trees would cost approximately \$3,500 for a total one-off cost.

Three replacement local native trees would cost approximately \$300 in total.

Annual pruning of the three trees away from the powerlines would cost approximately \$1,200 in total per year, increasing exponentially in the future as the trees grow.

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 resolves that the trees should be removed – 1. Financial cost of tree removal	Unlikely (2)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation
2. Impact on the Shire's reputation for valuing trees and customer satisfaction	Likely (4)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation
Council resolves that the trees should be retained – 1. Financial cost of annual maintenance	Unlikely (2)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation
2. Financial cost of tree failure on life, property and infrastructure	Rare (1)	Catastrophic (5)	Moderate (5-9)	Financial Impact - 5 Catastrophic - More than \$2M	Accept Officer Recommendation
3. Health and safety impact of tree failure	Rare (1)	Major (4)	Low (1-4)	Health - 4 Major - Lost time injury >5 days	Accept Officer Recommendation
4. Service interruption – loss of power from tree failure impact on lines	Rare (1)	Moderate (3)	Low (1-4)	Service Interruption - 3 Moderate - Interruption to Service Unit/(s) deliverables – backlog cleared	Accept Officer 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)
				by additional resources	
5. Impact on Shire's reputation from damage due to tree failure	Rare (1)	Major (4)	Low (1-4)	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions	Accept Officer Recommendation
5. Damage to property from tree failure	Rare (1)	Moderate (3)	Low (1-4)	Property - 3 Moderate - Localised damage requiring external resources to rectify	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 medium risk rating of 8 has been determined for one of the items. 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 23 July 2018

Voting Requirements: Simple Majority

OCM068/07/18 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Denholm

That Council:

1. Approves removal of three Blue Gums on the verge at 713 (L1) Nettleton Road, Karrakup.
2. Donates the wood from the trees to Community Group (s) as determined by the Chief Executive Officer.
3. Requests the Chief Executive Officer replace the trees with local native trees of a suitable species and size.

CARRIED 7/1

Councillor Coales in accordance with Section 5.21(4)(a), *Local Government Act 1995* requested his vote AGAINST the motion be recorded.

**10.3 Corporate Services reports**

OCM069/07/18 - Confirmation of Payment of Creditors (SJ801)	
Author:	Vicki Woods – Finance Officer
Senior Officer:	Frazer Sullivan – Director Corporate Services
Date of Report:	2 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

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.

It is recommended that Council records the payments under delegated authority.

A detailed list of invoices for the period 1 June 2018 to 30 June 2018 is provided per attachment OCM069.1/07/18. Transactions made by purchasing cards are detailed in the Purchasing Card Report 6 May 2018 to 5 June 2018 as per attachment OCM069.2/07/18.



Attachments

- [OCM069.1/07/18](#) - Creditors List of Accounts 1 June 2018 to 30 June 2018. (E18/6645)
- [OCM069.2/07/18](#) – Purchasing Card Report 3 May 2018 to 5 June 2018. (E18/6646)

Alignment with our Strategic Community Plan

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

Financial Implications

All payments that have been made are in accordance with the purchasing policy and within the approved budget, and where applicable budget amendments, that have been 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)
That Council does not accept the payments.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

Consequence / Likelihood		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
		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 6 has been determined for this item.



Voting Requirements: Simple Majority

OCM069/07/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr See

That Council records the accounts as paid under delegated authority for June 2018, totalling \$3,174,666.03 as attached, covering:

- 1. EFT Vouchers EFT51642 to EFT52074 including Purchasing Card Payment totalling \$2,987,084.90.**
- 2. Municipal Cheque Vouchers CHQ45922 to CHQ45927 totalling \$1,394.55.**
- 3. Municipal Direct Debits DD46258.1 to DD46366.31 totalling \$186,186.58.**

CARRIED 6/2

**Councillor Coales, in accordance with Section 5.21(4)(b), *Local Government Act 1995* requested the votes be recorded.
Councillors Byas, Denholm, Gossage, McConkey, Rich and See voted FOR the motion.
Councillors Coales and Piipponen voted AGAINST the motion.**



OCM070/07/18 – Monthly Financial Report – June 2018 (SJ801)	
Author:	Nick Grant – Coordinator Finance
Senior Officer:	Les Mainwaring – Manager Finance
Date of Report:	2 July 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

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 June 2018.

Relevant Previous Decisions of Council

The original budget for 2017/18 was adopted on 24 July 2017 at an Ordinary Council Meeting (OCM090/07/17). 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 2017/18 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 by Statutory Program and 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

No community consultation was undertaken / required.

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 our month end position as at the end of June 2018. Please note that this is a preliminary result for the year as the Financial Statements for 2018 are still being finalised and as such this result will change.

The municipal surplus for the month ending 30 June 2018 is \$4,684,688, which is favourable, compared to a budgeted surplus for the same period of \$3,835. This variance is attributable to the timing of capital expenditure and reserve transfers, most of which relates to the timing of the Abernethy Road project, along with the early payment of 18/19 Financial Assistance Grants.

Description	YTD Budget	30 June 2018 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2017	3,105,535	3,105,535	-
Proceeds from sale of assets	1,194,000	166,397	(1,027,603)
Changes to net transfers to and from Reserves	8,738,234	1,865,045	(6,873,189)
Changes to net transfers to and from Restricted Cash	-	9,457	9,457
Loan principal Drawdown (New loans)	2,761,924	2,761,924	-
Loan principal repayments	(478,708)	(201,459)	277,249
Capital expenditure	(24,037,906)	(11,625,866)	12,412,040
Capital revenue (cash items)	8,044,637	4,326,401	(3,718,236)
Operating revenue (cash items)	32,183,613	33,149,873	966,260
Operating expenditure (cash items)	(31,507,496)	(28,872,620)	2,634,876
	3,835	4,684,688	4,680,853

A more detailed explanation of these variances can be found in the attached report. The main variances contributing to the current decreased surplus position are timing issues relating to expenditure.

Attachments

- [OCM070.1/07/18](#) – Monthly Financial Report – Amended June 2018 (E18/6830)

Alignment with our Strategic Community Plan

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



Financial Implications

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's recommendation.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

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

A risk 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 6 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 23 July 2018

Voting Requirements: Simple Majority

OCM070/07/18 Officer Recommendation

That Council receives the Monthly Financial Report for June 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 OCM070.1/07/18.

OCM070/07/18 COUNCIL DECISION / Amended Officer Recommendation

Moved Cr Byas, seconded Cr Denholm

That Council receives the Monthly Financial Report for June 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 amended attachment OCM070.1/07/18.

CARRIED UNANIMOUSLY 8/0

Reason for Amended Officers Recommendation:

The YTD figures for Transport, Economic Services & Other Property & Services were misaligned requiring an amended attachment. There was no impact on the overall result.



10.4 Community Services reports

Councillor McConkey declared an Impartiality Interest in item OCM071/07/18. Councillor McConkey remained in the Chambers to partake in the debate and vote on this agenda item.

OCM071/07/18 - Sports Aircraft Builders Club - Update on lease negotiations (SJ975-05)	
Author:	Sara Bryan – Senior Property and Facilities Officer
Senior Officers:	Rebecca Steinki – Manager Community Development Helen Sarcich – Deputy CEO/Director Community Services
Date of Report:	5 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report provides an update in relation to lease negotiations between the Shire of Serpentine Jarrahdale (Shire) and the Sports Aircraft Builders Club (SABC) for their tenure at Yangedi Airfield, Reserve 25911, Yangedi Road, Hopeland. Council is requested to endorse the proposed amendments to the Management Order:

- Term of 32 years; and
- Purpose: Recreation and Weather Radar Activities.

Relevant Previous Decisions of Council

OCM032/03/17 – Council resolved to reject a request from the Sport Aircraft Builders Club to purchase the Yangedi Airfield from the Department of Planning Lands and Heritage (DPLH) and to provide authority to the Chief Executive Officer to negotiate a new lease between the Shire and the SABC to meet long-term objectives of both parties.

Background

Lot 164, Reserve 25911 is located at 286 Yangedi Road, Hopeland. The Shire has a Management Order over the Reserve for the purpose of Recreation with the power to lease for a period of 21 years, subject to the consent of the Minister for Lands. Town Planning Scheme No. 2 lists the site as Public Open Space.

The Shire entered into a Lease with the SABC on 19 March 2002 for a 21 year term.

The SABC is a recreational club and provides a facility for its members to build, hangar and fly their aircraft. The SABC operates an authorised light aircraft landing area but not a registered airfield. As an unregistered airfield, the site is exempt from compliance with the Civil Aviation Safety Authority (CASA) regulations, however CASA provide support and guidance for the management of unregistered infrastructure and airspace through their Civil Aviation Advisory Publication (CAAP). The CAAP also gives guidance on a code of conduct (good airmanship) to allow flexibility for pilots when flying at, or in the vicinity of, non-controlled aerodromes.

The airfield is situated within the authorised training area from Jandakot Airport which also includes the Murray Field airfield. The neighbouring sites share a Common Traffic Advisory Frequency (CTAF) for communication purposes.



In September 2009, the SABC independently approached the DPLH with a proposal to extend the lease from 21 years to 50 years with an option of a further 50 years. The objective behind this request was to align the term of tenure with the level of capital invested in development of the site. At the time, advice from the DPLH was that under normal circumstances, power to lease on a managed reserve is limited to 21 years. However, consideration may be given to extending power to lease a managed reserve for periods up to and including 42 years dependent upon the level of capital expenditure involved. The DPLH sought comment from the Shire with regard to this proposal, however, the Shire did not formally respond to this request.

In 2013, the SABC initiated a process to seek to purchase the land from the DPLH. The purpose of this request was to secure long term tenure for the property. The sale of Crown Land where a Management Order is in place is conditional on the managing body agreeing to surrender the Management Order for the land.

Following extensive consultation on this request, a recommendation was made to Council resulting in the rejection of the request to purchase the land with direction provided for a new lease to be negotiated with the SABC to meet their requested objective to secure long-term tenure of the site.

Subsequent to the last resolution of Council, the DPLH have provided in principle consent for the extension of lease term on the Management Order, subject to a formal resolution of Council requesting the Minister for Lands to consider the amendments.

Community / Stakeholder Consultation

Subsequent to the previous decision of Council, Officers have liaised extensively with all stakeholders involved in the consideration of new lease terms and conditions including the representatives of SABC Committee, the Department of Planning, Lands and Heritage, Bureau of Meteorology and DFES.

Statutory Environment

The disposal of property when dealing with community organisations is exempt from Section 3.58 of the *Local Government Act 1995* in accordance with Regulation 30 of *Local Government (Functions and General) Regulations 1996*.

The disposal of property to organisations whose activities are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and whose members are not entitled to receive any pecuniary profit from the transactions are exempt from requiring formal Council decision and public advertising process.

The revocation, amendment and reissue of Management Orders for Crown Land is dealt with in accordance with Sections 46, 50 and 51 of the *Land Administration Act 1997*.

Council's Lease and Licence Management Policy suggests that, generally, a total lease term should not be longer than 20 years. The recommendation to exceed this guideline is based on the level of capital investment by the SABC to the improvements on site and has also been considered in line with the Shire's strategic planning forecast out to 2050.



Comment

During consultation with the SABC, it was indicated that the desire to seek ownership of the Reserve was motivated by inadequate historical property management by the Shire. Concerns were raised in relation to a number of matters.

Subsequent to the decision of Council, Officers have worked with the SABC Committee to put a number of management processes in place to re-establish the relationship and strategic vision for the site. As a result the Shire and SABC are working closely in regards to the management and use of the site.

Officers have met with representatives of the SABC to discuss an appropriate lease period that will recognise the groups desire to achieve longevity and stability through a lease arrangement that is respectful of the level of capital investment in the site by the group and its members, as well as meet the current and future needs of the Shire. The SABC has indicated that members are supportive of a 32 year lease term.

Should Council proceed with the recommendation of this item, it is proposed that the management order be amended to allow a lease period of up to 32 years. The rationale for this length of term is to align with current strategic planning for the Shire, which extends to 2050. This lease period will allow for future planning for the site to be undertaken at the appropriate time taking into consideration the operations of the SABC and needs of the community.

Bureau of Meteorology – access arrangements

In 2008 the Shire entered into a lease with the Bureau of Meteorology (BOM) for a portion of the north western corner of the reserve. As the SABC have a lease for the entire reserve this should have been completed in consultation with the SABC and in order to facilitate this, the SABC would have needed to surrender the subject portion of the site. This was never formalised, and as such, the Shire technically re-leased a portion of the SABC's leased area to the BOM.

In initial discussions with the DPLH, they were seeking to request that the BOM Lease area be excised from the lot with a new reserve being created with a use of Weather Radar Activities. The BOM lease area is an insignificant portion of the parent land parcel, and at only 208m² out of a 650,000m² site is less than 1% of the original reserve. Furthermore, based on the physical layout and access arrangements of the site, the BOM would still require use of the SABC's access road, which the DPLH suggested would require an additional shared use agreement.

Further negotiations with the DPLH progressed to seek approval for the use of Weather Radar Activities to be added to the Management Order for the reserve, and for the BOM lease to be assigned to the SABC for ongoing management.

The BOM lease is for a period of 10 years expiring September 2018 and contains an option to extend for a further 10 year term. The annual rental amount paid by BOM is \$1,864.50 ex GST. Should Council resolve to proceed with the recommendation of this item a deed of assignment will be drawn up between the Shire, the SABC and the BOM. On assignment of the lease to the SABC the annual rental amount will become payable by BOM to the SABC, this income will assist the group with costs such as maintaining the access road that also services the BOM site.

Department of Fire and Emergency Services– access arrangements

The Shire facilitates access arrangements for the Department of Fire and Emergency Services (DFES) to use a portion of the site on an annual basis between the months of November and April. DFES require access to the site for the accommodation of a helicopter and the construction of required ancillary infrastructure to provide emergency fire response to high risk areas within the region. A letter from the



SABC, dated 21 November 2011 (IN14/24311) is retained on the property file to note their ongoing approval for the DFES to access the site at any time for the purpose of firefighting, however no formal agreement exists to protect this arrangement.

This will be documented and protected within the new lease agreement to ensure security of this essential service into the future.

Conclusion

It is recommended that Council request the Minister for Lands to amend the Management Order for the reserve to increase the Power to Lease to 32 years and amend the permitted purpose to include an additional use of Weather Radar Activities, noting the following lease terms;

- Annual rental of \$1.00 in accordance with Council Policy 5.1.3 Lease and Licence Management;
- Lease term of 32 years;
- Permitted purpose of Recreational Airfield and associated activities including light aircraft maintenance, aerial firefighting aircraft support and air rescue and weather radar activities;
- SABC to be responsible for all outgoing and insurances associated with occupation of the site, inclusive of local government rates.

Attachments

Nil

Alignment with our Strategic Community Plan

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

Financial Implications

The assignment of the BOM lease to the SABC will result in the loss of income to the Shire to the value of \$1,864.50 per annum.

Reduce account BOR110 by \$1,864.50 for the financial year 2018/2019.



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 rejects the officers recommendation	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
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 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

OCM071/07/18 Officer Recommendation

That Council:

1. Requests the Minister for Lands amend the Management Order for Lot 164 Yangedi Road (Reserve 25911) to increase the Power to Lease to a term of 32 years and the permitted purpose amended to Recreation and Weather Radar Activities.
2. Notes the key lease terms between the Shire of Serpentine Jarrahdale and the Sports Aircraft Builders Club as:
 - a) Lease term of 32 years;
 - b) Annual rental of \$1.00 in accordance with Council Policy 5.1.3 Lease and Licence Management;
 - c) Permitted purpose of Recreational Airfield and associated activities including light aircraft maintenance, aerial firefighting aircraft, support and air rescue and weather radar activities;
 - d) Sports Aircraft Builders Club to be responsible for all outgoings and insurances associated with their occupation of the site, inclusive of local government rates and service charges.
3. Reduces the income account BOR110 by \$1,864.50 to reflect the loss of rental income from the reassignment of the BOM lease to Sports Aircraft Builders Club.

OCM071/07/18 COUNCIL DECISION / Alternate Councillor Recommendation

Moved Cr Gossage, seconded Cr Coales

That Council:

1. **Requests the Minister for Lands amend the Management Order for Lot 164 Yangedi Road (Reserve 25911) to increase the Power to Lease to a term of 32 years and the permitted purpose amended to Recreation and Weather Radar Activities.**
2. **Notes the key lease terms between the Shire of Serpentine Jarrahdale and the Sports Aircraft Builders Club as:**
 - a) **Lease term of 32 years;**
 - b) **Annual rental of \$1.00 in accordance with Council Policy 5.1.3 Lease and Licence Management;**
 - c) **Permitted purpose of Recreational Airfield and associated activities including light aircraft maintenance, aerial firefighting aircraft, Shire Bushfire Services and air rescue and weather radar activities;**
 - d) **Sports Aircraft Builders Club to be responsible for all outgoings and insurances associated with their occupation of the site, inclusive of local government rates and service charges.**



Continued

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3. Reduces the income account BOR110 by \$1,864.50 to reflect the loss of rental income from the reassignment of the BOM lease to Sports Aircraft Builders Club.

CARRIED BY ABSOLUTE MAJORITY 8/0

Reason for change to Officers Recommendation

Recommendation 2c) was amended to include Shire Bushfire Services to ensure that Council Firefighting uses are recognised.



Councillor Coales declared an Impartiality Interest in item OCM072/07/18. Councillor Coales remained in the Chambers to partake in the debate and vote on this agenda item.

OCM072/07/18 – Sponsorship of Australasian Police and Emergency Services Games (SJ2276)	
Author:	Helen Sarcich – Deputy CEO/Director Community Services
Senior Officer:	Kenn Donohoe - Chief Executive Officer
Date of Report:	25 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to consider a request from the Western Australia Police Sport Federation (WAPSF) to sponsor the 2018 Australasian Police and Emergency Services Games.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

The Australian Police and Emergency Services Games is a biennial event founded in 1984 with the intention of bringing Police Service personnel together under the common banner of sport. Since this time, the competition has expanded to include all full-time Emergency Services personnel from Australia, New Zealand and other Pacific Nations.

In 2018, the 17th Australasian Police and Emergency Services Games will be hosted by the City of Mandurah with events being held in Mandurah and the Peel from 28 October to 3 November 2018.

The Shire has been approached by WA Police Sports Federation (WAPSF) to sponsor the Equestrian, Cycling - Road Race and Cycling - Time trial event categories. These events will occur over a 3 day period between 31 October (set-up) and 1 and 2 November (event).

The Shire does not currently have a policy to guide the determination of this sponsorship request as the nature of the sponsorship falls outside of Council Policy 5.2.2 - Community Grants and therefore the matter is referred to Council for decision.

Community / Stakeholder Consultation

Nil

Statutory Environment

Nil



Comment

The games are anticipated to bring thousands of competitors and their supporters to the Peel region and sponsorship of Equestrian, Road Race and Time Trail Cycling events will result in a large number of competitors and visitors using facilities in the Shire.

The original sponsorship request was as follows:

- Hall Hire Fees x 2 days total value \$772.00 (fee waiver);
- Oval Hire x 2 days total value \$466.90 (fee waiver);
- Grounds Surface fee \$12.15 per horse (x 50 horse estimated) total value \$607.50 (fee waiver);
- Variable message board use total value \$600 (in-kind); and
- Marketing total value \$1,590 (\$1,000 in-kind, \$590 commitment from budget).

Total value of sponsorship request \$4,036.40.

Noting the recent adoption of the 2018/19 fees and charges, Officers propose the following sponsorship amounts (figures all ex GST). The WAPSF have confirmed they will cover all costs associated with the cycling component of the event (such as traffic management):

- Event fee (for Equestrian component only): Assessment of Application and issue Certificate of Approval (\$561 fee waiver)
 - Hall Hire Fees x 2 days total value (\$509.12 fee waiver)
 - Oval Hire x 2 days total value (max amount \$949.14 fee waiver)
- Note: this amount is based on two ovals, however one oval may not be required and is subject to further event application detail.*
- Grounds Surface fee \$11.18 per horse (x 50 horse estimated) total value \$559 (fee waiver)
 - Marketing total value \$1,590 (\$1000 in-kind, \$590 commitment from budget)

Total revised value of sponsorship is proposed to be \$4,168.26. Unfortunately, at this time it is not possible to provide the Shire variable message board. Use of a variable message board will need to be sourced and paid directly to a hire company by WAPSF.

WAPSF will pay the required Bond payments for the Oval Hire at a flat rate of \$350.00 and a Hall Hire Bond of \$1,200. Officers propose that any other expenses identified throughout the event application and approval process will need to be covered by WAPSF.

The sponsorship benefits to be received by the Shire are as follows:

- Signage at all Equestrian, Cycling – Road Race and Cycling – Time Trial sports events (3 days).
- Medal presentation opportunities / acknowledgment of the sponsorship relationship at selected sporting events.
- Brand exposure on Games website.
- Brand exposure in Games related publications and social media platform.
- Inclusion of advertising / promotional material in participant registration packs.



It is considered that sponsorship of this event will bring many benefits to the Shire including an increase in visitors to the Shire during the event and exposure through media coverage of the event both nationally and internationally.

Options and Implications

Option One – Officer Recommendation

Council supports the sponsorship of the Australasian Police and Emergency Services Games as detailed in this report, and subsequently the holding of the three events in the Shire.

Option Two

Council do not support the sponsorship of the Australasian Police and Emergency Service Games.

Conclusion

The Shire has been approached by WA Police Sports Federation to sponsor the Equestrian, Cycling - Road Race and Cycling - Time trial event categories as part of the 17th Annual Australasian Police and Emergency Services Games. These events will occur over a 3 day period between 31 October (set-up) and 1 and 2 November (event).

The Shire does not currently have a policy to guide the determination of this sponsorship request as the nature of the sponsorship falls outside of Council Policy 5.2.2- Community Grants and therefore the matter is referred to Council for decision. The total value of sponsorship proposed is to be no greater than \$4,168.26, subject to final event details on oval requirements. Any other expenses identified throughout the event application and approval process will need to be covered by the event organisers.

Attachments

- **Confidential OCM072.1/07/18** – Suppliers and Providers Agreement - Australasian Police and Emergency Service Games (E18/6469)

Alignment with our Strategic Community Plan

Outcome 3.2	A vibrant tourist destination experience.
Strategy 3.2.1	Actively support tourism growth within the district.
Outcome 4.1	A resilient, efficient and effective organisation.
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community.



Financial Implications

Sponsorship of this event has benefits and outcomes consistent with the objectives of the Community Grants Programme however exceeds the \$1,500 limit for Minor and Event Grants. The 2018/2019 budget does not have funds allocated for sponsorship of this type. It is proposed to fund the sponsorship of this event from the Major Grants Scheme on this occasion. Further work on the Grants Program and a Policy to guide Officers on Sponsorships, Donations and Community Facility Fee Waivers will be developed and workshopped with Council in September 2018.

Sponsorship Item	Sponsorship Value (ex GST)	Account To Be Reduced
Event fee (for Equestrian component only)	\$561.00	LFP528
Hall Hire Fees	\$509.12	LFP528
Oval Hire Fees (max amount)	\$949.14	LFP528
Grounds Surface Fee	\$559.00	LFP528
Marketing	\$1,000.00 \$590.00	In-kind LFP528

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 do not support the sponsorship request	Unlikely (2)	Major (4)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation. It is unknown whether the event will occur within the Shire without Council support

**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 8 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

OCM072/07/18 Officer Recommendation

That Council:

1. Supports the request to sponsor the Australasian Police and Emergency Services Games as per confidential attachment OCM072.1/07/18 and detailed in this report.
2. Approves the sponsorship amount of \$4,168.26 be expended from the Major Grants Scheme 2018/2019 budget.

OCM072/07/18 COUNCIL DECISION / Alternate Councillor Recommendation

Moved Cr Gossage, seconded Cr See

That Council:

1. **Supports the request to sponsor the Australasian Police and Emergency Services Games as per confidential attachment OCM072.1/07/18 and detailed in this report.**
2. **Approves the sponsorship amount of \$4,168.26 be expended from the Major Grants Scheme 2018/2019 budget.**
3. **Requests, as part of the approval for sponsorship, the organisers actively promote the Shire of Serpentine Jarrahdale in its marketing material.**

CARRIED UNANIMOUSLY 8/0

Reason for change to Officer Recommendation

Recommendation 3. was added to ensure that the Shire of Serpentine Jarrahdale is acknowledged for its financial commitment.



OCM073/07/18 – Provision of Contestable Power (SJ2493)	
Author:	Sara Bryan – Senior Property and Facilities Officer
Senior Officers:	Rebecca Steinki – Manager Community Development Helen Sarcich – Deputy CEO/Director Community Services
Date of Report:	25 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is to request Council approve the successful tender and award the contract for the provision of contestable power for a period of three (3) years.

Relevant Previous Decisions of Council

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

Background

Electricity supply is split into two categories, contestable and non-contestable.

A contestable energy customer can choose their own electricity retailer if:

- They use more than 50 MWh (about \$15,300) of electricity per year; or
- Their distributor is not Western Power (i.e. they are not in the South West Interconnected System area - SWIS).

If a customer owns several properties, they cannot combine the amount of electricity that they use at each property to determine whether they are contestable or not.

Non-contestable energy sites are provided by Synergy.

The Shire currently has five (5) sites that qualify for non-contestable energy supply:

- Serpentine Sports Reserve - Lot 778 Karnup Road, Serpentine.
- Administration Building - 6 Paterson Street, Mundijong.
- Jarrahdale Communications Tower - Lot 22 Kingsbury Drive, Jarrahdale.
- Mundijong Oval - Paterson Street, Mundijong.
- Briggs Park Precinct – Mead Street, Byford.

In March 2018 the contract for Contestable Power supply expired and a three (3) month temporary contract was negotiated with Synergy to allow for a tender process to be undertaken to secure a three (3) year contract for the period 1 August 2018 to July 2021.

Based on current usage and associated charges, the Shire's spend on contestable energy over a three (3) year contract period is estimated to be in excess of \$500,000 which activates the requirement to seek tenders for this service under Council Policy 3.2.4- Purchasing.



The Shire of Serpentine Jarrahdale (Shire) invited tenders for Provision of Contestable Power from Saturday 21 April 2018 to Tuesday 15 May 2018.

One tender submission was received and assessed by the Tender Evaluation Panel against weighted Qualitative criteria and value for money.

The Tender Evaluation Panel agreed that the submission from Electricity Generation and Retail Corporation T/A Synergy was acceptable to the Shire. Accordingly, Council approval is sought to select Electricity Generation and Retail Corporation T/A Synergy as the preferred tenderer for Provision of Contestable Power.

Community / Stakeholder Consultation

A Tender Evaluation Panel, comprising of Officers from Community Services, Infrastructure and Assets Directorates individually assessed the tender against the weighted qualitative criteria.

As there was only one submission and pricing weighted at 80% and no possible influence on the assessment of the qualitative criteria, the pricing was provided to the Tender Evaluation Panel as part of assessment.

The Shire's Procurement Officer facilitated the tender evaluation process and confirms that the procedural aspects relating to the evaluation of the tender were compliant.

Statutory Environment

This procurement process complies with both the *Local Government Act 1995* (the "Act") and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the "Regulations").

The following Council Policies apply:

- Council Policy 3.2.4 – Purchasing
- Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering.

Comment

Procurement Process

The tender closed at 2:00pm on Tuesday 15 May 2018. Tenders were received from the following:

1.	Electricity Generation and Retail Corporation T/A Synergy	PERTH WA 6000
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The tender was assessed using the following weighted qualitative criteria approved under Delegated Authority 1.1.16 - Tenders for Goods and Services.

Qualitative Criteria	Weighting
<ul style="list-style-type: none">• Methodology• Supply Agreement• Service Structure• Source of generation	20%
Price	80%
TOTAL	100%

Pricing

On completion of the qualitative criteria assessment, a member of the Tender Evaluation Panel completed a cost analysis assessment using the usage figures available for the period 1 January 2016 to 31 December 2017. In applying the tendered price to the usage figures for this period there was an approximate increase of 0.69%.

This assessment is detailed in Confidential attachment OCM073.1/07/18.

Based on the panel's evaluation, the submission from Electricity Generation and Retail Corporation T/A Synergy is considered to be a satisfactory tender based on their performance in the qualitative criteria and price offered and is therefore recommended as the preferred tenderer.

Clarification

The Shire requested additional information from Synergy in regards to the pricing difference within the submission as the term is three (3) years compared to the previous three (3) month contract.

Synergy response was that 'as pricing was done at different times, our cost price was different and also the term of the contract different'.

The Shire also clarified that '*All Tenders will remain valid and open for acceptance for a maximum period of ninety (90) days from the Deadline unless extended on mutual agreement between the Principal and the Respondent in writing*' as Synergy advised their submitted offer was valid for one month.

Synergy accepted the Shire's validity clause and their offer is valid for 90 days from date of submission.

Options and Implications

Option One (Officer Recommendation)

That Council approves Electricity Generation and Retail Corporation T/A Synergy, ABN 58 673 830 106 as the preferred tenderer and awards contract under Tender RFT01/2018 for the Provision of Contestable Power for a period of three (3) years, commencing on 01 August 2018 and expiring on 31 July 2021.

Option Two

That Council not approve the tender and instruct the Chief Executive Officer to continue to negotiate short-term contracts for contestable power provision.



Conclusion

The preferred tender has demonstrated the ability to deliver of the scope as per the tender requirements and it is the Officer's recommendation that the tender be accepted for provision of contestable energy supply.

Attachments

- **Confidential OCM073.1/07/18** - Preferred Tender – Cost Analysis (E18/6389)

Alignment with our Strategic Community Plan

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

Financial Implications

The financial implications are outlined in Confidential OCM0073.1/07/18 - Preferred Tender – Cost Analysis.

As per the outcome of the cost analysis assessment detailed in the Comment section of this report, the overall annual cost of electricity consumption will increase by 0.69%, which equates to an increase on the 2017/2018 financial year contestable power charges of approximately \$971.28.

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 proceed with the officer's recommendation	Unlikely (2)	Moderate (3)	Moderate (5-9)	Service Interruption - 3 Moderate - Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources	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 6 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

OCM073/07/18 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Byas

That Council approves Electricity Generation and Retail Corporation T/A Synergy, ABN 58 673 830 106 as the preferred tenderer and awards contract under Tender RFT01/2018 for the Provision of Contestable Power for a period of 3 years, commencing on 01 August 2018 and expiring on 31 July 2021.

CARRIED UNANIMOUSLY 8/0

**10.5 Office of the CEO reports**

OCM074/07/18 – Enterprise Bargaining Agreement 2016 – Operations Team (SJ2140)	
Author:	Leani Simpson – Manager Human Resources
Senior Officer/s:	Kenn Donohoe - Chief Executive Officer
Date of Report:	6 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report is presented to Council to endorse the Operations Team Enterprise Bargaining Agreement (EBA).

Relevant Previous Decisions of Council

OCM126/04/12 – Operations Team Enterprise Bargaining Agreement 2012

Background

The Shire's Operations Team has been covered by a collective agreement since 2007. Previous negotiated agreements include:

- Operations Team Union Collective Agreement 2007
- Operations Team Enterprise Bargaining Agreement 2012

Community / Stakeholder Consultation

An EBA Working Group was established with representatives from the employer and employees. Members from the employer group included the Director Infrastructure, Manager Human Resources, Human Resources Officer, Manager Operations with limited involvement from the Director Corporate Services. The Working Group also consisted of four employee representatives and a member of the LGRCEU (Union). The working group met on a regular basis during the negotiation phase to work through each clause of the proposed EBA.

Statutory Environment

The legislative instruments that cover this agreement are:

- *Fair Work Act 2009 (Cth)*
- *Fair Work Regulations 2009*
- *Local Government Industry Award 2010*

Tight timelines apply to the approval process for the EBA. The Shire is required to align the approval of the proposed EBA with OCM as well as the strict Fair Work Commission voting and submission requirements.

The *Fair Work Act 2009 (Cth)* requires the following during the final stages of the Enterprise Bargaining Process:



- **7 days access period (s180 FW Act):** Employer to provide employees with seven clear calendar days before the employees vote to adopt the proposed agreement. Packs were distributed to employees on 7 June 2018.
- **Employee Vote (s182 FW Act):** The vote will be conducted by secret ballot on 20 June 2018. An agreement will be made when a majority of those employees who cast a valid vote approve the agreement.
- **Submit Agreement to Fair Work Commission (FWC) (s185 FW Act):** The employer must apply to the FWC for approval of the agreement within 14 days after the agreement is made. This requires the Shire to submit the agreement for approval by the FWC by no later than 4 July 2018.
- **EBA Approval (s193 FW Act):** The FWC will consider if the agreement passes the 'better off overall test' (BOOT) among other things. An agreement will pass the BOOT if the FWC is satisfied that each Award covered employee for the agreement would be better off overall if the agreement applied to the employee, than if the Award applied to the employee.

Comment

The Shire, with representatives from the Employees, Management, Human Resource Team and the LGRCEU* (Union Representative), was engaged in discussions to negotiate the new terms and conditions for the new Operations Team Enterprise Bargaining Agreement (EBA). This agreement covers employees who work within the Operations Team, including the Supervisors and Coordinator, but excluding Administration staff and the Manager Operations.

* Western Australian Shire Councils Municipal Road Boards Health Boards Parks Cemeteries and Race Courses Public Authorities Water Boards Union

Changes that have been incorporated into the new EBA include:

- A new Classification structure;
- Legislative changes;
- Negotiated employee and operational requirements;
- Salary structure based on budget allocations.

The EBA supports improved productivity and efficiency by tailoring terms and conditions to suit the needs of both the employees and the Shire. The agreement will stand alone, and replaces in its entirety the following industrial instruments:

- Serpentine Jarrahdale Shire Operations Team Enterprise Bargaining Agreement 2012;
- *Local Government Industry Award 2010 (Award)*, unless specifically referred to in the agreement;
- Any other award that replaces these instruments.

All parties, throughout the process, conducted the negotiation phase in good faith with full cooperation, through a significant period of change within the organisation. Preliminary discussions with staff covered by the agreement indicate support.

Initial Proposal

To support the Operations Team and the contribution they make towards our Shire by adopting the Operations Team Enterprise Bargaining Agreement 2016.



Classification Structure

Considerable time was dedicated to the development of a new classification structure that defines clear and measurable selection criteria, equipping staff and management with the tools to measure performance and conduct effective workforce planning.

The new classifications will reflect the structure within the Award. By incorporating the levels shown in the Award, the Shire will have the capability to assess position descriptions on merit, broadening the scope to ensure positions are aligned fairly within the appropriate classification. It also enables staff with the opportunity to develop and progress within the respective levels.

The process to classify employees was completed independently with the engagement of a consultant who worked with the relevant employees to review the position descriptions and classify the positions.

The classifications can be found on Page 25 of the proposed agreement as contained in Appendix 2 of Confidential OCM074.1/07/18.

In summary, there are nine levels, with the majority of the employees covered by the Agreement classified between Level 3, 4 and 5, with senior staff classified up to level 8. Provision has also been made for apprentices and trainees.

Legislative and Negotiated Changes

The *Fair Work Act 2009 (Cth)* governs the minimum working standards for all employees. For the EBA to be approved by Fair Work Australia (FWA) it must not contain any unlawful content and must comply with the minimum standards as set out in the Act. As a result, several changes were made to ensure compliance, with the following clauses either added, removed or significantly changed:

- Cross check against the Award and National Employment Standards throughout the agreement
- Provisions to include Casual Employees were incorporated throughout the agreement
- Include: On Call provisions – Clause 14
- Include: Model Flexibility Term – Clause 27
- Include: Global Positioning System (GPS) provisions – Clause 28
- New Classification System – Appendix 2
- Removal: Spread of Hours, Block System – Clause 11.3 of the previous EBA

Options and Implications

To adopt the proposed EBA for submission to the Fair Work Commission. The Shire is required to submit the agreement to the Fair Work Commission within 14 days following the employee vote, which will occur on 20 June 2018. An implication of the agreement not being approved by Council may result in a breach of the *Fair Work Act 2009 (Cth)*, s185.

Conclusion

The EBA Working Group successfully negotiated the proposed agreement, taking into consideration the needs of the Shire and the value we place on our staff in the Strategic Community Plan. The proposed agreement aligns with our values and complies with budget and legislation.

It is recommended that Council adopts the Operations Team Enterprise Bargaining Agreement 2016.

Attachments

- **Confidential OCM074.1/07/18** – Shire of Serpentine Jarrahdale Operations Team Enterprise Bargaining Agreement 2016 (E18/5766)



Alignment with our Strategic Community Plan

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

Financial Implications

Across the 31 staff covered by the Shire of Serpentine Jarrahdale Operations Team Enterprise Bargaining Agreement 2016, the total cost is \$39,844 and is included in the 2018/19 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)
The outcomes should Council not accept the EBA for the Operations Team	Unlikely (2)	Minor (2)	Low (1-4)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

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

A risk 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: Absolute Majority

OCM074/07/18 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Byas

That Council

- 1. Endorses the principles of the Shire of Serpentine Jarrahdale Operations Team Enterprise Bargaining Agreement 2016, as outlined in confidential attachment OCM074.1/07/18.**
- 2. Instructs for the Chief Executive Officer to lodge the Shire of Serpentine Jarrahdale Operations Team Enterprise Bargaining Agreement 2016 with the Fair Work Commission.**
- 3. Notes that the agreement will be effective seven days after approval by the Fair Work Commission. From this date on, the employee's terms and conditions will be derived from the proposed enterprise agreement.**

CARRIED BY ABSOLUTE MAJORITY 8/0

**10.9 Confidential reports****COUNCIL DECISION****Moved Cr See, seconded Cr McConkey**

That the meeting be closed to members of the public at 8.00pm whilst item OCM075/07/18 is discussed pursuant to section 5.23(2)(e), (f) and (h) of the Local Government Act 1995 and item OCM076/07/18 is discussed pursuant to 5.23(2)(b) of the Local Government Act 1995.

CARRIED UNANIMOUSLY 8/0*Local Government Act 1995**5.23 Meetings generally open to the public*

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
- (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*

and
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*



OCM075/07/18 – Confidential - Section 31 Reconsideration - Proposed ‘Rural Worker’s Dwelling’ with Associated Outbuilding and Water Tanks at L423, 371 King Road, Oldbury (SJ2537)

Author:	Heather Coles-Bayes – Planning Officer
Senior Officers:	Ashwin Nair – Manager Statutory Planning and Compliance Andre Schonfeldt – Director Development Services
Date of Report:	31 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM075/07/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Coales, seconded Cr See

That Council approves the development application submitted by Michael Glendinning Property on behalf of Addstam Pty Ltd on Lot 423, 371 King Road, Oldbury as contained in confidential attachment OCM075.2/07/18 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:

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

Plans and Specifications	Plans P1 – P7 received at the Shire’s Offices on 13 November 2017, 25 May 2018, 7 June 2018 and Bushfire Attack Level Assessment dated October 2017.
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2. The occupancy of the dwelling is restricted to the rural worker/s working at the approved ‘Rural Use’ on the subject site and their immediate family.
3. Prior to the occupancy of the dwelling, a Section 70A Notification shall be placed on the Certificate of Title for the subject property, at the cost of the applicant. The Section 70A Notification shall state as follows:

“The ‘Rural Worker’s Dwelling’ shall be occupied only by person/s working at the approved ‘Rural Use’ on the subject site and their immediate family.”

4. No vegetation, other than the two trees shown for removal on the driveway of the approved plan (P3) shall be removed unless otherwise approved by the Shire of Serpentine Jarrahdale.
5. Prior to commencement of works, a detailed plan showing the drain crossing shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved the plan shall be implemented and maintained thereafter.

CARRIED UNANIMOUSLY 8/0



Councillor Gossage declared a Financial Interest in item OCM076/07/18. Councillor Gossage left the Chambers at 8.03pm while this item was discussed.

OCM076/07/18 – Confidential – Selection of Volunteer Chief Bush Fire Control Officer (SJ514)	
Author:	Jim Johnson – Manager Rangers & Emergency Services
Senior Officer/s:	Andre Schonfeldt – Director Development Services Kenn Donohoe – Chief Executive Officer
Date of Report:	5 July 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM076/07/18 COUNCIL DECISION / Alternate Councillor Recommendation

Moved Cr Coales, seconded Cr Piipponen

That Council

1. **Accepts the unanimous recommendations from the Captains and the independent consultant that interviewed and reviewed the applications for the role of Chief Bushfire Control Officer**
2. **Requests the Chief Executive Officer to:**
 - a) **Not appoint any of the candidates who applied for the position of Volunteer Chief Bush Fire Control Officer, and to thank them for their applications, time and effort spent in preparing for the interviews.**
 - b) **Work with the Captains, Chief Bush Fire Control Officer and Deputy Bush Fire Control Officers on how and what succession planning should involve.**
 - c) **Consider options to reduce the administrative burden on Volunteer Chief Bush Fire Control Officer including options for an Emergency Services Officer to be employed by the Shire and partly funded by DFES.**

CARRIED 4/3

Councillor Rich, in accordance with Section 5.21(4)(b), *Local Government Act 1995* requested the votes be recorded for those against the motion. Councillors McConkey, Byas and Rich voted AGAINST the motion.

Reason for change to Officers Recommendation

Recommendation 2b from the Officers recommendation was removed and Council requested that the Chief Executive Officer work with the Captains, Chief Bushfire Control Officer and Deputy Bush Fire Control Officers on succession planning.

Councillor Gossage returned to the meeting at 8.23pm.



COUNCIL DECISION

Moved Cr Byas, seconded Cr Denholm

That the meeting be reopened to the public at 8.24pm

CARRIED UNANIMOUSLY 8/0

The Chief Executive Officer advised Councillor Gossage and members of the public that the Officers Recommendation for OCM075/07/18 was carried unanimously 8/0 and that an alternate Councillor Recommendation for OCM076/07/18 was carried 4/3.

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. The State Government during the state election campaign in February 2017 promised \$200,000 for the Shire of Serpentine Jarrahdale volunteer fire brigades. Has this money been received?

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

13. Closure

There being no further business, the Presiding Member declared the meeting closed at 8.30pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 27 August 2018.

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Presiding Member

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Date