



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Minutes

Monday, 24 July 2017

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



Table of Contents

1. Attendances and apologies (including leave of absence):.....	4
2. Public question time:	4
2.1 Response to previous public questions taken on notice:.....	4
2.2 Public questions:	5
3. Public statement time:	8
4. Petitions and deputations:.....	9
5. President's report:.....	10
6. Declaration of Councillors and Officers interest:.....	11
7. Confirmation of minutes of previous Council meeting(s):	11
7.1 Ordinary Council Meeting – 26 June 2017:.....	11
7.2 Special Council Meeting – 6 July 2017	11
8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meetings:.....	11
8.1 Planning reports:.....	12
OCM083/07/17 - Retrospective Sea Containers - Lot 32, 22 Selva Place, Oakford (PA17/329)	12
OCM084/07/17 - Section 31 Reconsideration – Lot 725 Selkirk Road, Serpentine – Ancillary Dwelling (SJ2080)	19
OCM085/07/17 - Jarrahdale Static Water Supply Project and Royalties for Regions Grant Funding (SJ1069-02).....	28
OCM086/07/17 - Local Emergency Management Committee Information Report (SJ716- 02)	33
OCM087/07/17 - Adoption of the Shire of Serpentine Jarrahdale Strategic Community Plan 2017-2027 and Corporate Business Plan 2017-2021 (E17/5579).....	35
8.2 Engineering reports:	42
OCM088/07/17 - Mead Street Road Closure for Power Transformer Relocation – Corner of Mead Street and Gargett Lane, Byford (SJ141).....	42
OCM089/07/17 - Black Spot Program for the 2018/19 Financial Year (SJ138).....	44
8.3 Corporate and Community reports:	49
OCM090/07/17 - Adoption of 2017/18 Budget.....	49
OCM091/07/17 - Confirmation of Payment of Creditors (SJ514-08).....	59
OCM092/07/17 - Deferral of June 2017 Monthly Report (SJ801)	61
OCM093/07/17 – BMX Track Lighting Upgrade and Proposed Licence Agreement – Byford BMX Club Inc (SJ1967 & SJ975-05).....	63
OCM094/07/17 - Request for Lease – Hugh Manning Tractor and Machinery Museum Inc (SJ541).....	68
OCM095/07/17 - Landcare SJ Inc – Funding Agreement (P03799).....	72
OCM096/07/17 - Adopt Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017 (SJ2185)	75
OCM097/07/17 - Adoption of Council Policy – Related Party Disclosures (SJ526)	79



OCM098/07/17 - Community Grants Guidelines.....	82
OCM099/07/17 - Peel Equine Strategy (SJ2290).....	86
8.4 Audit, Risk and Governance Committee reports:	89
8.5 Confidential reports:	89
CEC001/07/17 – CONFIDENTIAL – Chief Executive Officer Employment Contract – Performance Criteria (SJ2071)	89
9. Motions of which notice has been given:	90
10. Chief Executive Officer reports:	90
11. Urgent business:	90
12. Councillor questions of which notice has been given:.....	90
13. Closure	91



Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 24 July 2017. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid his respects to their Elders past and present.

Minutes

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

In Attendance:

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

Officers: Mr K Donohoe Chief Executive Officer
Mr A Schonfeldt Director Planning
Mr D Elkins Director Engineering
Mr P Kocian Acting Director Corporate and Community
Ms K Cornish Governance Advisor
Ms A Liersch Minutes and Governance Officer (Minute Taker)

Leave of Absence: Nil

Apologies: Councillor S Piipponen

Observers:

Members of the Public – 17
Members of the Press – 1
Shire Officers - Nil

2. Public question time:

2.1 Response to previous public questions taken on notice:

There were no questions taken on notice at the Ordinary Council Meeting held on 26 June 2017.



2.2 Public questions:

Public question time commenced at 7.01pm.

Mrs Lee Bond, PO Box 44, Armadale WA 6112

Question 1

Was there an agreement between the Serpentine Jarrahdale Shire Council and the Byford District Country Club to pay 2.3 million dollars to the Serpentine Jarrahdale Shire Council? If yes, why only 2.175 million accounted for and why now claiming GST excluded and where is the rest of the payment?

Response

The Funding Agreement obligated the BDCC to fund the cost of the project, less the Shire Contribution and Grants. To that extent, the BDCC Contribution was potentially variable (to the extent the cost of the Project could vary), whereas the Shire contribution and grants were not. Accordingly, the parties agreed that the BDCC would bear the risk of Project costs exceeding the estimated and, conversely, would have the benefit of a reduced contribution in the event that project costs were less than the estimated amount. As the project cost came in under the indicative project budget contained within the Funding Agreement, the BDCC was the recipient of these savings amounting to \$125,000.

Question 2

Who is responsible for the control of Council Officers and Staff employed by Serpentine Jarrahdale Shire Council, does the President of Serpentine Jarrahdale Shire Council have any control over Council Officers or staff for any reason at all?

Response

The Chief Executive Officer is responsible for the employment, management supervision, direction and dismissal of employees in accordance with section 5.41 of the Local Government Act 1995. Elected Members are not responsible for, or able to instruct or direct employees.

Question 3

Has Councillor Gossage accepted the increase in councillor sitting fees and has any councillor other than Councillor Atwell changed their mind since this was passed and now rejects the increase in sitting fees?

Response

Council resolved on elected member fees and allowances at the Ordinary Council Meeting of 22 May 2017. All Councillors are entitled to the fees and allowances that were determined by Council pursuant to the Local Government Act 1995 – Local Government Payments and Gifts to its Members. It is up to individual Councillors as to whether they wish to accept the entitlements.

Morgan Byas, 101 Peters Way Oakford, WA 6121

Question 1

Referring to the road safety article which appeared on the front page of the Examiner Newspaper (29 June 2017), the Shire President stated that the Shire was developing a "Road Hierarchy Model". Can Council provide detail on what is meant by the term "Road Hierarchy Model" and clarify its purpose?

Response

A road hierarchy is a way to prioritise management of a large road network. The road hierarchy will set minimum upgrade standards for key roads, and will determine minimum maintenance levels for each road.



Question 2

What is the estimated cost of producing the model, and when will it be completed?

Response

The cost of developing the road hierarchy is \$68,000. It is expected to be completed before the end of this year.

Question 3

Will the model be open for public comment and input?

Response

The Shire consulted the community as part of the Real choices process. As part of the finalisation of the road hierarchy is a Council policy, it is expected that Council will seek public comment.

David Houseman (address supplied)

Question 1

What reasons does the Shire have for refusing my request in Council chambers on 23 January 2017 asking for Mr Erren to retract a statement he made in his capacity as spokesperson for the Shire, which was published in The Nov 17 2016 edition of The Examiner newspaper, that being, "Mr Houseman did not accept the Shire's offer", despite being fully aware that it – the Shire - has in its possession an email containing my formal acceptance, absolutely? The offer to which I am referring to is outlined in my statement submitted for tonight's OCM question and statement time.

Response

The Shire made an offer to widen the laneway, if you removed your fence from the Shire's land, on the 22 October 2015. Ten months later, on 31 August 2016, after discussions with Shire officer regarding your fence on the Shire's land, you responded with an email purporting to accept an offer. As the offer was made ten months previously, it had lapsed.

John Kirkpatrick, 77 Mead Street, Byford WA 6122

Question 1

An amount of money was set aside in the 2016-2017 budget to upgrade Abernethy Road between the traffic lights on SW Highway and the Rail Crossing. When can the residents of the Shire expect this work to be completed?

Response

At this stage, the Shire is still working to finalise approvals to access the railway crossing, which will impact the finishing date. The works are expected to be completed over the coming summer, with the works around the creek and railway to be the final element of the project. Telstra works have commenced on ground.

Question 2

When is the Shire going to stop the illegal parking on the footpath outside the School in Warrington Road both morning and evening?

Response

The Shire is aware of the frustration of road users, residents, pedestrians and the general school community in and around schools at peak times. Parking in school zones is an issue that local governments have now taken up through the Western Australian Local Government Association with the Department of Education and Department of Planning, Lands & Heritage as it presents a significant challenge in most new school zones. Shire Officers are also liaising with local schools to include parking information in newsletters and other communications sent out to parents. It is unfortunate that the



problem seems to get worse at the beginning of school terms as the message tends to get forgotten during the holidays. Rangers undertake proactive patrols of schools during school terms to reinforce parking requirements. This practice will continue until a more permanent solution can be found.

Question 3

The Council approved the construction of a toilet in Percy's Park, when can the residents expect this toilet to be operational as it impacts on the young families using the Park?

Response

This work will be programmed later in the year, due to the need to extend the sewer during dryer months.

Shane Rowley, Post Office, Serpentine

Question 1

In response to your answer to question asked at Council Meeting on 22 May regarding project management costs for BDCC, please point out where it was documented that no project management costs would be charged?

Response

Schedule 2 of the Funding Agreement between the BDCC and the Shire for the construction of the Byford and Districts Country Club House and Bowling Green states that the Project Costs must not include the internal costs of the Shire including salaries of any Officers or Employees of the Shire in respect of any involvement in the Works.

Question 2

Taking this into account, what is the total cost, both monetary and services uncharged that the Shire has incurred?

Response

The above-mentioned Funding Agreement refers to a maximum Shire Contribution of \$280,000 (exclusive of GST) to be provided for the project. This was a cash contribution and was paid in full as part of the total project cost. The Shire did not account for uncharged services such as project management costs as there was no requirement to do so.

Question 3

How can the Shire afford to give away this amount of free labour and money to a private organisation when they cannot maintain Gobby Road?

Response

The total project cost was circa \$5m, of which the Shire's cash contribution was \$280,000 or approximately 5.6% of the total project cost. The Shire believes that this represents great value for money given the relatively small investment of public funds. The lease of the premises is at no cost to the Shire meaning that there will be no ongoing commitment of funds to this facility, including the renewal or replacement of asset. In the scheme of other community assets such as roads that require ongoing funding, the Byford and Districts Country Club is entirely a self-sufficient community asset.

Public question time concluded at 7.13pm.

**3. Public statement time:**

Public statement time commenced at 7.14pm.

Mrs Lee Bond, PO Box 44, Armadale WA 6112

This Shire has suffered in the past from a very ordinary local paper representation; in fact, it was notorious for the lies and biased reporting. There is no room for interference from Councillors of Serpentine Jarrahdale Shire to demand that the local paper report or behave according to directions from certain people, keep your nose out of it.

Members of the public, who want stories printed, be very specific what you want printed. Journalists are there to get the attention of the public and unless you make it clear about headlines do not attack after the event. Put it all in writing and state if necessary that it is to be printed in its entirety or not at all. It is never a good idea to apologise for what you know is right and you know what you suffered. Never back away from the truth to appease bullies.

David Houseman (address supplied)

The question which I submitted for tonight's OCM relates to the following events: On the 22/10/15 the Shire sent me, the following offer "The Shire will however as an act of good faith, once you have removed the fence around lot 63, agree to widen the laneway up to the boundary of lot 62 at our cost". I formally accepted the offer and met the condition. In the November 17 2016 issue of The Examiner newspaper Mr Erren stated "Mr Houseman did not accept the Shire's offer" and in council chambers on 28th November 2016, as recorded in the minutes, he stated that I rejected the offer. I presented the Shire with emails, which disprove these untrue assertions about myself and asked Mr Erren to retract the statement he made in The Examiner at the 23rd January 2017 Council meeting. He refused. This demonstrates that President Erren would not "make an offer of amends".

As a ratepayer, it is my right to ask the Shire reasons for the decisions it makes. In both instances, Mr Erren acted as the Shire's spokesperson when he made these statements. I asked Mr Erren to retract the statement he made in the Examiner about me and correct it by acknowledging that I did in fact formally accept the said offer by stating this in a public notice in The Examiner. The Council's decision was to deny this request without providing any reason as to why. This was despite the Shire being directed to consider correspondence containing my formal acceptance of the offer and the Shire's acknowledgement of this notice via an email it forwarded to me after the fact. This direction was given in statement time at the same OCM prior to my request for the retraction of the President's statement via a public notice in the Examiner.

John Kirkpatrick, 77 Mead Street, Byford WA 6122

I drew attention at the June OCM to the illegal parking on the lot for the proposed Dome Café and the lack of an authorised entry for motor vehicles with the potential for a traffic collision.

Unfortunately, this has occurred with the collision of two vehicles at the intersection of Pitman Way and South West Highway with a four-wheel drive driving across the footpath and colliding with a vehicle on South West Highway.

When is the Council going to stop this dangerous practice? Alternatively, is this just another example of what would appear to be looking after Councillors sponsors?

The Council just seems to shut its eyes to the many breaches of Council planning procedures and Policies I have seen trucks being serviced on the roadside by mobile service units. Multiple combination units parked on roadways in the residential areas impeding the public transport. Semi-trailers parked on footpaths.



It is time that the Council enforced the planning regulations in the residential areas. This includes streetscapes as approved, Parking in Cycle ways and the replacement of signage as required, just because the local vandals tear down a sign it is not just cause to cart it off to the depot and not replace it. Most of these signs are placed there to advise in the protection of our Children.

Thomas Porter (address supplied), to be read by Shane Rowley

I am disappointed that the SJ Shire does not pay more attention to the Roads in Keysbrook area, specifically Gobby Road and Scarp Road. We would like to see the Shire make a firm commitment to gradually sealing these roads to avoid wasted money on grading and rebuilding these roads. They are also very much a safety hazard when they deteriorate.

Shane Rowley, Post Office, Serpentine

After many complaints to the Shire, Ministers and the Ombudsman, I am left with this outcome to in person notify you of both my concern and disgust in the handling of Gobby Road and many unsealed roads especially in the South of the Shire. A few weeks ago, the Shire dodged a bullet with a fatal accident only 500 metres for its boundary on Scarp Road, which is also in a bad state due to many years of neglect.

After meeting with the CEO and Director of Engineering a couple of weeks ago, much needed work has begun. Unfortunately, the weather has not helped. The road needs to be re-sheeted and bituminised to make safe and funding needs to be sourced and a program established to seal the remaining unsealed roads within the Shire.

I hope that the road can be put into a safe condition before there is another accident on the road and as you have now been notified you are now obligated and responsible for our safety.

Public statement time concluded at 7.22pm.

4. Petitions and deputations:

4.1 Ms Sue Lanceley

Good evening

I am here this evening because Shire Officers failed to look at the original conditions of the Chestnut Estate Subdivision which backs my rear fence line and a decision was made by these Officers which has impacted on my property.

The Shire has allowed the resident situated directly behind my property to:

- build an industrial sized shed outside the building envelope;
- bury two 20 foot containers within his building envelope; highly visible and an eyesore;
- operate an earthmoving business 7 days a week from 7am to 7 pm;
- bring in fill and alter the natural lay of the land, increasing height by approximately 3 metres.

Council made a decision in these very Chambers when the Estate submission process began that all Estate properties adjoining existing properties would have a strict building envelope in place. This has been maintained for all properties, but mine.

The Officers failed in their duty by not checking the original conditions attached to the Chestnuts Estate Subdivision. Initially a specified area rate was imposed on subdivision residents to manage the drainage on the subdivision. This was the only specified area rate in the Shire.



I believe they have also never taken into consideration the impact of the terrain and water flow across the land. This has caused multiple flooding of residents of Harris Place over a long period of time. The original watercourse of this land was redirected in the establishment of this Subdivision.

Why was this issue not brought before Council, being that it was so contentious at the beginning of these submissions to the Shire, and as this has been subject to legal action in the past?

I attended a meeting on Monday 17 July with the Director of Planning and the CEO and an independent witness.

The Director of Planning stated that Council decisions are regarded and often disregarded with no Council input.

I thought perhaps I misheard and asked him to repeat his statement, which he did.

The independent witness also asked him to repeat the statement, which he did again. Is the Director of Planning prepared to make that statement in Council Chambers as he did on Monday?

So with his statement, it stands that all Council decisions can be disregarded at will with no Council input or Council endorsement. As a ratepayer, I find this very alarming that Council decisions can be disregarded like this.

The fact that this was allowed to proceed to State Administrative Tribunal without Council making SAT aware of the previous history or previous Council decision and issues, I find this unlawful. If SAT had been made aware of the history I do not believe that I would be here talking to you this evening.

The fact that the Department of Planning allowed this to proceed without presenting all the facts is inconsistent with good governance.

I am deeply concerned that previous Council decisions which ratepayers are lead to believe are settled are not. It appears that Council's decision can be disregarded by the Shire Officers with no input from Council or ratepayers.

Ratepayers have the right to know this.

I would like to know why we are paying to have a Council when their decisions are so easily disregarded.

Council resolutions are to be implemented and acted on by the CEO. This is his job, but I am now aware that this is not the case.

I would also like my response in writing.

5. President's report:

Hello and welcome to this July Ordinary Council Meeting.

We would like to pass on our condolences to the family of Isobel McKay, a long-term Serpentine Jarrahdale community member, who restored Turner Cottage with her husband Frank.

The Shire recently consulted with our community to find out what projects sparked their interest and what services were important to them during the SJ Real Choices participatory budgeting process. These outcomes have provided us with the guidance for this year's budget, as well as the Strategic Community Plan and the Corporate Business Plan.

The latest Census results have been released and the Shire of Serpentine Jarrahdale continues to be the fastest growing locality in Australia. Our population increased 51% from the 2011 results and the Shire was home to 27,000 people in 2016.



Today we met with the Hon Angus Taylor MP, Assistant Minister for Cities and Digital Transformation to discuss the construction of the Byford Railway and Metronet. We continue to lobby State and Federal Governments to secure transport, recreation and employment infrastructure opportunities for our fast growing community.

Tell us what concerns you have about community safety and crime prevention in Serpentine Jarrahdale by completing the 2017 Community Safety Survey, which is open. Your information, together with the crime data provided by the WA Police, will be used to develop Community Safety and Crime Prevention initiatives. The survey is available on the Shire's website and will be open until Monday 14 August.

6. Declaration of Councillors and Officers interest:

Councillor Atwell declared a financial interest in OCM083/07/17 as he has undertaken paid services for carrying out firebreaks for the applicant. Councillor Atwell will leave the chambers when this item is discussed.

Chief Executive Officer, Kenn Donohoe declared a financial interest in CEC001/07/17 as this matter relates to his contract of employment. Chief Executive Officer, Kenn Donohoe will leave the chambers when this item is discussed.

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

7.1 Ordinary Council Meeting – 26 June 2017:

COUNCIL DECISION

Moved Cr Ellis, seconded Cr Hawkins

That the minutes of the Ordinary Council Meeting held on 26 June be confirmed (E17/5361).

CARRIED UNANIMOUSLY 7/0

7.2 Special Council Meeting – 6 July 2017

COUNCIL DECISION

Moved Cr See, seconded Cr Gossage

That the minutes of the Special Council meeting held on 6 July 2017 be confirmed (E17/5969).

CARRIED UNANIMOUSLY 7/0

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



8.1 Planning reports:

Councillor Atwell declared a financial interest in OCM083/07/17 and left the chambers at 7.31pm while this item was discussed.

OCM083/07/17 - Retrospective Sea Containers - Lot 32, 22 Selva Place, Oakford (PA17/329)	
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	15 May 2017
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> .

Owner: Rodney Barnes
Date of Receipt: 4 May 2017
Lot Area: 12,019m²
Town Planning Scheme No. 2 Zoning: 'Rural Living A'
Metropolitan Region Scheme Zoning: 'Rural'

Introduction

The purpose of this report is for Council to consider a retrospective application for two sea containers. The proposal requires a variation to the number and location of sea containers permitted under Local Planning Policy 20 – Sea Containers (LPP20), and as such it must be determined by Council in accordance with delegation P035S.

The proposal is for two 40ft sea containers on a lot where LPP20 permits only one 40ft sea container. The proposal also requires a variation to the LPP20 requirement for sea containers to be located within the designated building envelope.

LPP20 does not provide for discretion to be exercised for any policy variations, therefore the application is presented to Council for determination. Officers recommend that the application be approved subject to conditions.



Aerial Photo

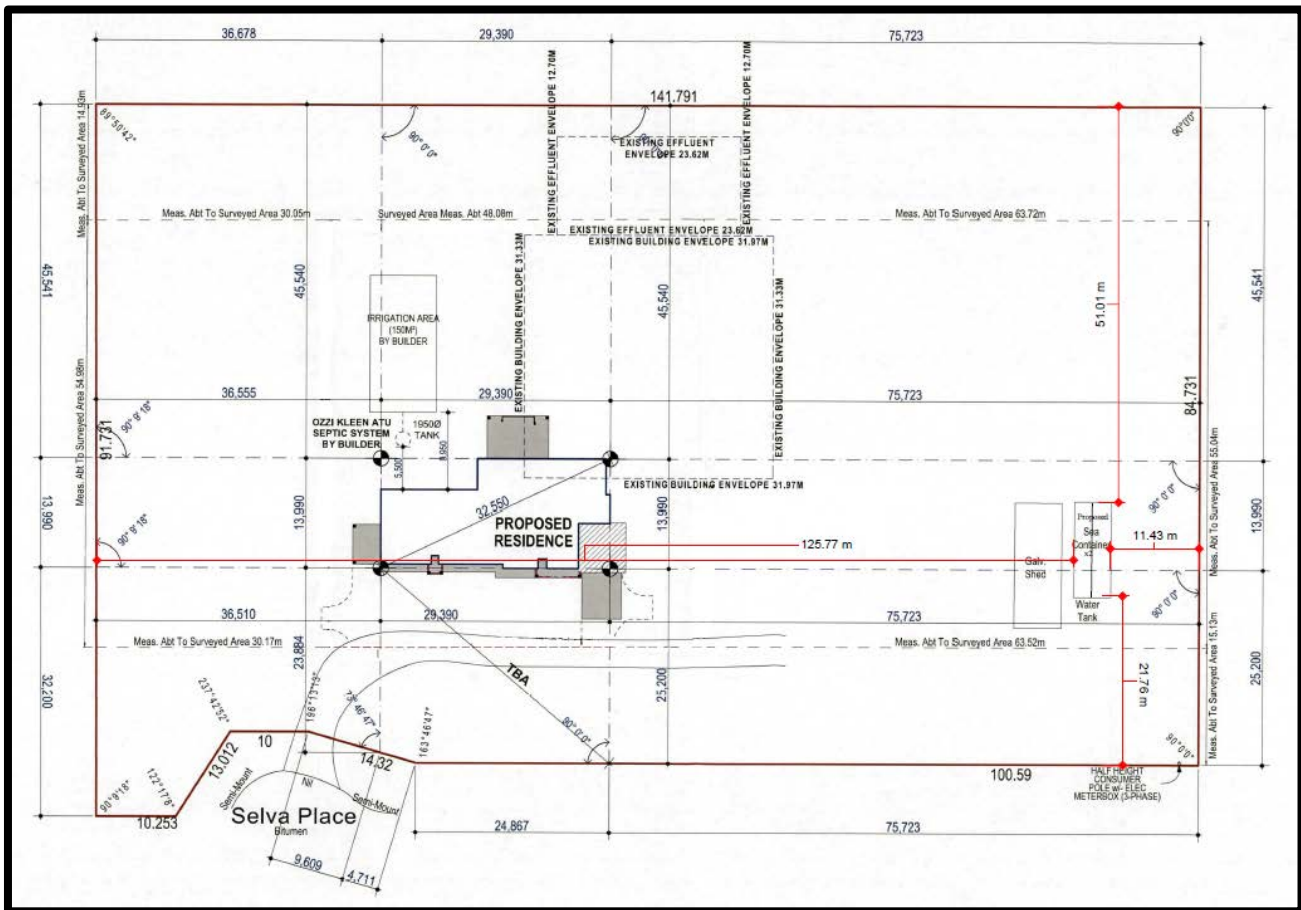


Background

The applicant is seeking approval for two 40ft sea containers to provide additional secure storage space on the lot. The sea containers are 12.1m long, 2.4m wide, 2.8m in height and located between an existing outbuilding and the eastern lot boundary.

The existing 96m² outbuilding is located in the southeast corner of the lot and the abutting sea containers would provide an additional 29.72m² of storage space, making a total storage area of 125.72m². The applicant has stated that the sea containers are intended to be used for the storage of furniture during construction of a dwelling, which received planning approval on 19 June 2017. Once the dwelling is constructed, the sea containers are intended to be used for general residential storage.

The site is subject to a building envelope, as shown on the attached site plans, which is identified in the Subdivision Guide Plan. Under Clause 79(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a Subdivision Guide Plan is considered to be a Structure Plan, which must be given due regard. Additionally, Clause 5.12.9(d) of TPS2 allows development outside of the building envelope subject to Council approval.



Site Plan

Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

Planning Assessment

In determining the application, Council is required to consider Schedule 2 Deemed Provisions, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) and relevant Local Planning Scheme provisions. Attachment **OCM083.3/07/2017** details a



comprehensive assessment of each of the 27 matters contained within Clause 67 of the Deemed Provisions. For the purposes of this report, topics of concern and variations sought are discussed including 1) Land Use, 2) Proper and Orderly Planning and 3) Form of Development and Amenity.

1) Land Use

The sea containers are to be used for storage of furniture during construction of a dwelling and general storage thereafter. The dwelling shall comprise the primary land use on the site, being 'Residential: Single House'. The sea containers are development incidental to this primary use and form part of the same land use classification, as per the definition of incidental use in the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2) as:

'The use of land in conjunction with and ancillary to the primary use on the land.'

The subject lot is zoned 'Rural Living A' and is subject to the special provisions of that zone under Appendix 4A of TPS2. Provision LA24 of Appendix 4A states that 'Residential: Single House' land use is permissible in the 'Rural Living A' zone.

2) Orderly and Proper Planning

In the assessment of the development application, Clause 67 of the Deemed Provisions, and specifically matters A – J, require consideration of the State and Local Planning Policy framework including draft schemes, strategies, State Planning Policies, Local Planning Policies and the like. This framework provides guidance to establish if a development is consistent with orderly and proper planning. The Deemed Provisions also specifically require consideration of the aims of the Scheme.

Aims of the Scheme

Clause 5.12 of TPS2 states the objectives of the 'Rural Living A' zone, as follows:

'The Rural Living A zone is intended to cater for rural residential development on a range of lots between 4,000 square metres to one hectare in accordance with the objectives and guidelines of the Rural Strategy.'

The applicable objectives of the Rural Living A policy area under the Rural Strategy Review 2013 (Rural Strategy) are generally to preserve residential amenity and rural character, promote land management and encourage revegetation. This has been assessed in further detail in the Form of Development and Amenity section of this report.

State Planning Policy 3.1 – Residential Design Codes

The Residential Design Codes (R-Codes) apply to residential development and set out acceptable standards for such development. Under Clause 5.4.2(a) of TPS2, as the property is zoned 'Rural Living A' and no R-Code is depicted, all residential development shall be in accordance with the R2 density code.

As the development is located outside of the building envelope, the main R-Code provision to consider is boundary setbacks. The deemed-to-comply setbacks and proposed setbacks are provided in the table below:

Boundary	Deemed-to-comply setbacks	Proposed setbacks
Primary Street	20m	21.7m
West	10m	125.7m
East	10m	11.4m
North	10m	51m



The provided setbacks are compliant with the requirements of the R-Codes and a full R-Code assessment has been provided as an attachment to this report. The proposed development complies with all other relevant provisions of the R-Codes.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The development is located within a designated bushfire prone area under the *Fire and Emergency Services Act 1998 (as amended)*. As the development is for non-habitable development the requirements under State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) do not apply.

Local Planning Policy 20 – Sea Containers

LPP20 provides guidance on the acceptable standards for sea containers. Section 6.3 of LPP20 provides provisions for sea containers on lots with a site area between 4,001m² to 40,000m², which include:

- a maximum of one 40ft sea container or the equivalent;
- sea containers to be suitably screened from the road, situated behind the building line and painted in a colour consistent with its surroundings; and
- sea containers to be located within the building envelope where one exists or otherwise compliant with scheme setback requirements.

These provisions relate to size, design and location and have been assessed in further detail in the Form of Development and Amenity section of this report.

The objectives of LPP20 are to ensure sea containers are situated and designed to appear visually integrated with the surrounding area and protect amenity and streetscape. Variations to LPP20 can be supported where a proposal is considered to meet, or can be conditioned to meet, these objectives.

3) Form of Development and Amenity

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

Visual Amenity

Clause 7.1 of TPS2 requires building design, colour, appearance, bulk, height and materials to be in harmony with existing buildings or unlikely to affect the amenity of the locality.

The sea containers have been located outside of the building envelope, abutting the existing outbuilding on the lot. This location, while outside of the building envelope, reduces the bulk and height impact of the sea containers, as they appear to be an extension of the outbuilding. As a result, the impacts are no greater than that of an extension to the outbuilding.

The average size for outbuildings in the surrounding area is 156m², and the combined area of the existing outbuilding and proposed sea containers is 125.72m². The aggregate area of the proposed sea containers and existing outbuilding is less than surrounding outbuilding development. The bulk and height of the sea containers in the proposed location will not have a visual impact greater than similar development in the surrounding area.

The materials and appearance of the sea containers are also similar in nature to the outbuilding; however, the colour of the sea containers is brown where the outbuilding is 'evening haze'. The colour comparison is shown in the image below.



Site Photo

Officers recommend that if the application is approved, a condition be imposed to paint or otherwise change the colour of the sea containers to match the existing outbuilding. This will improve the visual integration of the sea containers with the existing outbuilding and mitigate the impact of the sea containers on the amenity of surrounding neighbours.

There is existing vegetation at the street boundary and northern lot boundary, which will screen the containers from view, from the street and adjoining neighbour. There is no vegetation on the eastern boundary between the subject lot and adjoining neighbour. Officers note that a building permit has been issued on the neighbouring lot to the east for a 180m² outbuilding and a dwelling. The location of the approved outbuilding on the neighbouring lot is such that it will screen the sea containers from the neighbour's approved dwelling.

Given there is no existing vegetation screening, officers recommend that if the application is approved, a condition should be imposed requiring landscaping to be planted and maintained along part of the eastern boundary, to reduce the visual impact on the adjoining neighbour.

Subject to conditions relating to the colour of the sea containers and planting of vegetation, the proposal would be considered to meet the objectives of LPP20.

Noise:

The proposed use of the sea containers for residential storage is not considered likely to result in any off-site noise impacts. Officers do not consider noise to be a relevant concern for this application.

Odour:

The proposed use of the sea containers for residential storage is not considered likely to result in any off-site odour impacts. Officers do not consider odour to be a relevant concern for this application.

Community / Stakeholder Consultation

The proposal was referred to adjoining and adjacent neighbours for comment from 6 June 2017 to 27 June 2017. During the consultation period, one submission was received.



The submission provided no objection as long as the proposed development compliments the street and does not become an 'eye sore'. Officers consider the submission will be satisfied by recommended conditions relating to the colour of the sea containers and planting of vegetation.

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 Sea Containers subject to conditions.
Approval of the Sea Containers subject to appropriate conditions will ensure the amenity of the locality and the adjoining neighbours is preserved.
- Option 2: Council may refuse the Sea Containers.
Should Council resolve to refuse the application the applicant may wish to appeal the decision. Reasons for refusal must be provided to ensure Council's position can be argued at the State Administrative Tribunal.

Option 1 is recommended.

Conclusion

The proposed sea containers constitute a variation to the number and location of sea containers allowed under LPP20. The proposal could be consistent with the objectives of LPP20 if the colour of sea containers were to be altered to match the existing outbuilding and vegetation was to be planted and maintained along the eastern boundary. Officers support the proposal and recommend approval subject to conditions.

Attachments

- [OCM083.1/07/17](#) – Site Plan (E17/3745)
- [OCM083.2/07/17](#) – Elevation Plan (E17/3744)
- [OCM083.3/07/17](#) – Deemed Provision Checklist (E17/3748)
- [OCM083.4/07/17](#) – R Code Assessment (E17/4932)

Alignment with our Strategic Community Plan

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Statutory Environment

- Fire and Emergency Services Act 1998 (as amended)
- Shire of Serpentine Jarrahdale Town Planning Scheme 2
- Lot 224 Orton Road Oakford Subdivision Guide Plan
- State Planning Policy 3.1 – Residential Design Codes
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Local Planning Policy 20 – Sea Containers



Financial Implications

There are no financial implications.

Voting Requirements Simple Majority

OCM083/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Hawkins

That Council approves the application submitted by Rodney Barnes for two sea containers at Lot 32, 22 Selva Place, Oakford, as contained within attachment OCM083.1/07/17 and OCM083.2/07/17 subject to the following conditions:

1. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
2. Within 28 days of this approval, the sea containers are to be altered to match the colour of the existing outbuilding and thereafter be maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
3. A detailed landscape plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to screening the sea containers and show the following:
 - a) The location and species of all trees and shrubs to be planted;
 - b) The size and number of new plants to be planted; and
 - c) Those areas to be reticulated or irrigated.

Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan within 60 days and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

4. Within 60 days of this approval a Building Approval Certificate application must be submitted to the Shire for retrospective building approval for the sea containers.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
2. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED UNANIMOUSLY 6/0

Councillor Atwell returned to the chambers at 7.32pm.

The Shire President informed Councillor Atwell that the Officers Recommendation was carried unanimously 6/0.

**OCM084/07/17 - Section 31 Reconsideration – Lot 725 Selkirk Road, Serpentine – Ancillary Dwelling (SJ2080)**

Author:	Haydn Ruse - Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	22 June 2017
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: Altus Planning and Appeals
Owner: Karel and Tracey Loubser and Martin and Mary Akehurst
Date of Receipt: 19 June 2017
Lot Area: 20,153m² (2.01ha)
Town Planning Scheme No. 2 Zoning: 'Rural Living A'
Metropolitan Region Scheme Zoning: 'Rural'

Introduction

The purpose of this report is for Council to reconsider its decision of 28 November 2016, taking into account amended plans.

The Shire received amended plans on 19 June 2017 along with a request to reconsider the proposal. The primary amendment is a reduction of the plot ratio area from 138.1m² to 119.9m², which is still a variation to Council's Local Planning Policy 39 – Ancillary Dwellings (LPP39). The setbacks and floor area have also been amended as part of a redesign.

The proposal is not compliant with the provisions but does comply with the objectives of the Residential Design Codes (R-Codes) and LPP39, as such, Officers recommend approval.

**Aerial Photo**



Background

Initial Application

An application for a proposed Single House and Ancillary Dwelling was received for the subject property on 29 March 2016. On 29 August 2016, the Single House was approved and the ancillary Dwelling was refused under delegated authority.

As part of the initial assessment, the applicant was advised that the proposed Ancillary Dwelling would not be supported due to the floor area of the building and that amended plans should be submitted. The applicant did not submit amended plans and the proposal was determined based on the information provided.

The Ancillary Dwelling was considered to be a significant deviation from the deemed-to-comply requirements of the R-Codes and inconsistent with the design principles for Ancillary Dwellings. The R-Codes allow a maximum 70m² plot ratio area and the proposal sought a 138.1m² plot ratio area.

The design principle for Ancillary Dwellings allows discretion to be exercised where proposals are not considered to compromise the amenity of surrounding properties. Due to the increase in size, topography of the site, lack of screening vegetation and location to the front of the block, the Ancillary Dwelling was not considered to meet the design principle. As a result, the application for the Ancillary Dwelling was refused under delegated authority.

Review

The applicant lodged a review with the SAT on 31 August 2016, regarding the refusal of the Ancillary Dwelling. At the Directions Hearing held on 12 October 2016, the SAT invited the Shire to reconsider its decision of 29 August 2016, pursuant to section 31 of the *State Administrative Tribunal Act 2004*.

The reconsideration was presented to Council as officers do not have delegation to approve development where variations are proposed to Local Planning Policies. Council resolved to refuse the unmodified application as the additional justification did not satisfy the refusal reasons.

The applicant has now submitted an amended plan reducing the plot ratio area of the Ancillary Dwelling to 119m² and Council has been invited by the SAT to reconsider its decision of 28 November 2016, pursuant to Section 31 of the *State Administrative Tribunal Act 2004*.

Building Envelope

The site is subject to a building envelope, as shown on the attached site plan, which is identified in the Subdivision Guide Plan and designated in a building envelope plan, in order to satisfy a condition of subdivision approval. As such, due regard must be given to the building envelope; however, Council is not bound by the building envelope. Clause 5.12.9(d) of TPS2 states:

'No building shall be constructed on a lot other than within the approved building envelope without the written approval of the Council'

This provision means that development outside of the building envelope can be approved subject to consideration of the matters listed under Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)*.

Relevant Previous Decisions of Council

OCM205/11/16 – Section 31 Reconsideration – Lot 725 Selkirk Road, Serpentine – Ancillary Dwelling



Community / Stakeholder Consultation

In accordance with LPP39, the initial application was advertised to surrounding landowners for a period of 14 days. No comments were received in relation to the proposal.

The amended plans have not been re-advertised. While the plot ratio area of the Ancillary Dwelling has been reduced, the overall floor area remains the same. The amendments to the plan are not considered to create any additional impact on adjoining neighbours.

Planning Assessment

In determining the application, Council is required to consider Schedule 2 Deemed Provisions, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) and relevant Local Planning Scheme provisions. Attachment **OCM084.3/07/2017** details a comprehensive assessment of each of the 27 matters contained within Clause 67 of the Deemed Provisions. For the purposes of this report, topics of concern and variations sought are discussed including 1) Land Use, 2) Proper and Orderly Planning and 3) Form of Development and Amenity.

Land Use

The Ancillary Dwelling is a 'Residential: Ancillary Accommodation' land use under the Shire of Serpentine Jarrahdale Town Planning Scheme 2 (TPS2). An 'Ancillary Accommodation' land use is an 'AA' use under Appendix 4 of TPS2 for the 'Rural Living A' zone, meaning the use is discretionary. The R-Codes defines an Ancillary Dwelling as:

'A self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.'

The proposed development meets this definition, being a self-contained dwelling detached from an approved single house.

Proposal

The proposal is an Ancillary Dwelling with 2 bedrooms, 2 bathrooms, an entry room, verandah, alfresco, games room, store room, kitchen, laundry and living/dining room. The overall floor area is 220.4m² which consists of 119.9m² of internal living area, 91.8m² of outdoor alfresco and verandah and 8.75m² of store area. The amended plans reduce the plot ratio area by 18.2m², increase the outdoor alfresco and verandah area by 22.02m² and introduce an 8.75m² store area.

Proper and Orderly Planning

In the assessment of development applications Clause 67 of the Deemed Provisions, and specifically matters A – J, require consideration of the State and Local Planning Policy framework including draft schemes, strategies, State Planning Policies, Local Planning Policies and the like. This framework provides guidance to establish if a development is consistent with orderly and proper planning. The Regulations also specifically require consideration of the aims of the Scheme.

Aims of the Scheme

Clause 5.12 of TPS2 states the objectives of the 'Rural Living A' zone, as follows:

'The Rural Living A zone is intended to cater for rural residential development on a range of lots between 4,000 square metres to one hectare in accordance with the objectives and guidelines of the Rural Strategy.'

The applicable objectives of the Rural Living A policy area under the Rural Strategy Review 2013 (Rural Strategy) are generally to preserve residential amenity and rural character, promote land management



and encourage revegetation. This has been assessed in further detail in the Form of Development and Amenity section of this report.

State Planning Policy 3.1 – Residential Design Codes

The R-Codes apply to residential development and set out acceptable standards for such development. Under Clause 5.4.2(a) of TPS2, as the property is zoned 'Rural Living A' and no R-Code is depicted on the Scheme Map, all residential development shall be in accordance with the R2 density code.

The proposed development is located partly outside of the building envelope and is a variation to the 70m² maximum plot ratio area for Ancillary Dwellings. While the proposed development is partly outside of the building envelope, the setbacks comply with those of the R-Codes, as shown in the table below:

Boundary	Deemed-to-comply R2 setbacks	Proposed setbacks
Primary Street (East)	20m	58.97m
West	10m	191.11m
North	10m	62.06m
South	10m	20.6m

A variation to the maximum plot ratio under the R-Codes can be considered under LPP39 to a maximum of 100m², which will be discussed further in the report. A full R-Code assessment has been provided as an attachment to this report. The proposed development complies with other relevant provisions of the R-Codes, with the exception of street surveillance; however, due to the topography of the site the street surveillance provisions of the R-Codes cannot reasonably be met.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The development is located within a designated bushfire prone area under the *Fire and Emergency Services Act 1998 (as amended)*. State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) requires that applications for habitable development on lots greater than 1,100m² to be accompanied with a Bushfire Attack Level (BAL) assessment. SPP3.7 recommends applications be refused if a rating of BAL29 or less cannot be achieved.

A BAL assessment has been provided with the application identifying a BAL19 rating. As the proposed development is able to achieve an acceptable BAL rating no further assessment is required.

Local Planning Policy 39 – Ancillary Dwellings

The amended proposal does not comply with several provisions of LPP39 as detailed in the assessment below:

LPP39 provision requirement	Planning Assessment
<p><i>Plot Ratio Area</i></p> <p>Required: maximum 100m² Provided: 119.9m²</p>	<p>The proposal varies the 100m² maximum plot ratio area of LPP39 by 19.9m².</p> <p>Due to the steep decline of the site from the primary street, the Ancillary Dwelling will not be very visible from the street and is not considered to impact on the streetscape. Furthermore, vegetation on surrounding properties will screen the proposed Ancillary Dwelling from view by neighbours.</p> <p>Should Council approve the application officers recommend a condition requiring a landscaping plan to further screen</p>



	<p>the Ancillary Dwelling from neighbouring properties and the street. Should the development be screened the impact of the development on the amenity of the area, due to the increase in size, will be reduced.</p>
<p><i>Siting</i></p> <p>Required: behind primary dwelling Provided: forward of primary dwelling</p>	<p>LPP39 requires Ancillary Dwellings to be located behind the primary dwelling. The initial proposal was setback 108m forward of the primary dwelling, which has been reduced to 83.2m in the amended proposal.</p> <p>The site features a steep decline from east to west, the difference in natural ground level between the highest and lowest points being 55m over 233.36m. Given the topography of the site, officers consider it reasonable to vary the siting requirements of LPP39 in order to allow development to be located complimentary to the topography of the site. The Ancillary Dwelling has been located to make use of a flat area.</p>
<p><i>Number of Bedrooms</i></p> <p>Required: maximum 2 bedrooms Provided: 2 designated</p>	<p>LPP39 restricts the number of bedrooms for an Ancillary Dwelling to a maximum of two. The initial proposal identified two bedrooms; however, there was a games room, which was larger than the second bedroom and contained a built in closet. Officers were concerned that the games room could constitute a third bedroom.</p> <p>The amended proposal has reduced the size of the games room and removed the built-in closet. Officers consider the amended proposal now achieve compliance with LPP39 in this regard.</p>
<p><i>Number of Designated Car Bays</i></p> <p>Required: maximum 1 bay Provided: 2 bays</p>	<p>The proposal includes a double carport measuring 6m by 6m.</p> <p>As LPP39 permits a maximum of 2 bedrooms officers consider the restriction of 1 car bay is unreasonable.</p>
<p><i>Sharing of Services</i></p> <p>Required: all services shared, where possible Provided: only vehicle access shared</p>	<p>The proposal seeks to share vehicle access via a common crossover and driveway; however, water, electricity and effluent disposal are proposed to be independent.</p> <p>The applicant has stated that the facilities cannot be shared due to topography and siting of the development.</p> <p>LPP39 allows independent effluent disposal where setbacks are achieved. The proposed Ancillary Dwelling meets the setbacks as required under the R-Codes.</p> <p>Officers consider the justification of topography to be suitable in relation to sharing of water, as mains water is not available to the site. Independent water tanks will be required to service the dwellings. Clause 15.12.6 of the TPS2 requires a minimum guaranteed water supply of 90,000L for each dwelling.</p> <p>Similarly, the requirement to share electricity services are considered onerous given the distance of the dwellings from</p>



	the street boundary. The requirement to share services is more appropriate on smaller lots.
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Consideration of the objectives of LPP39 is required when assessing proposed variations. The assessment below provides officer comment on the appropriateness of the proposed variations based on the objectives of the policy.

LPP39 Policy Objective	Planning assessment
<p>Ensure that any Ancillary Dwelling is provided, constructed and located in such a way so as to minimise impact on the amenity of the locality.</p>	<p>The site features a steep slope from the primary street to the west end of the lot. Given the slope of the lot, the Ancillary Dwelling will be less visible from the primary street. Natural ground level at the primary street is 100m on the Australian Height Datum (AHD), while the finished floor level of the Ancillary Dwelling is 96m on the AHD, a difference in level of 4m. As the overall height of the Ancillary Dwelling is 5.3m, the building will appear to be 1.3m in height as viewed from the street.</p> <p>There is existing vegetation on adjoining properties, which partially screen the proposed development from view, while the subject property is largely cleared.</p> <p>Should Council approve the proposal officers recommend a condition requiring a landscaping plan to be submitted, with a view to minimising the visual impact from the street and adjoining properties.</p> <p>Officers consider the proposal would meet this objective, subject to appropriate conditions.</p>
<p>Ensure that any Ancillary Dwelling is secondary in all regards to the primary dwelling on the property (no variation shall be supported).</p>	<p>The proposed Ancillary Dwelling is secondary to the primary dwelling in size and scale; however, it is not secondary in location. Officers have noted that the Ancillary Dwelling and primary dwelling have been located to complement the topography of the site, which is considered to be appropriate.</p> <p>The policy objective notes that no variations will be supported; however, the purpose of a policy objective is to allow flexibility where provisions cannot be reasonably met. In this instance, the siting provisions are considered to be unreasonable to achieve and the variation is supported.</p>
<p>Ensure that any Ancillary Dwelling is situated and constructed to appear visually related to and integrated with the primary dwelling.</p>	<p>The amended proposal locates the proposed Ancillary Dwelling closer to the Single House, improving the visual relation between the two dwellings. Even so, the distance between the dwellings is 83.2m and does not appear visually related due to the distance between the buildings.</p>



	<p>The attached elevation plans show the design of the proposed Ancillary Dwelling and Single House, using similar design to appear visually integrated.</p> <p>Accounting for the topography of the site officers consider the visual integration to be sufficient.</p>
<p>Ensure that the scale and location of the Ancillary Dwelling is not considered to represent an increase to the existing residential density of the property.</p>	<p>The proposed Ancillary Dwelling no longer features a possible third bedroom and is compliant with LPP39 in terms of the number of bedrooms. As a result, the Ancillary Dwelling is no longer considered to represent an increase to the existing residential density of the property.</p>

Based on the above assessment, the proposal does not comply with several provisions of LPP39, but satisfies the objectives. Clause 6.2 of LPP39 allows discretion to be applied by Council, where a proposal does not comply with the policy:

'Where an application is not considered by the Shire to comply with the provisions contained within this Policy, it may be referred for planning assessment on individual merit. Applications of this nature will only be supported by the Shire where it can be demonstrated that exceptional circumstances prevail, and will only be considered upon submission of a clear, written justification for the non-compliance and the payment of relevant fees.'

LPP39 does not define 'exceptional circumstances'. Officers consider an exceptional circumstance to be one in which the alternative required by LPP39 cannot be reasonably achieved. Officers consider the proposed variations to siting, service sharing and the number of car bays to constitute exceptional circumstances, as the alternative is considered to be unreasonable to achieve. The variations to plot ratio area is not considered to constitute exceptional circumstances; however, the impacts can be mitigated through conditions, ensuring compliance with the objectives of LPP39.

Options and Implications

Option 1: Council may resolve to approve the application subject to conditions.

Approval of the application subject to appropriate conditions would be consistent with the planning policy framework and the objectives of Local Planning Policy 39 – Ancillary Dwellings.

Option 2: Council may resolve to refuse the application.

Refusal of the application will result in the continuation of the SAT appeal, which may result in this matter proceeding to a full hearing.

Option 1 is recommended.

Conclusion

The amended proposal has resolved concerns relating to the number of bedrooms, number of car parking spaces, sharing of services and location of the proposed Ancillary Dwelling. The variations to plot ratio area and has not been satisfied; however, appropriate conditions could be applied to ensure the development meets the objectives of LPP39. As such, officers support the amended proposal.

Attachments

- [OCM084.1/07/17](#) – Site Plan (E17/5364)



- [OCM084.2/07/17](#) – Elevation Plan (E17/5365)
- [OCM084.3/07/17](#) – Deemed Provision Checklist (E17/5367)
- [OCM084.4/07/17](#) – R-Code Assessment (E17/5368)
- [OCM084.5/07/17](#) – BAL Assessment (E17/5366)

Alignment with our Strategic Community Plan

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

The proposal is considered to align with the Shire's Strategic Community Plan. The design of the Ancillary Dwelling compliments the existing rural character of the area and would contribute towards developing a village environment for the local area.

Statutory Environment

- Planning and Development (Local Planning Schemes) Regulations 2015
- State Administrative Tribunal Act 2004
- Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- Shire of Serpentine Jarrahdale Rural Strategy
- Shire of Serpentine Jarrahdale Rural Strategy 2013 Review
- Subdivision Guide Plan – Lot 2 Selkirk Road
- State Planning Policy 3.1 – Residential Design Codes
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Local Planning Policy 39 – Ancillary Dwellings

Financial Implications

Should Council resolve to refuse the application, the current appeal may be progressed to a full SAT hearing. The Shire may be required to appoint a planning consultant or legal counsel to represent Council throughout the SAT proceedings.

Voting Requirements Simple Majority

OCM084/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Gossage, seconded Cr See

That Council approves the application submitted by Altus Planning and Appeals on behalf of Mr and Mrs Loubser and Mr and Mrs Akehurst for an 'Ancillary Dwelling' at Lot 725 Selkirk Road, Serpentine, subject to the following conditions:

- 1. All stormwater shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- 2. A detailed landscape plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to screening the Ancillary Dwelling from adjoining neighbours and the street and shall show the following:**



- a) The location and species of all trees and shrubs to be planted;
- b) The size and number of new plants to be planted; and
- c) hose areas to be reticulated or irrigated.

Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan within 60 days and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

3. As the site is not connected to a reticulated water supply, rainwater tanks of not less than 90,000L are required to service dwellings on the lot.

Advice Notes:

1. In relation to condition 3, to enable standardisation of access to this supply, each private domestic vessel shall be fitted with a minimum 50mm or 75mm Ball Valve and a 50mm female Camlock fitting with a blanking cap. Access to this outlet must be within 6m of a hardstand to facilitate fire appliance use. This coupling and valve shall be installed and maintained in a correct operating condition at all times at the property owner's expense.

CARRIED UNANIMOUSLY 7/0

**OCM085/07/17 - Jarrahdale Static Water Supply Project and Royalties for Regions Grant Funding (SJ1069-02)**

Author:	Jim Johnson – Manager Compliance, Rangers and Emergency Services
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	22 June 2017
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 approve the siting of five static water supplies proposed within the townsite of Jarrahdale, following the community consultation process undertaken.

Additionally, the report requests Council to authorise the Chief Executive Officer to award this tender in anticipation that the tendered price for this project will exceed the current delegated limit of \$300,000. Council is also requested to authorise the Chief Executive Officer to negotiate a licence or similar appropriate inter-Governmental agreement for the proposed water storage facility on Reserve 16634 State Forest 22 Rhodes Place, Jarrahdale and to waive building permit fees for the structures.

Background

Subsequent to the tragic fire in Waroona and Yarloop early January 2016 it was highlighted that one of the main reasons Yarloop townsite was so devastated, was because the water supply was lost due to old infrastructure failing and that there were no adequate back up supplies for fire suppression.

It was identified that the same situation was prevalent in the townsite of Jarrahdale, due to the scheme water supply to Jarrahdale being very old, prone to periods of low pressure, and occasional complete cessation of the supply. The main pipeline into the town's water tanks is very vulnerable to damage from fire, being situated in the middle of the state forest to the south of the town. As such, the Water Corporation's current contingency plan for the provision of potable water in the event of a scheme failure consists of calling in a water carrier contractor to provide a mobile tanker and pump, which assumes that the system would allow for pressurisation. This contingency plan also assumes that a water carrier would be available and has the capacity to maintain supply in such instances. Even if these assumptions could be met, the plan still only provides for potable water supply and not pressurised supply for fire suppression.

In order to provide for additional water supply in Jarrahdale, the Shire applied for a grant to install five 200,000L concrete static water supply tanks within strategic locations around the townsite (See attachment **OCM085.1/07/17**). On 18 July 2016, the Shire received notification from the Honourable Terry Redman MLA Minister for Regional Development that the Shire had been successful with its application to the sum of \$250,000. As part of the grant agreement community consultation regarding the siting of the tanks was required to be undertaken by the Shire, this is the subject of this report.

Relevant Previous Decisions of Council

There are no previous Council decision relating to this request.

Community Consultation

The grant application initially received written support from the local Volunteer Bush Fire Brigade, the Serpentine Jarrahdale Lions Club, The Farmers Market Group, the Department of Biodiversity, Conservation and Attractions (formerly Parks and Wildlife) and Water Corporation.

During April 2017, a community engagement process was undertaken with letters sent to all properties within 200 metres of each proposed location. Eleven submissions were received with all but two landowners supportive of the tank locations. The visual impact of the tanks was raised as a concern by the two landowners. Officers have since discussed these concerns with the relevant landowners and as a



result recommend slight repositioning of the water tank within the Chestnuts estate to allow it to be better screened and to address the concerns raised.

As such, it is considered that the consultation process showed that there is community support for this project. However, where there was likely to be some impact on the visual aesthetics of the adjoining properties, the tanks are proposed to be screened. The tanks are also likely to be painted with anti-graffiti coatings to reduce potential for vandalism.

A schedule of submissions is attached for Council with the summary of the community engagement process, issues raised during the community consultation process and an Officers response to each comment (**Attachment OCM085.3/07/17**).

Attachments

- [OCM085.1/07/17](#) - Royalties for Regions Grant Application - Static Water Supplies - Jarrahdale Town Site - 2016-2017 (IN17/12986)
- [OCM085.2/07/17](#) - Royalties for Regions - Peel Regional Grants Scheme - Static Water Supplied Jarrahdale - Funding Approval (IN16/14565)
- [OCM085.3/07/17](#) – Schedule of Submissions (E17/3421)
- [OCM085.4/07/17](#) – Media Release Peel Development Corporation (E17/4899)
- [OCM085.5/07/17](#) – Indicative Tank Design (E17/4994)
- [OCM085.6/07/17](#) – Site Specific Location of Static Water Supplies (E17/4990)

Alignment with our Strategic Community Plan

Objective 1.2	Progressive Organisation
Key Action 1.1.3	Foster partnerships to deliver key projects and initiatives in conjunction with key stakeholders
Objective 6.2	Active and Connected People
Key Action 6.2.5	Create a reassuring and safe place to live

Statutory Environment

Bush Fires Act 1954 - Section BFA 36 states the following:

A local government may, notwithstanding anything to the contrary contained in any other Act -

- (a) *purchase and maintain appliances, equipment, and apparatus for the prevention, control and extinguishment of bush fires;*

Local Government Act 1995 - Section 3.57 requires a local government to invite tenders before it enters into a contract of a prescribed kind.

Local Government (Functions and General) Regulations 1996 - Regulation 11 prescribes that tenders are to be publicly invited before entering into a contract where the consideration is, or expected to be \$150,000 or greater.

Planning and Development Act 2005 0 Section 6 – Public works, Act does not interfere with

- (1) *Subject to section 5(2) and (3) and subsections (2) and (3) of this section, nothing in this Act interferes with the right of the Crown, or the Governor, or the Government of the State, or a local government —*

- (a) *to undertake, construct or provide any public work; and*
 (b) *to take land for the purposes of that public work.*



- (2) Rights referred to in subsection (1) are to be exercised having regard to —
- (a) the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the right is exercised; and
 - (b) the orderly and proper planning, and the preservation of the amenity, of that locality at that time.
- (3) The responsible authority is to be consulted at the time when a proposal for any public work, or for the taking of land for a public work, is being formulated to ensure that the undertaking, construction, or provision of, or the taking of land for, the public work will comply with subsection (2).

As such, no planning approval is required for these works.

Financial Implications

Delegation C005D - Inviting Tenders for goods or services and related matters allows the Chief Executive Officer to invite tenders for works and services in accordance with section 3.57 of the *Local Government Act 1995*, pursuant to associated regulations and subject to conditions as prescribed in the delegation. One of those conditions permits the Chief Executive Officer to accept tenders, negotiate and execute tender contracts up to a value of \$300,000 where there is a budget provision approved. Due to scheduled timeframes on this project, this report seeks Council approval to authorise the Chief Executive Officer to accept a tender and negotiate and execute a tender contract for this project, with the anticipated value for the project being more than the \$300,000 provided for in the delegation.

The total project cost comprises of \$250,000 of grant funds, which have been confirmed, and a contribution from the Shire as included in the draft 2017/18 budget the subject of a further report included in this agenda.

Certified Building Permits applications will be required for the tanks including Certificates of Design Compliance (CDC), which will both need to be sourced from an external contractor, as the Shire cannot sign off on its own CDCs under section 20 of the Building Act 2012. The Building Permits application fees expected to be in the order of \$774 are also recommended to be waived by Council, however the Building services levy and other associated costs cannot be waived and should be borne by the project at a total cost of around \$1,372. This should be included in the Shire's in-kind contribution to the project.

Options and Implications

Whilst noting the results of the community consultation the decision maker has the options to:

Option 1 - Approve the locations and authorise the Chief Executive Officer's to award the tender and enter into negotiations for a licence, as well as waive the building permit fees.

Option 2 - Suggest alternative locations.

Option 3 – Resolve not to continue with the project.

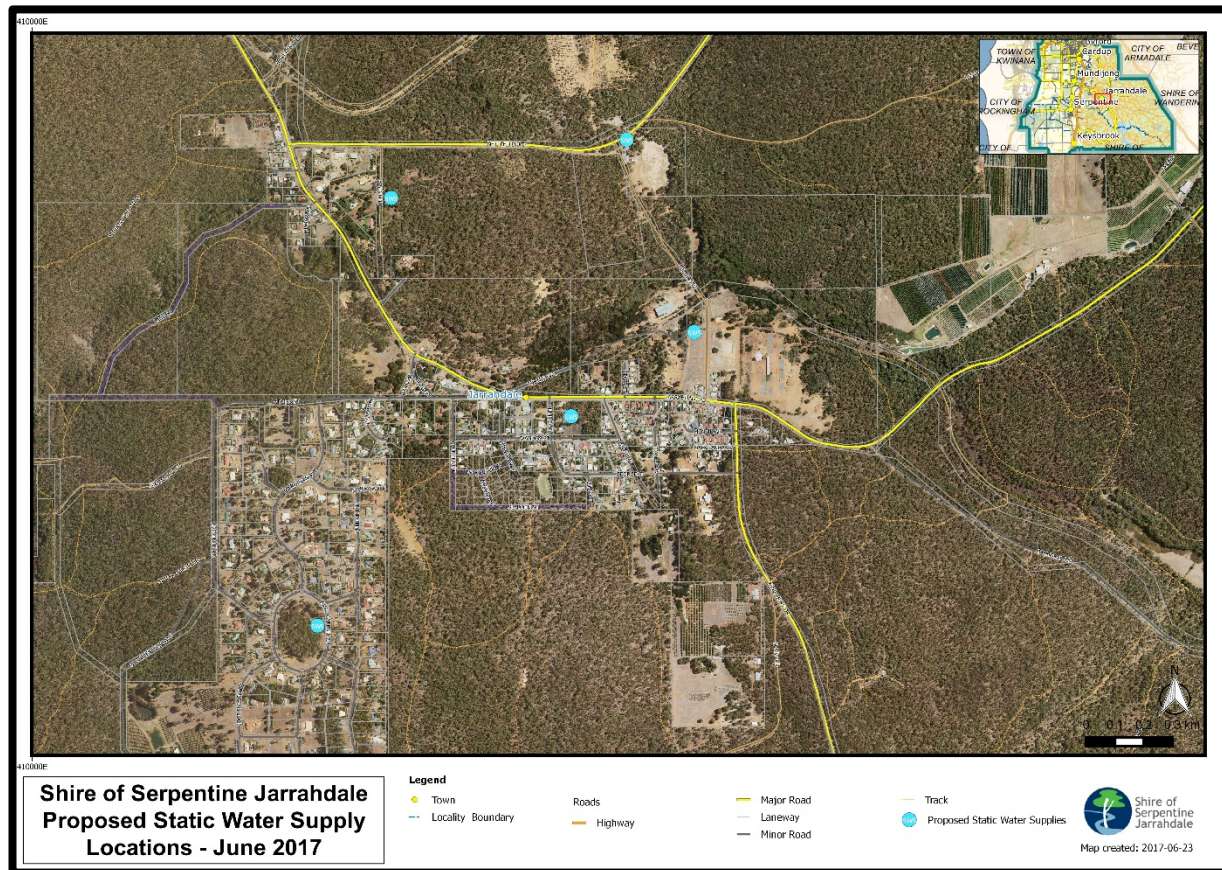
Option 1 is recommended.



Comment

Site Locations

The strategic locations identified by the Shire is outlined in the map below (Also refer to attachment **OCM085.6.07.17**).



Proposed Static Water Supply sites in the Jarrahdale Town Site.

The locations were chosen to provide optimum backup supplies for both fire suppression activities and for emergency potable water supplies, in the event that the scheme water system fails for a period of time. Part of the criteria for selecting the particular the tank locations is that it should aim to be within approximately 30 metres of an existing scheme hydrant so that brigades can fill the tanks on a rotational program prior to the 2017/18 fire season. An example of the type of 200,000L tank is provided (**Attachment OCM085.5/07/17**).

The footprint of each facility is approximately 13 metre diameter for the tank and distribution box with an area of hardstand for vehicle access. Groundworks are assisted by the substrate material being predominantly gravel and level. The grant application includes provision for street trees, artworks and anti-graffiti coatings to ensure aesthetics are not unduly compromised. Building Permits will be required for each tank. The proposed site plan is likely to be subject to minor modifications based on site suitability and community engagement feedback as discussed above.

Land Ownership

Four of the sites are on land controlled, owned or managed by the Shire, however, Reserve 16634 State Forest 22 Rhodes Place, Jarrahdale is vested with the Department of Biodiversity, Conservation and Attractions (the Department). The Department has indicated general support of the project, however it has not yet formally approved the specific location. It should be noted that formal approval has also not yet



been requested from the Department, and as such this report recommends that Council authorises the CEO to negotiate a licence or similar appropriate inter-governmental agreement for this site.

Shire staff are also currently negotiating with Water Corporation for the supply of water to each tank and the continued provision of water to these tanks thereafter. Formal negotiations through the Chief Executive Officer will be required and it is expected that this will be cost neutral to the Shire.

Conclusion

The project meets the objectives of the grant application in the protection of town water supplies for both fire suppression activities and emergency potable water supply for the residents in the event of a system failure.

Voting Requirements: Absolute Majority

OCM085/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Gossage, seconded Cr Hawkins

That Council:

- 1. Notes the results of the community engagement outcomes as contained in attachment OCM085.3/07/17.**
- 2. Authorises the Chief Executive Officer to consider tenders received, determine which tender to accept and negotiate and execute a contract for this project, acknowledging this tender is likely to exceed the limit of \$300,000 currently delegated to the Chief Executive Officer. This authorisation is a one off and relates to this tender to provide Static Water Supply facilities within Jarrahdale only.**
- 3. Authorises the Chief Executive Officer to negotiate a licence or other appropriate inter-Governmental agreement with the Department of Biodiversity Conservation and Attractions or the Static Water Supply facility on Reserve 16634 State Forest 22 as contained in attachment OCM085.6/07/17 and requests the deemed area be vested with the Shire.**
- 4. Waives the building permit application fees associated with this project.**

CARRIED BY ABSOLUTE MAJORITY 7/0



OCM086/07/17 - Local Emergency Management Committee Information Report (SJ716-02)	
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Author:	Gillian French – Emergency Services Technical Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	22 June 2017
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 8 June 2017. Officers recommend Council receive the minutes.

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 8 June 2017 and the minutes are hereby presented for your information.

Relevant Previous Decisions of Council

OCM035/04/17 - Minutes of Meeting 24 April 2017
 OCM153/08/16 - Minutes of Meeting 28 June 2016
 OCM002/02/17 - Minutes of Meeting 13 December 2016

Community Consultation

No formal community consultation is required.

Comment

At the meeting of 8 June 2017 there were no recommendations put forward by the Committee that require Council's consideration.

Attachments

- [OCM086.1/07/17](#) – Local Emergency Management Committee Minutes (E17/4840)

Alignment with our Strategic Community Plan

Objective 1.2	Progressive Organisation
Key Action 1.2.4	Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.
Objective 6.2	Active and Connected People
Key Action 6.2.4	Continue encouraging volunteering by providing support, training, funding, promotion and recognition.

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.*

Financial Implications

There are no direct financial implications regarding this matter.

Voting Requirements: Simple Majority

OCM086/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Hawkins, seconded Cr Gossage

That Council receives the Local Emergency Management Committee Minutes of 8 June 2017 as per attachment OCM086.1/07/17.

CARRIED UNANIMOUSLY 7/0



OCM087/07/17 - Adoption of the Shire of Serpentine Jarrahdale Strategic Community Plan 2017-2027 and Corporate Business Plan 2017-2021 (E17/5579)	
Author:	Deon van der Linde – Executive Manager Strategic Planning
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	July 2017
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> .

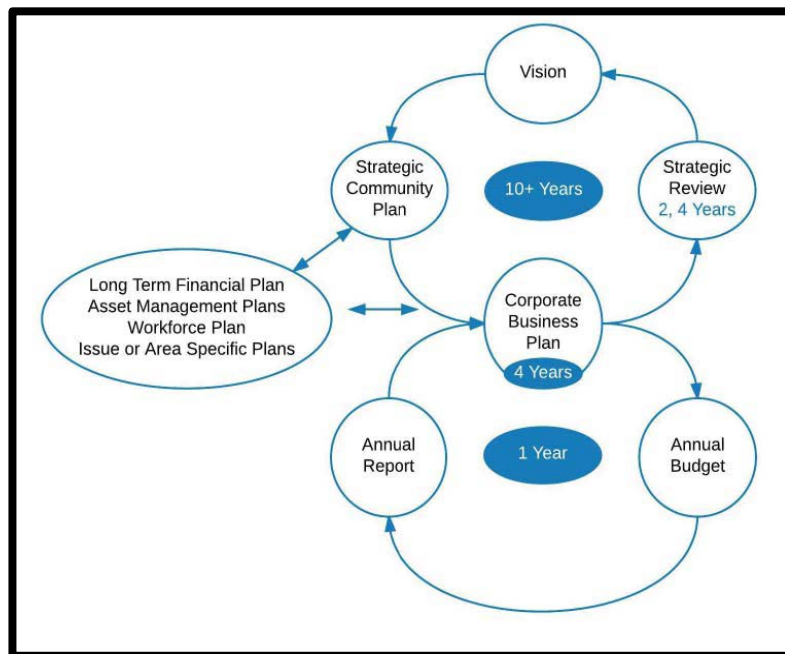
Introduction

The purpose of this report for Council to adopt the Shire of Serpentine Jarrahdale Strategic Community Plan 2017-2027 and Corporate Business Plan 2017-2021.

Background

Council is required to adopt a Strategic Community Plan, resulting in a ten-year plan informed by community aspirations and a Corporate Business Plan, resulting in a plan that mobilises resources to implement the first four years of the Strategic Community Plan.

In May 2013, Council adopted the Strategic Community Plan 2013-2022 and subsequently the Corporate Business Plan 2013-2017 was adopted by Council in June 2013. The Department of Local Government Integrated Planning and Reporting Framework and Guidelines requires that Council revisits the Strategic Community Plan every second year and does a major review of both documents every fourth year as indicated in the diagram below.



The Shire is therefore required to do a full review of both documents. This review has resulted in a number of changes that will improve the strategic focus of the Council and operational outcomes of the Shire administration in the coming years. The outcomes of this review are presented for adoption by Council.



Relevant Previous Decisions of Council

OCM065/04/16 - Endorsement of a process to establish the 2050 Vision as required by the Integrated Planning and Reporting Framework.

OCM191/10/16 - Endorsement of SJ 2050 as The Vision for Serpentine Jarrahdale.

Community / Stakeholder Consultation

Extensive community consultation was undertaken prior to the development of these plans. Residents were engaged through the development of SJ2050, the Annual Residents Survey and the SJ Real Choices engagement project, which included workshops, surveys and on-line interaction. The feedback and concepts articulated through these processes has been the foundation and guiding influence in the development of the 2017- 2027 Strategic Community Plan. A summary of the most important outcomes of the engagement with the community is provided in the Strategic Community Plan itself. A summary of the engagements is provided below.

SJ2050 Visioning process

The SJ2050 Plan commenced in April 2016, in response to the 'Perth and Peel at 3.5 million by 2050' plan released by the State Government in 2015, which estimated an increased population of 100,000 in the Shire by 2050. The Shire recognises the challenge in balancing this growth with the existing lifestyle values of the community. Through extensive consultation and community engagement, the document identifies the core values and guiding aspirations of the community. SJ2050 sets out a strategic growth framework that aims to accommodate rapid growth whilst shaping the district, in line with the community's values and aspirations. The engagement consisted of a series of community workshops, two workshops with Year 11 and 12 learners and a survey of the community. SJ2050 was based on 341 responses, 32 postcards & e-mails and 36 Facebook comments.

The SJ2050 document that was endorsed by Council in October 2016 is **Attachment OCM087.1/07/17**.

Annual Residents Survey

The Shire of Serpentine Jarrahdale has an ongoing need to measure how satisfied residents are with resources, facilities and services provided by the Shire, and to prioritise improvement opportunities that will be valued by the community. This survey is undertaken to provide a robust measure of satisfaction with the Shire's performance in relation to service delivery, determine performance drivers and assist the Shire to identify the best opportunities to further improve satisfaction, including satisfaction among defined groups within the Shire, assess changes in satisfaction over time and measure progress towards the long term objectives.

The results from the 2016 survey is **Attachment OCM087.2/07/17**.

SJ Real Choices

As part of the major strategic review, a series of community engagement activities were held with the residents of the Shire of Serpentine Jarrahdale in March 2017. The engagement process, known as "SJ Real Choices", consisted of communications and engagement with the community. This consisted of a representative Community panel that provided feedback on various options over a series of four workshops where the issues facing the Shire were presented in some detail. There were also three local community workshops in Byford, Mundijong and Serpentine and a further "BBQ" workshop for residents who were unable to attend the others. These workshops aimed to get the views of the local residents of the area and although they did not go into the same level of detail as the Community Panel, their responses contributed greatly to the outcomes of the engagement. In addition, there was also on-line engagement



through an engagement portal and a Facebook poll. This was backed up by a hard copy survey to support the residents who were unable to engage in any of the aforementioned ways. The SJ Real Choices engagement process reached 369 residents.

The resulting engagement summary is **Attachment OCM087.3/07/17**.

Comment

The above engagements provide the basis for the new Strategic Community Plan 2017-2027 and the new Corporate Business Plan 2017-2021. The documents are attached to the report and an executive summary of each is provided below.

Strategic Community Plan 2017-2027

The Strategic Community Plan is the highest-level planning document in the Integrated Planning process. The Strategic Community Plan follows on from the Shire's SJ2050 vision adopted in October 2016. It brings planning in line with the ten-year horizon of the Integrated Planning Framework and articulates the community priorities to achieve the vision. Based on community engagement, the Strategic Community Plan captures the community's aspirations and values and sets out the vision for the Shire's future:

"City living offering a rural lifestyle for a diverse community with abundant opportunities"

A strategic objective has been developed for each of four key themes of community interest, being:

PEOPLE: A connected, thriving, active and safe community;

PLACE: A protected and enhanced natural, rural and built environment;

PROSPERITY: An innovative, commercially diverse and prosperous economy; and

PROGRESSIVE: A resilient organisation demonstrating unified leadership and governance.

Desired outcomes for each objective have been determined and strategies to achieve the outcomes established. For each strategic objective, there is a summary of the major issues highlighted by the community, a selection of community comments, tables of strategies to achieve the desired outcomes and strategic performance indicators to monitor achievement of desired outcomes.

The Plan outlines how the Shire will, over the long term, work towards a brighter future for the Shire of Serpentine Jarrahdale community, as it seeks to achieve its vision inspired by the community's aspirations for the future.

The Strategic Community Plan is **Attachment OCM087.4/07/17**.

Corporate Business Plan 2017-2021

Achieving the community's vision and the Shire's strategic objectives requires the development of actions to address each strategy contained within the Strategic Community Plan. Operational planning and prioritisation is required to achieve the objectives and desired outcomes due to the limited resources available. This planning process is formalised by the development of the Corporate Business Plan. The Corporate Business Plan then converts the Strategic Community Plan into action through the adoption of an Annual Budget. Actions requiring funding will only be undertaken once approved within the statutory budget and subject to funding availability.

The Shire will deliver services to its community in line with its mission, values and the four key strategic objectives set out within the Strategic Community Plan. Each of the four objectives has several outcomes the Shire seeks to achieve over the 10+ years of the Strategic Community Plan. Each objective identifies



desired outcomes with strategies to achieve these outcomes. The table below summarises the desired outcomes under each of the four key themes and strategic objectives.

PEOPLE - *A connected, thriving, active and safe community*

Outcome 1.1 A healthy, active, connected and inclusive community

Outcome 1.2 A recognised culture and heritage

Outcome 1.3 A safe place to live

PLACE - *A protected and enhanced natural, rural and built environment*

Outcome 2.1 A diverse, well planned built environment

Outcome 2.2 A sustainable natural environment

Outcome 2.3 A productive rural environment

PROSPERITY - *An innovative, commercially diverse and prosperous economy*

Outcome 3.1 A commercially diverse and prosperous economy

Outcome 3.2 A vibrant tourist destination experience

Outcome 3.3 An innovative, connected transport network

Outcome 3.4 An innovation centre of excellence

PROGRESSIVE - *A resilient organisation demonstrating unified leadership and governance*

Outcome 4.1 A resilient, efficient and effective organisation

Outcome 4.2 A strategically focused Council.

The Corporate Business Plan further reflects the future actions for each strategy. The actions are also prioritized and indicate when the action is scheduled to be undertaken. Strategic performance indicators provide an indication of whether the Shire is meeting the objectives and will be monitored and reported. Services and facilities provided by the Shire have been linked with the relevant strategies in the Plan and provides a connection between the services and facilities and the desired outcomes and community vision.

The current Corporate Business Plan has the redevelopment of the suit of informing strategies as its short term priority. The engagement process has shown that due to the high growth rate of the Shire, the rapidly changing needs of the community and changes within the organisation also due to the amalgamation process some of these informing strategies have not kept pace with the community vision as contained in the new Strategic Community Plan. Whilst it was therefore not possible to update all the informing strategies in the current cycle, the Corporate Business Plan acknowledges this and identifies which interventions are necessary to address these shortcomings.

The Corporate Business Plan is **Attachment OCM087.5/07/17**.

Conclusion

The Shire of Serpentine Jarrahdale has come to a significant milestone in complying with the Local Government Integrated Planning and Reporting Framework and aligning all stakeholders within the Shire in achieving the long term SJ2050 vision through tangible programs and projects.

These important documents have been produced following on a comprehensive review of the current Strategic Community Plan and Corporate Business Plan 2013-2023. This process of review has incorporated significant community engagement through the SJ2050 visioning process, the Annual Residents Survey and the SJ Real Choices engagement. The outcomes of these documents have been integrated with the project requirements of the fastest growing local government in Australia and the financial realities faced by the Shire.

The resulting Strategic Community Plan 2017-2027 and Corporate Business Plan 2017-2021 comply with the Department of Local Government Integrated Planning and Reporting Framework and Guidelines and



are the Shire's plan for the future as envisaged under S5.56 (1) of the *Local Government Act 1995* and the *Local Government (Administration) Amendment Regulations (No. 2) 2011*.

Officers therefore request Council to adopt the Strategic Community Plan 2017-2027 and the Corporate Business Plan 2017-2021.

Alignment with our NEW Strategic Community Plan

PEOPLE - A connected, thriving, active and safe community
Outcome 1.1 A healthy, active, connected and inclusive community
Outcome 1.2 A recognised culture and heritage
Outcome 1.3 A safe place to live
PLACE - A protected and enhanced natural, rural and built environment
Outcome 2.1 A diverse, well planned built environment
Outcome 2.2 A sustainable natural environment
Outcome 2.3 A productive rural environment
PROSPERITY - An innovative, commercially diverse and prosperous economy
Outcome 3.1 A commercially diverse and prosperous economy
Outcome 3.2 A vibrant tourist destination experience
Outcome 3.3 An innovative, connected transport network
Outcome 3.4 An innovation centre of excellence
PROGRESSIVE - A resilient organisation demonstrating unified leadership and governance
Outcome 4.1 A resilient, efficient and effective organisation
Outcome 4.2 A strategically focused Council

Adoption of these plans will set the framework aligning with the PROGRESSIVE theme and the strategic objective to achieve a resilient organisation demonstrating unified leadership and governance. It will also demonstrate intent to achieve the outcomes of a resilient, efficient and effective organisation and a strategically focused Council.

Statutory Environment

- *Local Government Act 1995* - The Department of Local Government requires local governments to produce a plan for the future under S5.56 (1) of the Local Government Act 1995. Regulations under Section 5.56(2) of the Act outline the minimum requirements to achieve this.
- *Local Government (Administration) Amendment Regulations (No. 2) 2011* - The Regulations require the Strategic Community Plan to be considered by Council in terms of Part 5 Division 3 Regulation 19C (7) and the Corporate Business Plan in terms of Regulation 19DA (6) of the said regulations.



“19C. Planning for the future: strategic community plans — s. 5.56

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to -
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. *Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

19DA. Planning for the future: corporate business plans — s. 5.56

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



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

- Department of Local Government Integrated Planning and Reporting Framework and Guidelines September 2016 – this document guides the drafting of the plan for the future and outlines each component of the above framework. It provides the purpose, the process, the role of the community, Council & administration, and how the components fit together.

Financial Implications

The Strategic Community Plan and Corporate Business Plan provide the strategic direction for the future including actions, services and projects for the next ten years. Therefore, although the Plans do not have a direct impact on the current finances they will provide the basis for future financial decisions, programs and actions of Council.

Attachments

- [OCM087.1/07/17](#) – SJ 2050 (E17/1110)
- [OCM087.2/07/17](#) – Shire of Serpentine Jarrahdale Residents Survey 2016 Report (E17/1987)
- [OCM087.3/07/17](#) – SJ Real Choices Community Engagement Outcomes Report (IN17/14091)
- [OCM087.4/07/17](#) – Shire of Serpentine Jarrahdale Strategic Community Plan 2017-2027 (IN17/13429)
- [OCM087.5/07/17](#) – Shire of Serpentine Jarrahdale Corporate Business Plan 2017-2021 (IN17/13428)

Voting Requirements: Absolute Majority

OCM087/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Hawkins, seconded Cr See

That Council:

- 1. Adopts the Shire of Serpentine Jarrahdale Strategic Community Plan 2017-2027 and Shire of Serpentine Jarrahdale Corporate Business Plan 2017-2021.**
- 2. Authorises the Chief Executive Officer to apply the Shire’s branding in finalising the documentation to ensure that highly professional documents are presented to the Department of Local Government, Sport and Cultural Industries.**

CARRIED BY ABSOLUTE MAJORITY 7/0



8.2 Engineering reports:

OCM088/07/17 - Mead Street Road Closure for Power Transformer Relocation – Corner of Mead Street and Gargett Lane, Byford (SJ141)	
Author:	Carl Done – Subdivision Coordinator
Senior Officer	Doug Elkins – Director Engineering
Date of Report:	7 July 2017
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 allowing closure of a former power transformer site, in the road reserve, at the corner of Mead Street and Gargett Lane, Byford. This will facilitate better development outcomes for the Glades Village Centre development, as discussed below.

Background

The proposal is to close a 5.3m by 5.9m section of the Mead Street road reserve intended to be used for a Western Power transformer. Ultimately, the transformer was installed in another location, making the subject road widening surplus. The closure of the section of road reserve will allow the developer to pursue the amalgamation of 31.27m² of land into the adjoining lot. Plans showing the location of the subject widening and the proposed amalgamation are included at attachments **OCM088.1/07/17** and **OCM088.2/07/17**.

It is recommended that Council support the closure of the road widening.

Relevant Previous Decisions of Council

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

Community / Stakeholder Consultation

Advertising has been undertaken in accordance with Clause 58(3) of the *Land Administration Act 1997* (LAA). A notice was circulated in the *Serpentine Examiner* and a period of 35 days provided for comments. To date, no comments have been received relating to the proposed road closure.

Comment

The adjacent lot has an existing subdivision approval for residential development. The amalgamation of the subject section of widened road will allow the adjoining residential lot to be of a regular shape addressing the likely difficulty in achieving compliance with the Residential Design Codes requirements at development stage. With the removal of the need for the land as a Western Power transformer substation, the closure of the minor road widening, and subsequent amalgamation, is considered good and proper planning.

The minor road widening is not part of the road and has no connection to the road. The use of road reserve for the location of utility services is normal practice. Accordingly, as part of the land development process, conditions are typically applied to a development to create minor road widenings for the location of transformer sites. The use of 'road reserve' is an issue of convenience and convention. As such, the closure of the minor widening has no impact on the transport network, or any element of the Shire's management of road assets.



As the required consultation process resulted in no comments, and the use for which the land was intended no longer exists, it is recommended that Council resolve to request the Minister for Lands close the road.

Attachments

- [OCM088.1/07/17](#) - Locality Plan (E17/3854)
- [OCM088.2/07/17](#) – Site Plan (E17/3855)

Alignment with our Strategic Community Plan

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area’s distinct rural character, create village environments and provide facilities that serve the community’s needs and encourage social interaction

Statutory Environment

Section 58 of the Land Administration Act 1997 outlines the process for making a request to the Minister for Lands to close a road. Subsection (3) requires the Local Government to advertise the closure in a local newspaper and allow 35 days for comment.

Financial Implications

There are no financial implications to the Shire resulting from this proposal. A fee for the road closure covers the Shire’s costs associated with processing the road closure application.

Voting Requirements Simple Majority

OCM088/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Ellis, seconded Cr Hawkins

That Council requests the Minister for Lands to close part of the Mead Street road reserve as shown in attachment OCM088.2/07/17, in accordance with Section 58 of the *Land Administration Act 1997*.

CARRIED UNANIMOUSLY 7/0



OCM089/07/17 - Black Spot Program for the 2018/19 Financial Year (SJ138)	
Author:	Pascal Balley – Manager Infrastructure and Design
Senior Officer:	Doug Elkins – Director Engineering
Date of Report:	7 July 2017
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

Applications for submissions under the Black Spot program for the 2018/19 financial year close on Friday, 29 July 2017, for both the National Building Black Spot (NBBS) program and the State Black Spot (SBS) program.

Shire Officers annually identify suitable projects which fit the criteria and apply for Black Spot grant funding from either, or both programs. Officers have identified four projects for inclusion in the 2018/19 funding submissions, of which three are eligible for both SBS and NBBS funding and one is eligible for only SBS funding.

In accordance with the conditions of application, Council is requested to endorse the four nominated projects.

Background

State Black Spot Program

The objective of the SBS program is to improve road safety across Western Australia, by reducing the trauma and suffering of crash victims, their relatives and friends. This program provides a partnership between the State and Local Governments aiming to provide the community with a road network that is safe for all road users. This program is complementary to the NBBS program, however, as the thresholds are lower, the SBS program has application to a wider range of potential projects.

Main Roads Western Australia (MRWA) is the overall managing authority responsible for the administration and management of the SBS program and ensures that all decisions are in line with the guidelines and program objectives. Submissions for proposed projects, on local roads, are evaluated through Regional Road Groups and MRWA, and with assistance from the Western Australia Local Government Association (WALGA) RoadWise Regional Road Safety Officers.

Local Governments are required to contribute a minimum of one third of the total eligible project cost, the remainder coming from SBS funding.

Nation Building Black Spot Program

The aims of the NBBS program are the same as the SBS program. The NBBS funding contribution for each project cannot exceed \$2,000,000, therefore placing higher emphasis on low-cost, high-return projects.

The NBBS program is administered on behalf of the Australian Government by the State road and transport agencies, which manage approved projects within each State. Eligible project proposals are considered for approval according to a range of factors intended to maximise the safety benefits of NBBS Projects.



After working through accident statistics for the Shire, and applying possible upgrades to address crash patterns, four potential projects have been identified for application to the two Blackspot programs. Details of the individually determined projects are below.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this topic.

Community / Stakeholder Consultation

No consultation is required for this decision.

Comment

The Shire of Serpentine Jarrahdale has previously been successful in obtaining Black Spot funding. Although other crashes have occurred on roads not included in this report, the severity of the crash, proposed preventative measures and associated costs are the determining factors for eligible Black Spot grant applications. If construction costs are high and a low cost benefit ratio is achieved, it is unlikely to be successful in qualifying for Black Spot funding, even if a fatality has been recorded in a crash. Considering the project criteria and identifying potential Black Spots that may qualify for funding, the following projects are recommended for Council's endorsement, to be submitted for grant funding for the 2018/19 financial year under the NBBS and SBS programs.

Previous years' projects that were not successful in obtaining Black Spot funding, are required to be resubmitted to determine if they will qualify in the following year. The detrimental effect of this is that the crashes recorded during the last round of applications may not apply in the current application. Only the last five years of crash history is taken into account, so the merit of particular sites can change from year to year.

Mundijong Road and Kargotich Intersection

There have been 16 crashes in the last four years, including two requiring hospitalisation and four requiring medical attention. The reported crashes are eight right angle accidents, three right turn through accidents and four rear end crashes. An effective treatment to attenuate such crashes is to install a roundabout. It is estimated that the Shire can complete the project for \$975,000. This intersection qualify for both SBS and NBBS funding, so it is recommended that Council authorises Officers to submit an application under both the NBBS and SBS programs. If the application is successful, Council will be required to contribute \$325,000 to the project, if it is funded under the SBS program. Land acquisition and service relocation will be required.

Karnup Road, Serpentine (SLK 3.73 to 6.57) – Walker Rd to Hopeland Rd

There have been nine crashes in the last five years, including two fatalities, and two requiring hospitalisation. There were two head on crashes that lead to the two fatalities and six run-off- carriageway crashes; four crashes occurred at dusk/dawn and in the dark. An effective treatment to attenuate such crashes is to construct and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guide posts. It is estimated that the Shire can complete the project for \$375,000. This road qualifies for both SBS and NBBS funding, so it is recommended that Council authorises officers to submit an application under the NBBS program.

Kingsbury Road, Serpentine (SLK2.0 to 5.0)

There have been four crashes in the last five years, including one fatality and three hospitalisation crashes. Most of the crashes were run-off-carriageway crashes, with the fatality occurring at night. An effective treatment to attenuate such crashes is to construct and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guideposts. It is estimated that the Shire can complete the project for \$363,500. This road qualifies for both SBS and NBBS funding, so it is recommended that Council authorise officers to submit an application under the NBBS program.



Kardan Boulevard, Ballawarra Avenue and Miro Lane Intersection

An independent road safety audit was undertaken on Kardan Boulevard in June 2017. The road safety audit determined that the intersection of Kardan Boulevard, Ballawarra Avenue and Miro Lane is unsafe with potential for crashes. An effective treatment for that safety concern is to install pre-deflection on Kardan Boulevard approaches to the roundabout. It is estimated that the Shire can complete the project for \$120,000. This intersection qualifies for SBS funding, so it is recommended that Council authorise officers to submit an application under the SBS program.

Proposal

It is proposed that Council endorses the following submissions, as described in the report, to Main Roads Western Australia for funding under the Black Spot programs.

Project	Section	Summary of Works
Mundijong Road & Kargotich Road Intersection		Install roundabout
Karnup Road	SLK 3.73 – 6.57	Widen and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guide posts
Kingsbury Drive	SLK 2.0 – 5.0	Widen and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guide posts
Kardan Boulevard, Ballawarra Avenue and Miro Lane Intersection		Install pre-deflection on Kardan Boulevard approaches to the roundabout

Options and Implications

Option 1 – Resolve to endorse the submissions, as described in the report, to Main Roads Western Australia for funding under the Black Spot programs.

Option 2 - Resolve not to endorse the submissions, as described in the report, to Main Roads Western Australia for funding under the Black Spot programs.

It is recommended that Council support Option 1.

Attachments

Nil

Alignment with our Strategic Community Plan

The proposal is in conflict with the specific objectives outlined in the Strategic Community Plan, i.e.:

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporate community safety and emergency management.

**Statutory Environment**

The “*Nation Building Program (National Land Transport) Act 2009*” provides a mechanism for local governments to apply for grant funding under the Australian Government Black Spot program.

Consistent with Section 71 of the “*Nation Building Program (National Land Transport) Act 2009*”, a project is eligible to be approved if it is for the improvement of road safety, which contributes to the prevention of serious motor vehicle crashes involving death or personal injury.

Section 74 of the “*Nation Building Program (National Land Transport) Act 2009*” makes provision for the maximum funding amount that the Commonwealth may contribute to the project.

Financial Implications

NBBS projects are normally completely funded by the Federal Government, subject to approval by the Minister; and SBS projects are funded to a maximum of two thirds the total cost. If approved the financial implications for Council under the State Black Spot Program are outlined below:

Project	Section	Nation Building Black Spot Program (NBBS)		State Black Spot Program (SBS)	
		NBBS \$	Shire \$	SBS \$	Shire \$
Mundijong Road & Kargotich Road Intersection		975,000	Nil	650,000	325,000
Karnup Road	SLK 3.73 – 6.57	375,000	Nil	Nil	Nil
Kingsbury Drive	SLK 2.0 – 5.0	363,500	Nil	Nil	Nil
Kardan Boulevard, Ballawarra Avenue and Miro Lane Intersection		Nil	Nil	120,000	40,000

**Voting Requirements:** Simple Majority**OCM089/07/17 COUNCIL DECISION / Officer Recommendation**

Moved Cr See, seconded Cr Rich

That Council endorses the following submissions to Main Roads Western Australia for funding under the 2018/19 Black Spot programs:

Project	Section	Nation Building Black Spot Program (NBBS)		State Black Spot Program (SBS)	
		NBBS \$	Shire \$	SBS \$	Shire \$
Mundijong Road & Kargotich Road Intersection		975,000	Nil	650,000	325,000
Karnup Road	SLK 3.73 – 6.57	375,000	Nil	Nil	Nil
Kingsbury Drive	SLK 2.0 – 5.0	363,500	Nil	Nil	Nil
Kardan Boulevard, Ballawarra Avenue and Miro Lane Intersection		Nil	Nil	120,000	40,000

CARRIED UNANIMOUSLY 7/0

**8.3 Corporate and Community reports:**

OCM090/07/17 - Adoption of 2017/18 Budget	
Author:	Peter Kocian, Acting Director Corporate and Community
Senior Officer/s:	Kenn Donohoe, Chief Executive Officer
Date of Report:	3 July 2017
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

To consider and adopt the Municipal Fund Budget for the 2017/18 financial year together with supporting schedules, including the imposition of general rates and minimum payments, adoption of fees and charges, setting of elected member fees and allowances and other consequential matters arising from the budget papers.

Background

The draft 2017/18 Budget has been compiled on the principles contained in the draft Strategic Community Plan and draft Corporate Business Plan, which are due to be presented to Council for adoption at the July 2017 Ordinary Meeting. These strategic documents have also informed the development of the draft Long Term Financial Plan (LTFP), with the draft 17/18 Budget forming year one (1) of the LTFP. The draft Budget has been prepared based on presentations made to elected members at the various budget workshops over the last two months.

Council endorsed the differential general rates and minimum payments at the Special Meeting of 15 June 2017. Council cannot adopt the Budget without striking the rate in the dollar for differential general rates and minimum payments, which is dependent upon Ministerial approval as the Shire proposes to impose a minimum payment to more than 50% of properties in the GRV Vacant general rate category.

The application for Ministerial approval was submitted to the Department of Local Government and Communities on Friday 16 June 2017. The Shire received approval on 29 June 2017 as per **OCM090.2/07/17**.

Relevant Previous Decisions of Council

Council endorsed the differential general rates and minimum payments at the special meeting of 15 June 2017 (SCM004/06/17).

OCM066/05/17 acknowledged the Salaries and Allowances Tribunal's Determination and that Council Policy G003 be applied to the Band 2 Determination, and that the amount be considered in the 2017/18 budget.

Community / Stakeholder Consultation

The Shire advertised the proposed differential general rates and minimum payments on 16 May 2017 with submissions closing on the 7 June 2017. One public submission was received, and subsequently considered by Council at the special meeting of 15 June 2017.

The Shire also undertook extensive lead-in consultation to discuss long term financial planning with the community during the SJ Real Choices process. This involved the following workshop dates with the community:

- 8 March Panel Introduction (Mundijong)
- 9 March Locality Workshop Serpentine and Jarrahdale (Serpentine)



- 11 March Panel Workshop (Mundijong)
- 15 March Locality Workshop Byford
- 18 March Panel Workshop (Mundijong)
- 19 March Shire-wide Workshop (Serpentine)
- 22 March Panel Workshop (Mundijong)
- 23 March Locality Workshop (Mundijong)

Comment**Estimated Surplus Brought Forward 1 July 2017**

The draft 2017/18 Budget is framed on an estimated surplus brought forward from the 2016/17 financial year of \$2,735,736. The composition of the estimated net current asset position is detailed on page 24 of the draft Budget. This amount is calculated based on projected net current assets of \$159,288 as per the amended 2016/17 Budget, an advance payment of the Shire's 2017/18 financial assistance grants of \$1,334,613 received on 30 June 2017, and significant 2016/17 Budget variances including a \$767k underspend in employee costs and an additional \$481k levied in interim rates.

The estimated surplus brought forward is a conservative estimate. An analysis of the components of net current assets has been undertaken, including a review of open purchase orders, unpaid contract payments, leave accruals, reconciliation of restricted cash including Reserve funds, debtor's invoices, inventory, and accruals. It is anticipated that the brought forward surplus figure may be higher than the \$2.74m budget position; however, it is prudent to apply a conservative estimate. Budgetary issues will arise where the estimated brought surplus is much greater than the actual surplus, which will be known once all end of year accounting adjustments are finalised. Any variance between the estimated brought forward surplus of \$2.74m and the actual net current asset position as at 30 June 2017 will be addressed at the September 2017 Ordinary Meeting of Council. It will be recommended at this time that any favourable improvement in the brought forward surplus be used to fund an increase in asset renewals or transferred into Reserves.

Underlying Budget Principles

The following budget measures/principles have been considered when framing the draft 2017/18 Budget:

- Rate revenue is a substantial source of discretionary revenue for the Shire paying for approximately 2/3 of all expenditure requirements;
- The overall objective of a rating model is to provide for the net funding requirements of the Shire's services, activities, financing costs and the current and future capital requirements of the Shire;
- In adopting its annual Budget, the Council must also consider its Strategic Community Plan and Corporate Business Plan;
- The proposed 2.37% increase in rate yield will be dedicated to asset renewal expenditure, with a target asset renewal ratio of 80%;
- The Perth CPI for the full year to March 2017 was 1.0%;
- The Local Government Cost Index will rise by 2.0% in 2017/18 on account of higher costs associated with energy and street lighting, wages and construction;
- The WA wage price index is expected to increase to 2.25% in 2017/18;
- The draft budget is a rolling budget linked to the Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan;
- The draft budget provides for the same or improved level of service;
- There is a commitment to deliver on budgeted programs and asset management requirements;
- Increases in fees and charges have been capped at 1.5%;



- Commitment to cost restraint wherever possible being tied to the Local Government Cost Index;
- Commitment to achieving operational efficiencies such as plant operating costs; attainment of value for money for service contracts, and savings on legal expenses and consultancies;
- Maintenance of a balanced budget with only a 2.37% increase in rates, meaning that cost reductions have been achieved given that the Shire's asset renewal ratio is increasing from circa 60% to 80%. This means that operational savings have allowed a greater investment into assets.

Councils are being required to demonstrate operational efficiencies when setting the level of rates. It is the Officer's view that the Department of Local Government and Communities may enshrine this requirement into a formal Policy. It is imperative that the Shire improves its operating surplus ratio (by increasing revenue relative to expenditure) to release more funds for investment in asset renewals and new capital. This needs to be a fundamental objective in the Shire's Long Term Financial Plan.

Draft 2017/18 Budget Details

The draft 2017/18 Budget has been prepared to include information required by the *Local Government Act 1995*, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The key features of the draft 2017/18 Budget include:

- Total rate revenue of \$21,965,297. This is comprised of \$21,094,489 in rates raised less concessions of \$227,192 amounting to \$20,867,297 in rates levied (as per the Officer's report presented to Council at the special meeting of 15 June 2017), plus an estimated \$1.1m to be raised in interim rates (less discounts of \$2,000 being the rate incentive prize). Interim rates are generated by an increase in total valuation, because of either property improvements, or additional rateable properties being developed.
- Fees and charges have generally been increased by 1.5% and are itemised in the Schedule of Fees and Charges included in the supplementary information of the draft Budget. The draft Budget provides for total fees and charges revenue of \$6.74m. The majority of fees and charges is raised through waste services (\$4.9m) and economic services (\$765k).
- Waste collection fees are proposed as follows:

Description	2016/17	2017/18	Increase (\$)	Increase (%)
140l MGB	224.00	243.00	19.00	8.5%
240l MGB	286.00	320.00	34.00	11.9%
240l Recycle Bin	126.00	151.00	25.00	19.8%
Bin establishment/replacement – 140l MGB	72.00	85.50	13.50	18.8%
Bin establishment/replacement – 240l MGB	78.00	92.50	14.500	18.6%
		Where residents in the Rowley Road Units have a shared bin service with a neighbour, a 50% discount on the above fees will be applied to individual properties.		

Based on maintaining current levels of service, the budgeted cost of providing waste services in 17/18 is circa \$4.9m. The cost of the waste service is made up of a combination of directly



attributable costs such as the waste collection contract (circa \$4m), plus indirect costs such as corporate overheads. The provision of waste services is self-funded in 2017/18, with \$4.9m budgeted to be recovered in waste fees and charges. This ensures that there is no drawdown on the Waste Reserve in 2017/18 as a subsidy to waste operations.

- A capital works program totalling \$22,094,977 for investment in infrastructure, land and buildings, plant and equipment, and furniture and equipment is planned. Projects are itemised in the Capital Expenditure Program included in the Supplementary Information to the draft budget. Major project spends include roads (\$18.4m), land and buildings (\$1.4m), footpaths (\$476k), parks and reserves (\$372k) and drainage (\$340k).
- Total loan principal outstanding of \$3,964,849 as at 30 June 2018. At the Special Meeting of 28 April 2017, Council awarded the contract for the Abernethy Road Upgrade Construction project (SCM001/04/17), and endorsed total loan borrowings of \$2,750,000 as part of the 2017/18 Budget to fund the balance of the project. Total new loan borrowings of \$2,761,924 have been included in the draft 2017/18 Budget for this project.
- Total operating and non-operating grant funding and external contributions of \$9,698,028. Transport services receive the majority of this funding with a confirmed grant of \$5.2m under the National Stronger Regions program for the Abernethy Road project, as well as \$2.1m in other road funding through the State Regional Road Group and Federal Roads to Recovery programs. The Shire did receive an advance payment of \$1,334,613 of its 2017/18 financial assistance grants on 30 June 2017.
- Council has established various reserve accounts to which monies are set aside at the discretion of the Council to fund future service delivery requirements. These reserve accounts are itemised in note 9 of the draft 2017/18 Budget. The Shire is budgeting for \$11m in closing reserve balances, with a number of developer contribution reserves and infrastructure reserves purposed to fund the delivery of new projects and facilities.
- Whilst not explicitly included in the draft Budget, as it is a balance sheet item only, the Shire does administer the collection of the Emergency Services Levy on behalf of the Government of Western Australia. The Shire has been advised of the new rates as follows:

ESL Category	ESL Rate (Per \$GRV)	Minimum and Maximum ESL Charges by Property Use			
		Residential, Farming and Vacant Land		Commercial, Industrial and Miscellaneous	
		Min	Max	Min	Max
1	\$0.013259	\$75	\$395	\$75	\$225,000
2	\$0.009944	\$75	\$296	\$75	\$168,000
3	\$0.006629	\$75	\$197	\$75	\$112,000
4	\$0.004641	\$75	\$138	\$75	\$78,000
5	Fixed Charge \$75	\$75	\$75	\$75	\$75
Mining Tenements	Fixed Charge \$75	\$75	\$75	\$75	\$75



Attachments

- [OCM090.1/07/17](#) – 2017/2018 Statutory Budget (E17/5699)
- [OCM090.2/07/17](#) – Ministerial Approval for Minimum Payments (E17/5451)

Alignment with our Strategic Community Plan

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long-term financial sustainability.
Objective 2.4	Business Efficiency
Key Action 2.4.2	Critically examine service delivery to ensure efficiency and effectiveness.

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires, that no later than 31 August in each financial year, or such extended time as the Minister allows, each Local Government is to prepare and adopt by ABSOLUTE MAJORITY, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2017/18 Budget as presented is considered to meet statutory requirements.

Section 5.63 (1) of the *Local Government Act 1995* specifically excludes the need to declare a financial interest where matters; have an interest in common to a significant number of ratepayers/electors; relate to the imposition of any rate, charge or fee; relate to a fee, reimbursement of an expense or an allowance payable to elected members.

The draft 2017/18 Budget is based on the principles contained in the Strategic Community Plan and the Corporate Business Plan.

Financial Implications

The draft 2017/18 Budget is a balanced budget. The draft Budget maintains the same level of service across all programs whilst ensuring an increased focus of road and associated infrastructure as well as on increasing renewal expenditure across all asset classes.

The process for the development of the draft 2017/18 Budget has involved the establishment of financial parameters for the 2017/18 financial year including consideration of rating income, grants, fees and charges and other income, and likely demands on expenditure.

When setting the Annual Budget, the Shire is exposed to financial risk over the long term if insufficient regard is given to both revenue and expenditure implications beyond the budget period. Alignment to the draft Long term Financial Plan during the budget process has helped to mitigate the long-term risks.

Voting Requirements Absolute Majority

The Officers Recommendation for item number OCM090/07/17 Adoption of 2017 /18 Budget:
Part A – Municipal Fund Budget for 2017/18;
Part B – General and Minimum Rates, Instalment Payment Arrangements and Concessions;
Part C – Emergency Services Levy;
Part D – Reserve Funds
Part E – General Fees and Charges for 2017/18



Part F – Other Statutory Fees and Charges for 2017/18
Part G – Material Variance Reporting for 2017/18; and
Part H – Financial Assistance Grants to Local Government
was considered enbloc.

OCM090/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Hawkins

PART A – MUNICIPAL FUND BUDGET FOR 2017/18

1. Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, Council ADOPTS the Municipal Fund Budget as contained in attachment OCM090.1/07/17, for the Shire of Serpentine Jarrahdale for the 2017/18 financial year, which includes the following:
 - a) Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for 2017/18 of \$3,071,361;
 - b) Statement of Comprehensive Income by Program on page 3 showing a net result for 2017/18 of \$3,071,361;
 - c) Statement of Cash Flows on page 4 showing cash and cash equivalents at the end of the year of \$12,617,027;
 - d) Rate Setting Statement on page 5 showing an amount to be raised from rates of \$21,965,297;
 - e) Notes to and Forming Part of the Budget on pages 6-39;
 - f) Transfers to/from Reserve Accounts as detailed on page 33, and
 - g) Budget program schedules and other Supplementary Information including the Schedule of Fees and Charges.

CARRIED EN BLOC BY ABSOLUTE MAJORITY 7/0



PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS AND CONCESSIONS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted as Part A above, Council, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, IMPOSES the following differential general rates and minimum payments on Gross Rental and Unimproved Values:

1.1 General Rates

GRV Improved	8.7569 cents in the dollar
GRV Vacant	13.4169 cents in the dollar
UV General	0.3628 cents in the dollar

1.2 Minimum Payments

GRV Improved	\$1,200
GRV Vacant	\$1,300
UV General	\$1,300

2. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64 (2) of the *Local Government (Financial Management) Regulations 1996*, Council OFFERS the following due dates for the payment of rates in full by instalments:

Full Payment and instalment due date	14 th September 2017
2 nd quarterly instalment date	14 th November 2017
3 rd quarterly instalment date	16 th January 2018
4 th quarterly instalment date	20 th March 2018

3. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council IMPOSES an instalment administration charge where the owner has elected to pay rates and service charges through an instalment option of \$10 for each instalment after the initial instalment is paid (excluding eligible pensioners).
4. Pursuant to section 6.45 (3) of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council IMPOSES an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option (excluding eligible pensioners).
5. Pursuant to section 6.51 (1) and subject to section 6.51 (4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council IMPOSES an interest rate of 11% for rates and service charges and costs of proceedings to recover such charges that remains unpaid after becoming due and payable (excluding eligible pensioners).
6. Pursuant to section 6.47 of the *Local Government Act 1995* and subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, Council GRANTS the following concessions in relation to 2017/18 rate charges:



Rate to which the Concession is Granted	Type	Concession	Circumstances in which the Concession is Granted	Objects of the Concession	Reasons for the Concession
UV General	Farmland	31%	Where properties meet the Council SEG1 Farmland Concession Policy criteria	To maintain the rural character of the area in line with the strategic goals of Council	Council provides a rate concession to properties maintaining genuine farming interests. It ensures that Council is protecting and developing appropriate agricultural and horticultural industries and pursuits within the Shire.
UV General	Conservation	50%	Where properties meet the conservation eligibility criteria.	To recognise landowners who have retained and maintained bushland and wetland.	Council recognises that nature conservation on private land is essential to maintaining the quality of life that all residents of the Shire and Serpentine River Catchment area enjoy.

7. Pursuant to sections 6.45 and 6.49 of the *Local Government Act 1995*, where a person elects to pay rates and service charges via direct debit (alternative arrangement), and rates and service charges (including arrears) are paid in full by 30 June 2018, Council resolves to WAIVE the instalment administration charges and all penalty interest for the 2017/18 financial year.
8. In accordance with the provisions of section 6.49 of the *Local Government Act 1995*, Council AUTHORISES the Chief Executive Officer to enter into special payment



arrangements with ratepayers for the payment of general rates, emergency services levy, refuse charges and private swimming pool inspection fees during the 2017/18 financial year.

CARRIED EN BLOC BY ABSOLUTE MAJORITY 7/0

PART C – EMERGENCY SERVICES LEVY

1. In accordance with the provisions of sections 36B and 36L of the *Fire and Emergency Services Authority of Western Australia Act 1998*, Council **IMPOSES** the 2017/18 Emergency Services Levy Rates and Minimum and Maximum Payments on land as follows:

ESL Category	ESL Rate (Per \$GRV)	Minimum and Maximum ESL Charges by Property Use			
		Residential, Farming and Vacant Land		Commercial, Industrial and Miscellaneous	
		Min	Max	Min	Max
1	\$0.013259	\$75	\$395	\$75	\$225,000
2	\$0.009944	\$75	\$296	\$75	\$168,000
3	\$0.006629	\$75	\$197	\$75	\$112,000
4	\$0.004641	\$75	\$138	\$75	\$78,000
5	Fixed Charge \$75	\$75	\$75	\$75	\$75
Mining Tenements	Fixed Charge \$75	\$75	\$75	\$75	\$75

2. In accordance with the provisions of section 36S of the *Fire and Emergency Services Authority of Western Australia Act 1998*, Council **IMPOSES** interest on all current and arrears amounts of emergency services levy at the rate of 11% per annum which remain unpaid after the due date (excluding eligible pensioners).

CARRIED EN BLOC BY ABSOLUTE MAJORITY 7/0

PART D – RESERVE FUNDS

1. Pursuant to section 6.11 of the *Local Government Act 1995*, Council establishes the Reserves as detailed in note 9 of the draft 2017/18 Budget, with \$4,513,174 budgeted to be transferred to Reserves and \$12,849,867 budgeted to be transferred from Reserves.

CARRIED EN BLOC BY ABSOLUTE MAJORITY 7/0

PART E – GENERAL FEES AND CHARGES FOR 2017/18

1. Pursuant to section 6.16 of the *Local Government Act 1995*, Council **ADOPTS** the Schedule of Fees and Charges as included in the Supplementary Information of the draft 2017/18 Budget as contained in attachment OCM090.1/07/17.

CARRIED EN BLOC BY ABSOLUTE MAJORITY 7/0

PART F – OTHER STATUTORY FEES AND CHARGES FOR 2017/18

1. Pursuant to section 53 of the *Cemeteries Act 1986*, Council **IMPOSES** the Fees and charges for the Cemeteries included in the Supplementary Information of the draft 2017/18 Budget as contained in attachment OCM090.1/07/17.



2. Pursuant to section 245A (8) of the *Local Government (Miscellaneous Provisions) Act 1960* and regulation 53 of the *Building Regulations 2012*, Council IMPOSES a private swimming pool inspection fee of \$55 inclusive of GST for each property where a private swimming pool is located.
3. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, Council IMPOSES the following charges for the removal and deposit of domestic and commercial waste:

Description	Fee
140l MGB	\$243.00
240l MGB	\$320.00
240l Recycle Bin	\$151.00
Bin establishment/replacement – 140l MGB	\$85.50
Bin establishment/replacement – 240l MGB	\$92.50
Where residents in the Rowley Road Units have a shared bin service with a neighbour, a 50% discount on the above fees will be applied to individual properties.	

CARRIED EN BLOC BY ABSOLUTE MAJORITY 7/0

PART G – MATERIAL VARIANCE REPORTING FOR 2017/18

That Council:

1. 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 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.

CARRIED EN BLOC 7/0

PART H– FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT

That Council:

1. Acknowledges the importance of Federal funding through the Financial Assistance Grants Program for the continued delivery of services and infrastructure;
2. Acknowledges the receipt of \$3,835,414 in Financial Assistance Grants in 2016/17, including a part advance payment of the 2017/18 grants;
3. Will ensure that the federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.

CARRIED EN BLOC 7/0



OCM091/07/17 - Confirmation of Payment of Creditors (SJ514-08)	
Author:	Megan Mateljan - Finance Officer
Senior Officer:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	1 July 2017
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> .

Author:	Megan Mateljan - Finance Officer
Senior Officer:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	1 July 2017
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 matter.

Community / Stakeholder Consultation

No community consultation was required.

Comment

In accordance with the Local Government (Financial Management) Regulations 1996 13(1), 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 2017 to 30 June 2017 is provided per attachment OCM091.1/07/17. Transactions made by purchasing cards are detailed in the Purchasing Card Report 6 May 2017 to 5 June 2017 as per attachment OCM091.2/07/17.

Attachments:

- [OCM091.1/07/17](#) - Creditors Schedule of Accounts 1 June 2017 to 30 June 2017. (E17/5776)
- [OCM091.2/07/17](#) – Purchasing Card Report 6 May 2017 to 5 June 2017. (E17/5775)

Alignment with our Strategic Community Plan:

The Strategic Community Plan has placed an emphasis on undertaking best practice financial and asset management and is in line with the category of Financial Sustainability.

Financial Sustainability

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

Statutory Environment

Section 5.42 of the Local Government Act 1995 states that the Council may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority CG07 - Payments from Municipal and Trust Fund.



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.

Voting Requirements Simple Majority

OCM091/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Ellis, seconded Cr Hawkins

That Council records the accounts as paid under delegated authority for June 2017, totalling \$3,004,394.66 as attached, covering:

- 1. EFT Vouchers EFT47175 to EFT47602 including Purchasing Card Payment totalling \$2,809,353.38, including Purchasing Card Payment of \$1,280.76.**
- 2. Municipal Cheque Vouchers CHQ45852 to CHQ45857 totalling \$2,038.20.**
- 3. Municipal Direct Debits DD45019.10 to DD45105.33 totalling \$193,003.08.**

CARRIED UNANIMOUSLY 7/0

**OCM092/07/17 - Deferral of June 2017 Monthly Report (SJ801)**

Author:	Stacey Hobbins – Acting Finance Manager
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	4 July 2017
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 allow an extension of time to produce the June 2017 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*.

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 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.

Relevant Previous Decisions of Council

The original budget for 2016/17 was adopted on 25 July 2016 at a Special Council Meeting (SCM011/07/16). As a part of this decision Council resolved for the Monthly Financial Report to:

- a) be reported by Business Unit in accordance with Section 6.4 of the *Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996*;
- b) adopt the material variance of 10% or greater in accordance with Section 6.4 of the *Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996*;
- c) apply the 10% or greater material variance to total revenue and expenditure of each Directorate in the statement of financial activity, forming part of the monthly financial report.

Further, at the Ordinary Council Meeting held on 24 April 2017, Council resolved to amend the format of the Monthly Financial Report to receive the Monthly Financial Statement of Financial Activity by Program and Nature and Type. At this meeting Council also adopted a change to the material variance reporting; amending it to require material variances of the greater of \$10,000 or 10% (over or under budget) to be explained for total revenue and expenditure for each Nature and Type classification and capital income and expenditure in the Statement of Financial Activity.

Community / Stakeholder Consultation

No community consultation was undertaken / required.

Comment

Regulation 34 (4) of the *Local Government (Financial Management) Regulations 1996* states that the monthly report is to be presented at an Ordinary Council Meeting within 2 months after the end of the month to which the statement relates.



Given the complexities involved with producing the Annual Financial Statement reflecting the June 2017 balances, it is proposed that the June 2017 Monthly Financial Report be presented to Council at the August Ordinary Council meeting, at which time, all invoices will have been received and processed, and the report accurately representing the Council's surplus position.

Attachments

Nil

Alignment with our Strategic Community Plan

Financial Sustainability

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

Statutory Environment

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.

Financial Implications

There are no financial implications relating to the preparation of the report. Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.

Voting Requirements Absolute Majority**OCM092/07/17 COUNCIL DECISION / Officer Recommendation****Moved Cr Rich, seconded Cr Hawkins**

That Council approves the deferral of the June 2017 Monthly Financial Report until the August 2017 Ordinary Council Meeting, as permissible under Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

CARRIED BY ABSOLUTE MAJORITY 7/0

**OCM093/07/17 – BMX Track Lighting Upgrade and Proposed Licence Agreement – Byford BMX Club Inc (SJ1967 & SJ975-05)**

Author:	Marlene Renton – Senior Recreation Development Officer Kristen Cooper – Leasing and Property Officer
Senior Officer/s:	Kellie Bartley – Manager Corporate Services Peter Kocian – Acting Director Corporate and Community
Date of Report:	4 July 2017
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 endorsement of the standard 'no cost to the Shire' Licence Agreement and to request allocation of \$25,000 towards the upgrade of the track lighting at the Byford BMX Track.

Background

Reserve 17490 L110 Mead Street, Byford

The site is located at Lot 110 Mead Street Byford, Reserve 17490 adjacent to the Serpentine Jarrahdale Community Recreation Centre at Briggs Park. The reserve is currently vested in the Shire of Serpentine Jarrahdale for the purpose of public recreation, with the power to lease or licence for a period of 21 years, subject to the Minister for Lands consent. The Byford BMX Club has been operating on this site since 1999 under a previous licence agreement, which expired in April 2006. Since this time, they have been operating on an annual hire arrangement. Furthermore, the Minister for Lands has provided consent to the Licence Agreement on 21 June 2017 and a copy of this approval letter has been inserted into the licence.

In December 2015, the Shire confirmed in writing to the Byford BMX Club that \$300,000 had been set aside in a Financial Reserve Account for the relocation of the track when the proposed multi-purpose sporting facility was due to be constructed in the same location, as recommended in the Briggs Park Recreation Precinct Master Plan 2014. The letter acknowledged that this was some time away and that interim works were required to ensure the facility met BMX Australia standards for community level tracks.



Additionally, the works would assist the club to retain and grow its membership base as well as provide a free facility for the broader community to enjoy.

In January 2016, the Club proposed that the following priority items be investigated:

- Upgrade of track lighting
- Additional shelters
- Track modifications

The shelter was installed in November 2016 at a cost of \$9,410 ex GST with funding from the Byford BMX Track Reserve. The track modifications were broken down into two stages for a total of \$18,175 fully funded by the Club. Stage 1 was completed in February 2017 and stage 2 is due to be completed in August 2017.

During this time, the Shire and the Club have worked together to investigate cost effective options for the upgrade of the existing track lighting - which currently does not meet BMX WA guidelines - to enable the continuation of very successful Friday night racing.

Relevant Previous Decisions of Council

- OCM158/08/16 BMX Track Priority Interim Works: Council approved the expenditure of \$9,410 ex GST for the shelter.
- OCM128/07/15 Council agreed to investigate the reallocation of \$400,000 to construct a new BMX Track at Briggs Park.

Community / Stakeholder Consultation

There has been stakeholder consultation between the Shire and the Byford BMX Club in preparing this report and external stakeholders as noted below.

External Consultation

- Byford BMX Club
- BMX WA
- Benchmark with various Councils

Comment

Feasibility for the Relocation of the Byford BMX Track

An amount of \$20,000 has been allocated in the 2017/18 budget to conduct a feasibility study into the relocation of the Byford BMX Track. The outcome of the study is to identify land and facility requirements for a new BMX track, which will be home to the Byford BMX Club.

However, relocation could be up to five years away and the Club is seeking security of tenure.

Licence

The Shire has offered the Club a standard Licence Agreement for a portion of the Reserve. The proposed rental term is five years. A clause has been inserted into the licence, which provides for either party to terminate the licence in the event that a new BMX track is established during the Licence Term for the purpose of relocating the Byford BMX Club.

The Club is responsible for maintenance and repair of the BMX track and all infrastructure in the licensed area at all times. The value of the maintenance service carried out by the Club in 2016 has been estimated at \$47,000 including volunteer labour costs, hire of equipment, and purchase of materials such as mulch and cracker dust.



The Shire shall be responsible to undertake repairs and all cleaning necessary to rectify any malicious damage done to the licensed area.

The track will continue to be open to the public when the Club is not training or racing.

The Byford BMX Club Board has ratified the attached Licence.

Upgrade of Track Lighting

The current track lighting does not meet BMX WA standards of 100 lux average with a 50 lux minimum across the track. Lux levels taken by a registered electrician on 26 July 2016 revealed readings of 20 – 50 lux with some areas as low as 5 lux. BMX WA have advised that if the Club wishes to continue night events it will need to upgrade the lighting as a matter of urgency.

(a) Night Racing

The Club races on Friday nights and trains on Tuesday, Wednesday and Thursday nights. The lighting offers the following:

Extended training on week nights which means the Club can cater for a larger membership base;
 Consistent membership numbers as Friday night racing does not compete with AFL in winter and cricket in summer as they are played on weekends;
 Avoidance of car parking issues at Briggs Park on the weekends;
 Activates the area and provides much needed activity for youth.

The Byford BMX Club has 198 members which makes it one of the largest clubs in the metropolitan area.

(b) BMX Lighting Options

In July 2016, BMX WA released updated track lighting guidelines that stated for new BMX tracks the lighting required was 200 lux average with 100 lux minimum. Given the Byford BMX Track is an upgrade, BMX WA have confirmed that the current guidelines of 100 lux average with 50 lux minimum will meet the standards required to continue night racing.

Costings were obtained to meet both the new guidelines and the old guidelines for comparison purposes.

Option	Lux	Watts	Power Upgrade	Cost ex GST
1	200 lux average / min 100 lux	29,000	Yes	\$184,660
2	145 lux average / min 100 lux	19,000	Yes	\$168,020
3	150 lux average / min 100 lux	11,260	Yes	\$99,600
4	100 lux average / min 50 lux	6,000	No	\$43,000
5	112 lux average	13,000	Yes	\$77,345
6	Unknown (existing lighting tower solution)	6,000	No	\$12,220 annual \$14,820 annual (LED)

- Option 1 and 2 were dismissed due to cost and the confirmation from BMX WA that the lighting only needs to meet the old guidelines.
- Option 3 and 5 both require an upgrade to the incoming power which has been estimated at \$17,000 additional to the quotes above.
- Option 6 is not favoured by the Club as it does not achieve the lighting levels required.
- Option 4 represents a revisit of the project brief to develop a design that meets the standards



required without having to upgrade the incoming power. An independent electrical contractor has confirmed that the design for Option 4 will not require an upgrade and that it will meet BMX WA standards This is the preferred option by the Club and Officers.

The total project cost for Option 4 is estimated at \$50,000 which includes detailed design drawings, building permit, structural certification, and contingency of 5%.

(c) Capital Contributions

The Byford BMX Club has agreed to pay 50% of the total project cost of \$50,000 (Option 4). The Club has confirmed its capacity to meet this contribution. The Club has also committed to paying the full cost of running the lights.

A MOU (Memorandum of Understanding) will be developed between the Byford BMX Club and the Shire to outline the financial commitments and confirm the Shire as Project Managers.

Conclusion

Consultation has been undertaken with the Byford BMX Club and as a result the Board has ratified the attached Licence, confirmed Option 4 as the preferred lighting choice, and approved the contribution of \$25,000 to the total project cost.

The Club is seeking security of tenure for the next five years as well as an upgrade to the lighting so they can continue night racing and training.

Attachments

- [OCM093.1/07/17](#) - Proposed Licence Agreement between the Shire of Serpentine Jarrahdale and the Byford BMX Club (E17/5216)

Alignment with our Strategic Community Plan

Sporting clubs and various types of community groups play a vital role in the community’s wellbeing. The activities of this group do not adversely affect or impact on the adjoining property owner’s quality of life.

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

Statutory Environment

The Byford BMX Club is exempt from the requirements of S3.58 of the *Local Government Act 1995* and Regulation 30(2)b(i) of the *Local Government (Functions and General) Regulations 1996*. A valuation of the premises and public advertising of the disposition of land is not required as it is a license that is being offered under the Shire’s Lease and Licence Management Policy, Policy number G007.

Financial Implications

The licence is a ‘no cost to the Shire’ standard licence, an annual licence fee as per the Schedule of Fees and Charges is payable. All costs in relation to the preparation of the licence will be paid by the licensee. The Club funds all maintenance.

The draft 2017/18 budget includes a capital allocation of \$25,000 towards this project. This is proposed to be funded from consolidated revenue, rather than Reserve accounts. Should Council support the



Officers Recommendation, it is intended that an MOU will be negotiated with the Club Committee to confirm the contribution of \$25,000 and the Shire as project manager.

Voting Requirements Simple Majority

OCM093/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Ellis

That Council:

- 1. Endorses the terms and conditions in the licence as per attachment OCM093.1/07/17.**
- 2. Authorises the Chief Executive Officer and Shire President to sign the licence as per attachment OCM093.1/07/17 with the Byford BMX Club for the purpose of recreation for a period of five years.**
- 3. Endorses the budget allocation of \$25,000 towards the Upgrade of the Byford BMX Track Lighting as per the draft 2017/18 budget.**

CARRIED UNANIMOUSLY 7/0

**OCM094/07/17 - Request for Lease – Hugh Manning Tractor and Machinery Museum Inc (SJ541)**

Author:	Sara Bryan – Leasing and Property Officer
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	4 July 2017
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 a request from the Hugh Manning Tractor and Machinery Museum Inc to extend the term of their current lease agreement to support proposed improvements to the current Museum facility.

Background

The museum facility forms part of the Clem Kentish precinct on Lot 57, Reserve 9157 Wellard Street, Serpentine. 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 Urban Development.

The Shire entered into a Lease with the Hugh Manning Tractor and Machinery Museum Inc on 5 August 1997 for a 21 year term.

Hugh Manning was an avid collector of agricultural tractors and machinery since the 1960s. With support from the Shire of Serpentine Jarrahdale, Alcoa of Australia Ltd and a team of dedicated community volunteers, he managed the construction of the current museum building in order to share his impressive collection of vintage tractors and machinery with residents and visitors to the Shire.

The museum has reached its capacity to display an increasing collection of vintage tractor and machinery equipment and the management committee are seeking permission to extend the footprint of the lease area to accommodate this growth.

The management committee are a passionate and active community organisation, dedicated to the preservation of the tractor and machinery equipment which are important artefacts in the broader context of the history of the Shire and the State. They engage with a number of community organisations, including local schools and the wider community and contribute towards tourism in the local area.

Relevant Previous Decisions of Council

There are no previous Council decision relating to this matter.

Community / Stakeholder Consultation

A consultation process has been undertaken in preparing this recommendation, as noted below.

External

- Hugh Manning Tractor and Machinery Museum Inc.
- Department of Planning, Lands and Heritage (formerly Department of Lands).



Comment

Officers received a proposal from the Hugh Manning Tractor and Machinery Museum Inc detailing a long-term vision to enable the museum to cater for growth. The key aspects of this proposal are listed below:

- 258m² extension to the current building to house tractors and machinery currently held in storage and reduce congestion on the display floor;
- Construction of a fenced and lockable compound area to house and display agricultural machinery that has been used historically in the district;
- Installation of audio and visual display aids for school and educational purposes to show farm life and machinery in the early settlement era;
- Reinforcement of concrete in the proposed extension area;
- Additional security to protect the assets from theft and vandalism;
- Installation of wayfinding signage;
- Establishment of a warehouse facility for the storage of any additional tractors and heritage items that are donated to the organisation;
- Installation of fencing/screening to the workshop area to improve safety.

The Hugh Manning Tractor and Machinery Museum intend to cover the costs of the proposed improvements by leveraging their own funds to secure external grant opportunities.

In order for the management committee to proceed with seeking additional funding to support the implementation of these items, they require security of tenure of the building to demonstrate the ability to gain a return on the investment of the funds.

As part of the consideration of the request, Officers have worked with the Hugh Manning Tractor and Machinery Museum Inc to consider indicative concept plans for the requested lease area extension as per attachment **OCM094.1/07/17** – Draft Lease Area Extension Plans.

The existing lease agreement is due to expire in August 2018. Should Council resolve to proceed with the recommendation of this item, a new lease will be entered into between the parties to provide the Hugh Manning Tractor and Machinery Museum Inc with an 10 year term, with an option to extend for an additional 10 years.

This would be managed using the Shire's standard Lease template, with the management committee being responsible for all outgoings associated with the occupation of the property.

Any Lease agreement for property located on Crown Land is required to receive consent of the Minister for Lands through the Department of Lands, Planning and Heritage. As noted in the background of this item, the current management order for the land has a permitted purpose of Recreation. As part of the process to seek consent for any future Lease, it is recommended that Council request for an additional use of Museum be added to this management order to protect the use on site and to support efficient and effective land administration.

Additional Items for Consideration

In the broader context of the Clem Kentish precinct, it is further recommended that should Council proceed with the recommended lease extension, that a concept plan be developed to consider and plan for the long term functionality and interaction of the various land uses on the reserve.

**Attachments**

- [OCM094.1/07/17](#) – Draft Lease Area Extension Plans (E17/5624)

Alignment with our Strategic Community Plan

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

Statutory Environment

The 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 management of Crown Land in the care and control of the Shire by way of management order as proposed in this item is in accordance with the section 46, 51 and 79 of the *Land Administration Act 1997*.

It is prudent to note that any decision to approve an extension to the lease term does not constitute a Development Approval and any improvements or alterations to the lease area would be subject to and conditional upon the Hugh Manning Tractor and Machinery Museum Inc obtaining all regulatory approvals required for any works proposed.

Financial Implications

Nil

Voting Requirements Simple Majority

OCM094/07/17 Officer Recommendation:

That Council

1. Authorises the Chief Executive Officer to negotiate a new Lease with the Hugh Manning Tractor and Machinery Museum Inc to support planning for future expansion plans on the following terms and conditions for continuous tenure at the Clem Kentish Precinct:
 - a. Term 10 years;
 - b. Option to extend by 10 years.
2. Requests the Minister for Lands to consider an amendment to the management order for Reserve 9157 to include the permitted purpose of 'Museum'.
3. Notes that Officers will work closely with the Hugh Manning Tractor and Machinery Museum Inc to finalise concept planning for the precinct and possible additional sites in the medium term, and assist in the identification of suitable funding to deliver on elements of the concept plan.



OCM094/07/17 COUNCIL DECISION / Alternate Recommendation

Moved Cr Rich, seconded Cr Atwell

That Council

- 1. Notes that Officers will work closely with the Hugh Manning Tractor and Machinery Museum Inc to finalise concept planning for the precinct and possible additional and / or alternative sites in the medium term, and assist in the identification of suitable funding to deliver on elements of the concept plan.**
- 2. Authorises the Chief Executive Officer to negotiate a new Lease term with the Hugh Manning Tractor and Machinery Museum Inc to support planning for future expansion plans on the following terms and conditions for continuous tenure at the Clem Kentish Precinct:**
 - a. Term 10 years;**
 - b. Option to extend by 10 years**
 - c. Inclusion of a mutual termination clause to provide the ability for the Museum to be relocated in the event that a suitable alternative site is identified within any master planning process.**
 - d. Any proposal for an extension to the lease area be deferred until such time as the master planning for the Clem Kentish precinct has been finalised to assess any potential conflict between an extended lease footprint and the surrounding amenity, including car parking and access to the tennis courts and youth facilities.**
- 3. Requests the Minister for Lands to consider an amendment to the management order for Reserve 9157 to include the permitted purpose of 'Museum'.**

CARRIED UNANIMOUSLY 7/0

Council Note:

The Officers recommendation was changed by moving condition 3 to condition 1 and amended to include the words "and/or alternative".

Condition 1 became condition 2 and parts c and d were added.

Condition 2 became condition 3 with no change.

**OCM095/07/17 - Landcare SJ Inc – Funding Agreement (P03799)**

Author:	Sara Bryan – Leasing and Property Officer
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	5 July 2017
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 approve the Agreement for Funding and Use of SJ Community Landcare Centre between the Shire of Serpentine Jarrahdale and Landcare SJ for the provision of protection and management of the natural resources of the Serpentine Jarrahdale Shire and Peel Harvey Catchment areas.

Background

Landcare SJ Inc (Landcare SJ) are an incorporated, not for profit entity. Landcare SJ was incorporated in 2002, through an agreement between the Shire of Serpentine Jarrahdale (Shire) and the SJ Land Conservation District Committee (SJ LCDC) to provide coordination and management for environmental projects in the Shire. The goals and objectives of Landcare include the development and management of programs promoting sustainable practices, conservation and restoration of native habitat and improvement of water quality in river systems, drains and wetlands.

These have been realised through activities such as:

- engaging and training landholders and community organisations;
- publishing documents, guides and pamphlets;
- managing to completion on-ground projects on Shire reserves and road verges; and,
- cooperatively developing, promoting and implementing Shire's environmental policy, including management plans, free verge plant scheme and the biodiversity strategy.

Landcare SJ fund their projects by obtaining grants from a number of government and non-government funding partnerships. Since their inception, the Shire have supported their operations with a financial contribution, which has been utilised to subsidise salary costs.

At its Ordinary Meeting held 22 May 2017, Council provided support for the preparation of a 3 year funding agreement between the Shire and Landcare SJ with the following agreed performance indicators:

Retain existing services, with the addition of:

- i. Landcare SJ to prepare a Strategic Plan within 6 months of the commencement of the Funding Agreement;
- ii. Landcare SJ to prepare a Business Plan within 6 months of the commencement of the Funding Agreement;
- iii. Shire to formalise a reporting process of Landcare SJ project activity and performance against key service areas by way of a quarterly report to Council;
- iv. Shire to provide commitment for representation at Management and Board Meetings in accordance with the Funding Agreement;
- v. Landcare SJ to recognise the Shire of Serpentine Jarrahdale in any branding and marketing material, and to ensure appropriate recognition of the partnership between the Shire of Serpentine Jarrahdale and Landcare SJ in the achievement of any awards or nominations

**Relevant Previous Decisions of Council**

OCM064/05/17– Approved support for the Shire of Serpentine Jarrahdale to enter into a service partnership with Landcare SJ and requested for the final form of agreement be presented to Council for formal ratification in July.

Community / Stakeholder ConsultationExternal

- Executive Officer, Landcare SJ Inc.
- Landcare SJ Inc Board.

Comment

Subsequent to the decision of Council at its Ordinary Meeting held 22 May 2017, Officers liaised with Landcare SJ to formalise the Agreement for Funding and Use of SJ Community Landcare Centre as per attachment **OCM095.1/07/17**.

Attachments

- [OCM095.1/07/17](#) – Agreement for Funding and Use of SJ Community Landcare Centre (E17/6026)

Alignment with our Strategic Community Plan

Objective 5.2	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity
Objective 5.3	Environmentally Active Community
Key Action 5.3.1	Support community groups (both new and existing), who are preserving and enhancing the natural environment.

Statutory Environment

Where Landcare SJ is applying its efforts to management and maintenance of land under the care, control and management of the Local Government, it is assisting Council to fulfil a general power of the Local Government under section 3.54 of the *Local Government Act 1995*.

In accordance with delegation instrument EX022D, the Chief Executive Officer is delegated authority to execute document under s9.49A(4) of the *Local Government Act 1995*. This item is presented to Council as per point 2 of Council Resolution OCM064/05/07 which states:

“That Council:

Requests that the final Agreement for Funding and Use of the SJ Community Landcare Centre be brought back to Council for formal ratification and execution at the Ordinary Council Meeting to be held July 2017.”

Financial Implications

The 3 year agreement allows for the provision of \$200,000 per annum in direct funding to be provided to Landcare SJ towards annual salaries and wages expenses.

This amount will increase at each anniversary date in accordance with the Consumer Price Index (Perth).

Voting Requirements Simple Majority



Continued

Ordinary Council Meeting Minutes
Monday, 24 July 2017

OCM095/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Hawkins, seconded Cr Gossage

That Council authorises the Chief Executive Officer to execute the Agreement for Funding and Use of the SJ Community Landcare Centre in accordance with Delegation Instrument EX022D.

CARRIED UNANIMOUSLY 7/0

**OCM096/07/17 - Adopt Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017 (SJ2185)**

Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	3 July 2017
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 to make the *Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017*, following prescribed advertising period and consideration of submissions.

Background

Council resolved to consent to advertise the proposed *Dust and Building Waste Local Law 2017 (the Local Law)* at its Ordinary Council Meeting on the 27 February 2017. Subsequently, advertising of the Local Law occurred in the West Australian on the 8 March 2017 and a local public notice in The Examiner on the 9 March 2017. The public notices advised that submissions on the Local Law can be submitted to the Shire by the 5 May 2017. This culminated an advertising period totalling 57 days, which complies with the prescribed 42 days as required under section 3.12(3) of the *Local Government Act 1995*.

Relevant Previous Decisions of Council

OCM018/02/17 – At the February Ordinary Meeting, Council resolved to make the *Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017* for the purposes of public advertising for a minimum period of 42 days and to consider all submissions received.

Community / Stakeholder Consultation

Statewide and local public notices were advertised on 8th & 9th March 2017 respectively. The Local Law was also advertised on the Shire's website.

A copy of the proposed Local Law and the public notice was sent to the Minister on the 27 March 2017, as required under section 3.12(3)(b) of the *Local Government Act 1995*.

Comment**Proposal**

During the advertising period there was one submission received, from the Department of Local Government. A table depicting their comments and recommendations and Shire Officer's response is included with the attachments. Many of the Department's recommended changes related to formatting and design, with 4 recommended changes relating to clarification of clauses. The clauses requiring change and/or clarification were:

1. Clause 1.5 – '*person in charge*' definition amended to: *means the person on or near a site who appears to the Shire to be the person apparently in charge of a dust generating development on the site;*
2. Clause 3.4 was amended to: *have regard to any relevant publications from the Department of Environmental Regulation or other relevant State Authority.*
3. Clause 1.5(5) amended to: *Where this local law refers to the giving of notice, this is to be given as set out in sections 9.50, 9.52 and 9.53 of the Act and in the form determined by the Shire from time to time.*
4. *Inserting two additional modified penalties in Schedule 1 – Prescribed Offences relating to:*



- a. 2.2(1)(d): Failure to maintain the approved receptacle in an effective and operable condition.
- b. 3.5: Failure to provide a dust management plan.

The comments and recommendations received from the Department of Local Government are considered minor changes and do not alter the Local Law significantly.

A copy of the Local Law incorporating all marked up changes is included with the attachments.

Options and Implications

Council can:

- 1. Resolve to make the *Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017*;
- 2. Resolve to not make the *Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017*;
or
- 3. Resolve to make the *Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017*, subject to minor amendments that do not significantly alter the Local Law as proposed.

Option 1 is the recommended option.

If Council were to amend the Local Law that significantly alters the Local Law, the entire local law making process would be required to recommence.

Conclusion

The *Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017* has undergone the Local Law making process to date, as required under the *Local Government Act 1995*. During the advertising period, one submission was received from the Department of Local Government, recommending minor changes to the law as proposed. The suggested changes were aimed at assisting the Shire with drafting matters relative to the Local Law. It is recommended that Council resolve to make the *Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017*.

Attachments

- [OCM096.1/07/17](#) – Amended Dust and Building Waste Local Law with marked up changes (E17/4952)
- [OCM096.2/07/17](#) – Table of changes incorporating Department of Local Government’s comments/recommendations (E17/4956)
- [OCM096.3/07/17](#) – Making Local Laws Checklist (E17/5874)

Alignment with our Strategic Community Plan

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements
Objective 4.1	Sustainable Industries
Key Action 4.1.1	Target and engage sustainable, environmentally and socially responsible industries and businesses.

Statutory Environment

Section 3.12(4) of the *Local Government Act 1995* requires a Local Government to consider any submissions made and may make the law as proposed or make a Local Law that is not significantly different from what was proposed. The decision to make the Local Law must be by an absolute majority.



Consultation with the Department of Local Government confirms that the changes as recommended by the Department of Local Government are considered minor edits and do not significantly alter the Local Law from what was proposed. Edits that do significantly alter the Local Law from what was proposed would require the Shire to recommence the local law making procedure.

Should Council resolve to make the Local Law as recommended, section 3.12 (5) and (6) of the *Local Government Act 1995* will require the Shire to publish the Local Law in the Government Gazette and give a copy to the Minister.

The Shire is also required to give local public notice:

- a) stating the title of the local law; and
- b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation) and;
- c) advising that copies of the local law may be inspected or obtained from the Shire's office.

The Local Law comes into operation on the 14th day after the day on which it is published in the Government Gazette, in accordance with section 3.14(1) of the *Local Government Act 1995*.

Pursuant to section 3.12(7) of the *Local Government Act 1995*, once the local law has been published in the *Government Gazette*, the Shire must comply with the requirements of the Minister's Local Laws Explanatory Memoranda Directions 2010, which requires the Shire, within 10 working days of the Gazettal date, to forward the signed Explanatory Memoranda material to the Joint Standing Committee on Delegated Legislation. Failure to comply with the Directions may render the local law inoperable.

Clause 19 of the Shire's Standing Orders Local Law also sets out the provisions relating to the use of the Shire's Common Seal.

Financial Implications

Costs associated with the advertising and gazettal of the local law is included in the Shire's annual budget.

Voting Requirements Absolute Majority

OCM096/07/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr Rich

That Council

- 1. Considers the submission received on the Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017 as contained in attachment *OCM096.2/07/17*.**
- 2. Makes the Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017, that is not significantly different from what was proposed, as contained in attachment *OCM096.1/07/17*.**
- 3. Publishes the Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017 in the Government Gazette and gives a copy to the Minister for Department of Local Government, Sport and Cultural Industries.**
- 4. After the Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017 has been published in the Government Gazette, gives local public notice in accordance with section 3.12 (6) of the *Local Government Act 1995*.**



Continued

Ordinary Council Meeting Minutes
Monday, 24 July 2017

5. **Authorises the Chief Executive Officer and the Shire President to sign the Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017 and affix the Shire's common seal in accordance with 9.49A of the *Local Government Act 1995* and clause 19 of the Shire's Standing Orders Local Law 2002.**
6. **Within 10 working days of the Gazettal date, forward the signed Explanatory Memoranda material to the Joint Standing Committee on Delegated Legislation, pursuant to section 3.12(7) of the *Local Government Act 1995*.**

CARRIED BY ABSOLUTE MAJORITY 7/0

**OCM097/07/17 - Adoption of Council Policy – Related Party Disclosures (SJ526)**

Author:	Tracey Torley – Management Accountant
Senior Officer/s:	Stacey Hobbins – Acting Manager Finance
Date of Report:	26 June 2017
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 adopting a new policy in relation to completing Related Party Disclosures requirements. This is required in order to comply with the Australian Accounting Standards Board AASB 124 – Related Party Disclosures.

Background

The Shire is committed to a policy of information equity for our community. As part of this commitment, the Shire's financial statements must contain relevant disclosures to draw attention to the possibility that the financial position and profit and loss may have been affected by the existence of related parties or transactions.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Community / Stakeholder Consultation

No community consultation has been undertaken or is required.

Comment

In March 2015, the scope of AASB 124 Related Party Disclosures was extended to include application by not-for-profit entities. The operative date for Local Government was 1 July 2016 (effectively for the year ended 30 June 2017).

Related Parties

For the purposes of determining the application of the standard, the Shire of Serpentine Jarrahdale has identified the following persons as meeting the definition of *Related Party*:

1. Elected Members.
2. Key management personnel being the Chief Executive Officer employed under section 5.36 of the Local Government Act 1995 and senior employees appointed under section 5.37 of the Local Government Act 1995.
3. Close members of the family of any person listed in point 1 or 2, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner, as defined by AASB124.
4. Entities that are controlled or jointly controlled by an Elected Member, key management personnel or their close family members (entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).



Related Transactions

A related party transaction is a transfer of resources, services or obligations between the Shire of Serpentine Jarrahdale and the related party, regardless of whether a price is charged, e.g. paying rates, fines, use of Shire facilities, attending council functions open to the public, sale or purchase of property owned by the Shire or a related party, etc.

Frequency of disclosures

Elected Members and key management personnel will be required to complete a Related Party Disclosures - Declaration form commencing 1 July 2017.

The Related Party Disclosures – Declaration form must also be completed by Elected Members and key management personnel prior to termination of office or termination of employment.

Confidentiality

Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

Materiality

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

Ordinary Citizen Transactions (OCTs)

The Chief Executive Officer will provide a recommendation to Council annually, declaring that in his opinion, based on the facts and circumstances, the following OCT that are provided on terms and conditions are no different to those applying to the general public and which have been provided in the course of delivering public service objectives, and are unlikely to influence the decisions that users of the Council's financial statements make.

As such no disclosure in the quarterly Related Party Disclosures - Declaration form will be required for the following:

- Payment of rates issued by the Shire of Serpentine Jarrahdale
- Payment of fines issued by the Shire of Serpentine Jarrahdale
- Use of the Shire of Serpentine Jarrahdale owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not)
- Attending Council functions that are open to the public.

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, Elected Members and KMP will be required to make a declaration in the Related Party Disclosures - Declaration form about the nature of any discount or special terms received.

Attachments

- [OCM097.1/07/17](#) – Draft Policy – Related Party Disclosures (E17/4862)
- [OCM097.2/07/17](#) – Related Party Disclosures - Declaration form (E17/4866)

**Alignment with our Strategic Community Plan**

Objective 1.2	Progressive Organisation
Key Action 1.2.4	Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.
Key Action 1.2.6	Comply with all legislative and statutory requirements.

Statutory Environment

In accordance with section 2.7 of the *Local Government Act 1995* it is the role of Council to determine the Local Government's policies.

The Australian Accounting Standard AASB 124 – Related Party Disclosures includes application by non-for-profit entities including Local Governments with disclosures reported in the Annual Report for the year ending 30 June 2017.

Australian Accounting Standard AASB 124 - Related Party Disclosures outlines the summary, application and scope for Related Party Transactions and is applicable to:

- Identifying related party transactions and relationships;
- Identifying outstanding balances including commitments between an entity and its related parties;
- Identifying circumstances in which disclosures of the above items are required;
- Determining the disclosures to be made about those items.

Financial Implications

There are no direct financial implications regarding this matter.

Voting Requirements Simple Majority

OCM097/07/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Hawkins

That Council

- 1. Adopts the policy Related Party Disclosures as contained in attachment OCM097.1/07/17.**
- 2. Adopts the following transactions as ordinary citizen transactions to be applied in accordance with Australian Accounting Standard AASB 124 in determining disclosure requirements:**
 - a) Payment of rates issued by the Shire of Serpentine Jarrahdale,**
 - b) Payment of fines issued by the Shire of Serpentine Jarrahdale,**
 - c) Use of the Shire of Serpentine Jarrahdale owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether a fee is charged or not), and**
 - d) Attending Council functions that are open to the public.**

CARRIED UNANIMOUSLY 7/0



OCM098/07/17 - Community Grants Guidelines	
Author:	Sarah Farrance – Acting Manager Community Engagement
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	24 July 2017
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 endorsement of guidelines to support the Community Grants Policy adopted at the Ordinary Council Meeting in June 2017. Council is also requested to consider the status of funds previously allocated through the previous grant program.

Background

A review of the community grants program was presented to Council in June 2017 to consider the adoption of a single Community Grants Policy replacing the Locality Funding Policy, Financial Assistance to the Community and Community Group Insurance.

Through an alternate recommendation, Council resolved the following (in part):

*OCM080/06/17 COUNCIL DECISION / Alternate Recommendation
Moved Cr Rich, seconded Cr Piipponen
That Council*

7. *Requests the Chief Executive Officer to initiate the following actions:*
- i. Prior to the implementation of the Community Grants Policy, that appropriate guidelines be developed and work-shopped with Council to ensure a level playing field for all applicants;*
 - ii. That the status of previously allocated funds in the 2016/17 Budget to the Byford BMX Inc, Serpentine Jarrahdale Mens Shed Inc, Mundijong Community Association Inc and Serpentine Community Association Inc be determined, identifying if any unspent funds need to be revoted in the 2017/18 financial year;*
 - iii. That Shire Officers work with the residents from Cardup, Whitby, Keysbrook and Oakford with a view of establishing a Community Association for those areas, to ensure that there is a vehicle to allocate funds to these communities under the proposed Community Grants Policy.*

This report addresses points i and ii detailed above.

Relevant Previous Decisions of Council

OCM080/06/17 – Community Grants Program

Community / Stakeholder Consultation

The draft guidelines have been the subject of consultation with Officers and workshopped with Council at Policy Concept Forum on 10 July 2017.

Comment

The Shire is committed to providing funding to individuals and community groups to build capacity within the community, encourage volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.

The Community Grants Policy aims to provide the community with equitable and transparent opportunities to funding through a streamlined process. The associated guidelines should clearly support this aim.



Through consultation with Officers and Elected Members, the attached draft proposed guidelines and selection criteria have been developed to assist individuals and groups with applications for funding and demonstrate an equitable and transparent process for the assessment of applications.

Funds previously allocated through Locality Funding Program

Officers have investigated the outstanding funds identified through the audit of the Locality Funding Program and recommend the following:

Project	Funds	Status	Recommendation
Initial design concept for relocation of BMX track with Briggs Park as per Masterplan	\$3,358.81	Project was completed and came in under budget	Application to be closed off and funds remain in the Community Grants Reserve.
Paterson Street Beautification	\$15,539.00	Funds were returned to the Shire as project did not continue	Funds to be retained in the Community Grants Reserve for the Mundijong Community Association to complete the project on receipt of full project scope and budget.
Feasibility studies for Serpentine Jarrahdale Men's Shed at location on Jarrahdale Road	\$7,085.00	Feasibility was complete and came in under budget	Application to be closed off and funds remain in the Community Grants Reserve.
Concept plans for Serpentine War Memorial	\$8,050.00	Project was put on hold pending masterplan of Clem Kentish Precinct	Funds to be retained in the Community Grants Reserve to be used towards a concept planning of the Clem Kentish Precinct, to be managed by the Shire.

Conclusion

It is recommended that Council endorses the Community Grant Guidelines and approves the recommendation regarding the status of previously allocated funds.

Attachments

- [OCM098.1/07/17](#) – Proposed Community Grants Guidelines (E17/6270)

Alignment with our Strategic Community Plan

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction
Objective 6.2	Active and Connected People
Key Action 6.2.4	Continue to encourage volunteerism by providing support, training, funding, promotion and recognition.

Statutory Environment

The adoption of the guidelines will provide a transparent and objective framework for both applicants and the Community Grants Assessment Panel when assessing applications.



Financial Implications

In June 2017, Council resolved the following (in part):

OCM080/06/17 COUNCIL DECISION / Alternate Recommendation

Moved Cr Rich, seconded Cr Piipponen

That Council

Resolves to establish a Reserve Account in accordance with s6.11 of the Local Government Act 1995 titled 'Community Grants Reserve' with a purpose to provide funds for individuals and community groups to build capacity within the community, encourage volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.

6. *Approves the transfer of the existing Locality Funding Reserves below to the Community Grants Reserve to be effected upon adoption of the 2017/18 budget.*

<i>Account Description</i>	<i>Amount</i>
<i>Byford Locality Funding</i>	<i>\$33,484</i>
<i>Jarrahdale Locality Funding</i>	<i>\$96,061</i>
<i>Keysbrook Locality Funding</i>	<i>\$63,262</i>
<i>Mundijong Locality Funding</i>	<i>93,536</i>
<i>Oakford Locality Funding</i>	<i>\$127,946</i>
<i>Serpentine Jarrahdale Locality Funding</i>	<i>\$26,629</i>
<i>Serpentine Locality Funding</i>	<i>\$100,103</i>
TOTAL TRANSFER TO COMMUNITY GRANTS RESERVE	\$541,023

As part of the 2017/2018 budget adoption, \$214,000.00 is proposed to be transferred from the Community Grants Reserve to fund the grant programs as adopted in the Community Grants Policy. It is proposed an additional \$23,589.00 of the funds in the Community Grants Reserve be quarantined; \$15,539 for a Bore and Solar pump in Paterson Street, Mundijong and \$8,050 towards concept planning for the Clem Kentish Precinct. These funds are to be transferred from the Community Grants Reserve once a budget amendment is referred to Council following the receipt of a formal project scope and budget for the projects.

Voting Requirements Simple Majority

OCM098/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Ellis, seconded Cr Rich

That Council:

- 1. Endorses the Community Grants Guidelines as contained in attachment *OCM098.1/07/17*.**
- 2. Appoints Cr Hawkins to represent North Ward, Cr Rich to represent Southern Ward and Cr Ellis to represent North West Ward as members of the Community Grants Assessment Panel until the next Local Government Ordinary Election.**
- 3. Endorses in principle funding from the Community Grants Reserve for the following projects, with a formal budget variation to be brought to Council at a future meeting once project scope and full costings have been determined:**



Continued

Ordinary Council Meeting Minutes
Monday, 24 July 2017

- a) **\$15,539 for Mundijong Community Association for the purpose of a solar pump and bore for irrigation of Mundijong Railway Park; and**
- b) **\$8,050 of unspent funds from the completed Serpentine War Memorial Project be reallocated to concept planning for the Clem Kentish Precinct.**

CARRIED UNANIMOUSLY 7/0



OCM099/07/17 - Peel Equine Strategy (SJ2290)	
Author:	Marlene Renton – Senior Recreation Development Officer
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	10 July 2017
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

Council is requested to receive the Peel Development Commissions draft Peel Equine Strategy 2017, acknowledge its intent to provide broad guidance for the development of the Peel equine industry, and to support Officer's feedback.

The Shire will also be undertaking a Serpentine Jarrahdale Equine Strategy as part of the 2017/18 Budget, subject to formal approval.

Background

The Shire of Murray received \$30,000 from the Peel Development Commission (PDC) through Royalties for Regions funding for the development of a Peel Equine Strategy to incorporate the needs and strategic goals of all sections of the industry including recreation, racing and support services. The Shire of Murray engaged the AEC Group to prepare the strategy and established a committee – the Peel Region Equine Industry Steering Committee (PREISC) - to oversee its development. The PREISC included representatives from the Shire of Murray, Regional Development Australia, Peel Development Commission, Pinjarra Harness Club, Pinjarra Racing Club, Equestrian WA, Racing and Wagering WA, and Department of Sport and Recreation, with the Shire of Serpentine Jarrahdale joining the group at a later date.

The draft report was circulated to stakeholders in September 2016 and the final report was completed in November 2016.

In February 2017 the Shire of Murray approached the Peel Development Commission (PDC) to seek a transfer of "ownership" to finalise and release the Strategy. Given the regional scope of the consultancy PDC concluded that it was best placed to progress the project.

The work completed by AEC Group provided useful economic and participation data for the equine industry, however PDC identified a need to undertake broader consultation with industry stakeholders to ensure the document was a true representation of a Peel-wide equine strategy. The resultant strategic document, Peel Equine Strategy 2017 (PDC), provides high level guidance to inform investment, policy and planning decisions, as well as a directional foundation for the support of grant applications. The Shire has been requested to provide comment by Friday 14 July.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

The AEC Group report was presented to the Peel Regional Leaders Forum on the 9 September and the 31 October 2016 with request for comment.

The Shire provided written feedback on the 31 October 2016 (Attachment 2). This was provided by the Economic Development Officer.



When the AEC Group report was transferred to the PDC, the Shire met with Principal Officer Economic and Regional Development, on 3 May 2017 as part of the broader consultation strategy. Officers reiterated the Shire's position as an area of significant equine industry including the Byford Trotting Training Complex, breeding facilities, support businesses, as well as an extensive bridle trail network and strong equestrian clubs. Officers advised of the proposed Serpentine Jarrahdale Equestrian Strategy.

The PDC report, Peel Equine Strategy 2017, was received via email to the Shire on 12 June requesting comment by 7 July. This has been extended to 14 July.

The Shire's feedback can be found as Attachment 2, and includes input from the Acting Director Corporate and Community, Economic Development Advisor, Senior Recreation Development Officer, Strategic Community Planner, and the Natural Reserves Coordinator.

Comment

The Peel Equine Strategy 2017 (PDC) is a regional level document providing broad guidance for the future development of the equine industry in the Peel. The strategic goals and initiatives are the result of an 18 month process consisting of local industry desktop study, economic analysis and stakeholder consultation. The strategy provides a platform for local government and industry stakeholders to undertake further local planning.

Serpentine Jarrahdale hosts a pronounced equine culture encompassing racing, non-racing, business, and bridle trail networks. The proposed Serpentine Jarrahdale Equine Strategy will gather local level data on all aspects of the equine industry in the Shire, ascertain the Shire's strengths, and recommend strategies to grow the industry and capitalise on future opportunities. It will provide context for the Shire's place within the Peel equine industry.

The Peel Equine Strategy 2017 states that communication across the equine industry is fragmented both within racing and non-racing codes, and between individual equine disciplines. As a result, there are no opportunities to network across the industry. One of the recommendations of the Peel Equine Strategy 2017 is to create a forum that includes representatives from all Peel equine codes, businesses, and local governments to discuss synergies and opportunities for mutually beneficial initiatives to grow the equine industry.

Conclusion

The Peel Equine Strategy 2017 provides key strategic initiatives to guide and support the future growth of the equine industry in the Peel region. The Shire of Serpentine Jarrahdale will be completing a local equine strategy to guide evidence based decision making with respect to planning and investment. The PDC advocates for the establishment of a Peel Equine Stakeholder Forum to which the Shire would be an important contributor.

Attachments

- [OCM099.1/07/17](#) - Peel Equine Strategy 2017 (IN17/13895)
- [OCM099.2/07/17](#) – Feedback Peel Equine Strategy (AEC Group) (E17/6286)
- [OCM099.3/07/17](#) – Feedback Peel Equine Strategy 2017 (PDC) (E17/5974)



Alignment with our Strategic Community Plan

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area’s distinct rural character, create village environments and provide facilities that serve the community’s needs and encourage social interaction
Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

Statutory Environment

There are no statutory implications relative to this item.

Financial Implications

There are no financial implications relative to this item, as the budget to conduct the Serpentine Jarrahdale Equine Strategy will be considered as part of the adoption of the 2017/18 draft Budget.

Voting Requirements Simple Majority

OCM099/07/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Ellis, seconded Cr Gossage

That, with respect to the draft Peel Equine Strategy 2017, Council:

- 1. Notes that the 2017/18 draft Budget provides an allocation of \$55,000 to conduct a Serpentine Jarrahdale Equine Strategy.**
- 2. Receives the draft Peel Equine Strategy 2017 and acknowledges its intent to provide broad guidance to the development of the equine industry in the Peel Region.**
- 3. Notes that the Shire has provided feedback in both the Peel Equine Strategy (AEC, November 2016) and the Peel Equine Strategy 2017 (PDC) as per attachments OCM099.2/07/17 and OCM099.3/07/17.**
- 4. Requests the Chief Executive Officer writes to the Peel Development Commission, confirming;**
 - a) That the Shire of Serpentine Jarrahdale has a significant equine industry in its District and is wanting to engage further with the State Government to enhance and develop equine facilities and services with the Shire.**
 - b) The Shire’s participation in future Peel equine strategies and representation on Peel equine stakeholder groups.**

CARRIED UNANIMOUSLY 7/0



8.4 Audit, Risk and Governance Committee reports:

Nil

8.5 Confidential reports:

Chief Executive Officer, Mr Kenn Donohoe declared a financial interest in CEC001/07/17 and left the chambers at 7.52pm while this item was discussed.

COUNCIL DECISION

Moved Cr Gossage, seconded Cr See

That the meeting be closed to members of the gallery and Council Staff, with the exception of Acting Director Corporate and Community at 7.55pm, pursuant to section 5.23(2)(a) of the Local Government Act 1995 as item CEC001/07/17 deals with a matter affecting an employee.

CARRIED UNANIMOUSLY 7/0

The Shire President asked all members of the gallery to leave the chambers including the Director Engineering, Director Planning, Governance Advisor and Minute Taker. The doors to the chambers were closed at 7.55pm.

CEC001/07/17 – CONFIDENTIAL – Chief Executive Officer Employment Contract – Performance Criteria (SJ2071)	
Author:	Peter Kocian, Acting Director Corporate and Community Services
Senior Officer/s:	Kenn Donohoe, Chief Executive Officer
Date of Report:	6 July 2017
Disclosure of Officers Interest:	The Chief Executive Officer declared a financial interest in this item and did not compile or influence the report in any way. No other 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 Absolute Majority

CEC001/07/17 CEO Employment Committee Recommendation

That Council, with respect to the Employment Contract between the Shire of Serpentine Jarrahdale and the Chief Executive Officer Mr. Kenneth Raymond Donohoe;

1. Approves the Chief Executive Officer Key Performance Indicators as contained in Confidential attachment CEC001.2/07/17 and that the Key Performance Indicators be appended to the Employment Contract contained in Confidential attachment CEC001.1/07/17;
2. Endorses the additional allocation of \$150,000 against General Ledger account CEO502 as included in the 2017/18 draft Budget, which is presented for adoption as a separate item.
3. Determines that the probation period of the Chief Executive Officer concludes on 24 July 2017.



CEC001/07/17 COUNCIL DECISION / Alternate recommendation

Moved Cr See, seconded Cr Ellis

That Council, with respect to the Employment Contract between the Shire of Serpentine Jarrahdale and the Chief Executive Officer Mr. Kenneth Raymond Donohoe;

- 1. Approves the Chief Executive Officer Key Performance Indicators, except Key Performance Indicators 8 and 9 as contained in Confidential attachment CEC001.2/07/17 and that the Key Performance Indicators, except 8 and 9, be appended to the Employment Contract contained in Confidential attachment CEC001.1/07/17;**
- 2. Endorses the additional allocation of \$50,000 against General Ledger account CEO502 as included in the 2017/18 draft Budget, which is presented for adoption as a separate item.**
- 3. Determines that the probation period of the Chief Executive Officer concludes on 24 July 2017.**

CARRIED 5/2

Council Note:

The CEO Employment Committee's Recommendation was changed by removing Key Performance Indicators 8 and 9, as contained in Confidential attachment CEC001.2/07/17, from part 1 of the Committees recommendation. Part 2 of the Committees recommendation was also amended from \$150,000 to \$50,000. The reason for the amendments were that Council determined that there were excessive costs associated with the implementation of KPI's 8 and 9.

COUNCIL DECISION

Moved Cr Gossage, seconded Cr Hawkins

That the meeting be reopened to the public and Council Staff at 8.08pm.

CARRIED UNANIMOUSLY 7/0

The Shire President informed members of the public and Council Staff that the CEO Employment Committee Recommendation was carried 5/2 with changes made to Part 1 and Part 2 of the recommendation to delete Key Performance Indicators 8 and 9 and to reduce the allocation against General Ledger CEO502.

9. Motions of which notice has been given:

Nil

10. Chief Executive Officer reports:

Nil

11. Urgent business:

Nil

12. Councillor questions of which notice has been given:

Nil



Continued

Ordinary Council Meeting Minutes Monday, 24 July 2017

13. Closure

There being no further business the Presiding Member declared the meeting closed at 8.12pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 28 August 2017

.....
Presiding Member

.....
Date