



Shire of
Serpentine
Jarrahdale

Public

Ordinary Council Meeting

**Amended
Confirmed
Minutes**

7.00pm

Monday 25 June 2018

Amended 23 July 2018
OCM7.1/07/18

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



Ordinary Council Meeting Minutes

Monday 25 June 2018

Councillor Attendance Listing

In accordance with Special Council Meeting, 27 November 2018, Resolution SCM162/11/17, clause 10 – “That Council requests the Chief Executive Officer to maintain an attendance register of Councillor Attendance at all Council and Committee Meetings, as well as other meetings and official functions of Council”, below is the attendance listing of Council Meetings and PCF’s.

Attendances 27 November 2017 to current

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Denholm	Cr Gossage	Cr McConkey	Cr Piipponen	Cr See
27/11/17	SCM	✓	✓	✓	✓	✓	A	✓	✓	✓
04/12/17	PCF	✓	✓	✓	✓	✓	A	✓	NA	A
18/12/17	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
19/12/17	SCM	✓	✓	✓	✓	✓	A	A	A	✓
05/02/18	AEM	✓	✓	✓	✓	✓	✓	✓	✓	✓
12/02/18	SCM	✓	✓	✓	✓	✓	✓	✓	NA	✓
12/02/18	PCF	✓	✓	✓	✓	✓	✓	✓	NA	✓
26/02/18	OCM	✓	A	✓	✓	✓	✓	✓	✓	✓
09/03/18	PCF	✓	✓	✓	✓	✓	✓ (by phone)	NA	NA	✓
12/03/18	PCF	✓	✓	✓	✓	✓	A	✓	NA	A
13/03/18	SCM	✓	✓	✓	✓	✓	✓	✓	NA	✓
26/03/18	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
12/04/18	PCF	✓	✓	✓	✓	✓	A	NA	A	A
23/04/18	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/04/18	PCF	✓	✓	✓	✓	NA	A	✓	NA	A
07/05/18	SCM	✓	✓	✓	✓	✓	A	✓	A	✓
07/05/18	PCF	✓	✓	✓	✓	✓	A	✓	A	✓
14/05/18	PCF	✓	✓	✓	✓	✓	NA	✓	NA	✓
28/05/18	OCM	✓	✓	✓	LOA	✓	A	✓	✓	✓
11/06/18	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
13/06/18	SCM	✓	✓	✓	✓	✓	✓	A	NA	✓

A – Apology
LOA – Leave of Absence
NA – Non Attendance



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Ordinary Council Meeting Minutes Monday 25 June 2018

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

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



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday 25 June 2018 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

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

The Shire President, Cr Rich acknowledged and welcomed Freeman John Kirkpatrick.

Minutes

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

In Attendance:

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

Officers: Mr K Donohoe Chief Executive Officer
Ms H Sarcich Deputy CEO / Director Community Services
Mr A Schonfeldt Director Development Services
Mr F Sullivan Director Corporate Services
Mr S Harding Director Infrastructure Services
Mrs K Bartley Manager Corporate Services
Mrs A Sealy PA to Director Corporate Services (Minute Taker)

Leave of Absence:

Nil

Apologies:

Councillor S Piipponen

Observers:

Members of the Public – 12
Members of the Press – 1
Shire Officers – Regan Travers, Senior Statutory Planning Officer
Denise Gill, Executive Support Officer

2. Public question time:

2.1 Response to previous public questions taken on notice:

Nil



2.2 Public questions:

Public question time commenced at 7.01pm.

Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122

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

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

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

Question 1

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

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

Response

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

Question 2

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

Response

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

Question 3

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

Response

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



Mrs Lee Bond, Box 44, Armadale WA 6112

Question 1

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

Response

This question will be taken on notice and a response provided to Mrs Bond however Mrs Bond, can you please advise the Director Development Services of the location and property in question.

Question 2

Who will be responsible for legal action taken against a ratepayer who is permitted by the Shire of Serpentine Jarrahdale Shire President to make defamatory statements at OCM Meetings? Will it be the Shire President of the Shire of Serpentine Jarrahdale for permitting the offending material to be spoken at the OCM Meetings?

Response

As we are unsure of the incident to which you are referring, it would be recommended that if you have any evidence with regards to this question kindly forward it to the Chief Executive Officer for further investigation.

Question 3

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

Response

This question will be taken on notice and a response provided to Mrs Bond.

Public question time concluded at 7.08pm.

Mr S Harding, Director Infrastructure Services, left the Chambers at 7.08pm.

Mr S Harding, Director Infrastructure Services, returned to the Chambers at 7.08pm.

3. Public statement time:

Public statement time commenced at 7.08pm.

Mrs Sandra Hawkins, Windrow Grove, Whitby WA 6123

I am asking the Shire Councillors & operations teams to seriously consider their future decisions very carefully and reflect on the extremely likely impact they will have on the entire S.J. Community.

I strongly agree that tough decisions have to be made BUT not by going down the path of increases and decreases in the commercial & industrial areas of the Shire.

Your Shire President herself has stated that not all the shires expenses are met by the ratepayers AND YET in the same breath she is leading the way in preparation for them to bear an exorbitant proportion of them.

The consequences of two items that council intends to change are as follows.



The first being the planned reduction in the rates for Vacant land. It does seem a good idea on the surface however this will further encourage Land Banking by developers. This in turn will lead to less employment and a halt on construction. Yet on the other hand the councillors are promoting employment opportunities.

Sorry this does not equate to my uneducated mind, you simply cannot have it both ways.

The second consequence is the intended enormous rate rise for commercial and industry. Big business is less affected as for instance Coles. They have many small shop owners in their complex and it certainly does affect them. One that I know of personally pays over \$17,000 per month rent and is finding it hard to keep going. The increase in rates will be a catastrophic event for them and many others to keep their businesses open. Or they will have to sack staff, cut existing employees' wages and YOU the ratepayer will be paying more for your goods. Oh yes they can shut up shop and you can go back to Armadale or where ever. You have decent facilities after so many years of nothing.

You have new restaurants, more Doctors etc. You have an economic Advisor employed by the shire who is working his darnedest to get many big businesses to invest in S.J. Ask yourselves, come on ask yourselves, will they want to come now when they can go elsewhere and get a reasonable rateable value that also comes with incentives. No, here we slap them with another 18% rise. Don't look for tomorrow but the days after and years after.

Another follow on consequence is with the residents who have a business who would like to live in the Serpentine Jarrahdale Shire. They will not be investing their hard earned dollars in the area if they can't survive.

This shire has had it tough in the last 5 years with the intended amalgamation. The shire was not allowed to spend any money so even though it did not go ahead they were still behind on building new infrastructure. The ratepayers fought strongly for the Shire. Is this how you repay them? We then get knocked by the state parliament with our local representative. Left out in the cold obviously ensuring that Grants are harder to come by.

Please do not make this another monumental stuff up and start thinking alternatives ways of saving instead of spending. Even if the shire halted projects for twelve months and not increase staff numbers.

Residences have slowed being built as they have in other shires so we all have to work a little harder and not increase just yet jobs within the Shire Council.

I had it said to me on Saturday last in the shopping centre by a staff employee that the reason for the rises was for equality with other shires. Our shire is nothing like our neighbouring ones. We have many different needs and requirements but above all we have our ratepayers and our businesses who have supported the shire, so for God's sake look after them.

Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122

Congratulations to the Shire CEO, President and Councillor Atwell on getting the Land for the sporting precinct in Mundijong after so many years of hard work.

The transfer of the land from the State government is a credit to all involved.

It is visionary in that it will cater for the expansion of the population and their recreational needs for the future.

Once again congratulations to the people involved for working so hard for our community.

We as Ratepayers and residents must realise that the elected members are there to do the best for our community and at times items that come before the Council are sometimes contentious and are often subject to and controlled by Federal and State legislation. Which means the Council may have very little discretion on the matter.



Councillors are briefed by the staff on what is the best professional advice they can give, sometimes they have to make a judgement on what they feel is best between the professional advice and the wishes and desires of the community.

Not all Councillors' attend these meetings as can be seen by the attendance record kept by the CEO and available for residents to peruse. Most are very diligent and attend most information sessions or are seconded on to various community groups to get feedback. One or two may choose not to get involved with the Community but that is a personal decision. I believe one Councillor is not on any community groups as a Council Representative.

It is the responsibility of all elected members to support the position of the majority decision as decided at the meeting. Remember they represent the whole community not just a pressure Group.

Even after debating the issue in question the proponent may not be satisfied and will take the issue to SAT or it may go to J-Dap. It then the responsibility of the officer representing the Council to put the decision of Council as decided by the majority of the elected members, even though it may not be the advice of that officer supported at the Council meeting.

So I find it disappointing to see elected members sniping at Council decisions that they were part of on Social Media.

Mrs Lee Bond, Box 44, Armadale WA 6112

At the last OCM Meeting only one Councillor voted against a tax on anyone having 1 hectare of land or more paying \$30.00 to State Revenue. This amount will go towards payment for two people involved with Peel Harvey Biosecurity Group. These Councillors voted on something that apparently is just out for consultation according to the Minister involved.

Just so everyone has it clear in their mind the money to pay this Executive runs out at the end of June 2018. They already had funding from the primary industries and used it all. She advised that it will take \$350,000 per year for two part-timers about 6 hours per week, she wants two more people to do the talk fest with her and the other person from SJ Landcare.

It is understood this is to be in the rural areas, many of us live in the metropolitan area and will not benefit from this tax on us. Seems there is confusion about the cost of the vial of Calicivirus, \$200, \$120. No matter what the monetary cost the horrific pain inflicted on a living creature cannot be condoned. Killing any animal with this results in haemorrhage of their organs, blood oozes from their nose, they convulse, scream in pain just before death. The Calicivirus is spread by flies, fleas, mosquitoes and has been stated that rabbits kept inside and fed commercial food died indicating that humans can act as a vector for VHD.

The cost to pet rabbit owners can be as much as \$75.00 per rabbit and there is no guarantee that the vaccine will protect them. It is suggested that there be two injections a month apart and then one yearly. There is no treatment or cure for rabbit haemorrhagic disease. Ripping of rabbit warrens must be done with great care as native animals often use these. There has been no evidence that native animals haven't been poisoned by Calicivirus because the researchers say they haven't found any bodies as yet.

There was no mention by this Executive of anything to do with weeds. This should not have been voted on at this time without closer investigation.

Public statement time concluded at 7.18pm.

4. Petitions and deputations:

Nil



5. President's report:

Hello and welcome to the June Ordinary Council Meeting.

This month marks an incredible victory for the Shire, with the State Government agreeing to vest 63 hectares of land in Mundijong to us. This commences the beginning of the Keirnan Park Recreation Precinct, a major project for Serpentine Jarrahdale that will see a regional sporting facility serving the needs of our community. We are excited and energised by this big win, and will continue to lobby for State and Federal support to progress the project to the next phase.

We have also received good news regarding the historic Mill Manager's House in Jarrahdale, with the Minister for Regional Development the Hon. Alannah MacTiernan lifting the conditions in place on a \$215,000 grant towards restoring the property. During a walkthrough of the house, Ms MacTiernan said that the State Government sees this project as a great catalyst for economic growth and heritage tourism in Jarrahdale. An additional \$50,000 to help with fit out and initial operating costs is hoped to attract a tenant to the building, which will become a valued heritage and tourist attraction in the Peel region. The National Trust of Western Australia can now commence restoration works, which will see this historic building, that is much loved by the Jarrahdale Community, restored to its former glory.

We're also excited to announce that the Shire has secured nearly \$160,000 to install CCTV cameras in the Briggs Park Precinct and to purchase a mobile message trailer that includes CCTV cameras. Announced as part of the Department of Industry, Innovation and Science's Safer Communities Round 2 funding program, the funding will deter possible antisocial behaviour, bolster the support we provide to local police and, most importantly, give our community a greater sense of security. The CCTV cameras will be installed in the Briggs Park Precinct and will cover the clubrooms and skate park, enhancing the existing camera network that currently covers the Recreation Centre.

The Shire's Strategic Planning team have been out and about, talking to our community about the Draft Local Development Strategies for Byford, Mundijong, Serpentine, and Jarrahdale/Darling Range at a series of pop-up consultation events. These strategies will help us to plan the shape of our community into the future. Residents are invited to give comment on the proposed strategies prior to the close of advertising at 5pm on 16 July 2018 – please see the Public Comment section of the Shire's website for details.

The Minister for Planning has commissioned an independent review of the planning system to identify ways to make it more efficient, open and understandable for everyone. The Green Paper outlines the challenges in the planning system and proposes five key reform areas. Feedback is sought from the community, local government, industry and practitioners. All feedback will inform the preparation of a White Paper that will set out the State Government's reform agenda for a modern planning system. For details on how to provide your feedback into this important reform process, please visit the Department of Planning's website and click the 'Planning Reform' section at the bottom of their home page.

The Shire also now has a number of exciting committees that are dedicated to placing focus on several key action areas. Our Economic Development Advisory Committee has been working on the Shire's Tourism Development and Activation Strategy 2018-2023 and Equine Plan. The Access and Inclusion Advisory Committee will meet for the first time on 13 August 2018. The Arts, Culture, and Heritage Advisory Committee are currently developing a Public Art Strategy. Minutes from these Committees are available on the Shire's website, to keep you informed of their work within their specialised fields.

We are pleased to advise that the undergrounding of power between Kardan Boulevard and Warrington Road, Byford is complete, and the poles have been removed. The undergrounding of power between Warrington Road and Soldiers Road has now commenced. From 26 June 2018 the NBN will begin relocating their underground infrastructure on Abernethy Road, between Kardan Boulevard and South Western Highway. It is expected this work will be completed by the



end of August 2018. While these works occur there may be minor delays to both pedestrian and road traffic, please follow all traffic management directions. Weather conditions and operational changes may require these works to be rescheduled at short notice - all updates regarding the Abernethy Road project are provided via our website and Facebook page. We thank you for your continued patience as we work on this critical project for our community.

I was honoured to be invited to attend the Byford Volunteer Bush Fire Brigade to present National Service Medal to a number of our highly valued volunteers. Phil Gray and Max Erskine received the National Medal for 15 years' service, Craig Bowen received the 1st Clasp for 25 years' service, including 10 years' service with the SES and Bruce Scott received the National Medal 1st, 2nd and 3rd clasps for 45 years' service, including 35 years with the WA Police. There are not enough words to describe how valued these people are to our community.

I would like to take a moment to acknowledge the passing of two members of our community, Ms Jeanette (Jan) Pascall and Mr Paul Chapman.

Jan was local Councillor from 1989 to 1993 and a powerful advocate for tourism and economic development in the area. Jan received the prestigious Clem Kentish Community Service Award in 1997. Jan will be remembered as a passionate and committed member of the community who was always willing to help out.

Paul was a very active member of the Hills Bush Fire Brigade from 1963 to 1997 and then the Serpentine Bush Fire Brigade from 1997 to 2015. After an incredible 52 years of service to the community, Paul retired in 2015.

Our deepest sympathy and condolences go to the family and friends of Jan and Paul.

In conclusion, we would like to congratulate and welcome the new Member for Darling Range, Ms Alyssa Hayden. We look forward to continuing a strong and collaborative relationship for the benefit of our community.

Date	Meeting Title	Location
28 May 2018	USA Memorial Day Event	Kings Park
	Ordinary Council Meeting	Shire Offices
30 May 2018	Weekly Meeting with CEO	Shire Offices
	Meeting with Alyssa Hayden	Shire Offices
	Special State Council Meeting	Perth
1 June 2018	Councillor Workshops	Shire Offices
5 June 2018	Meeting with Tania Lawrence and Hon Matthew Swinbourn	Shire Offices
6 June 2018	State Council Workshop and Budget Meeting	Leederville
8 June 2018	Landcare Management Committee Meeting	Landcare SJ Office
	JDAP Meeting	Shire Offices
9 June 2018	City of Gosnells Annual Civic Dinner	Gosnells
11 June 2018	Special Council Meeting	Shire Offices
12 June 2018	Meeting with Premier	Perth
	Local Emergency Management Committee Meeting	Shire Offices
	Economic Development Advisory Committee Meeting	Shire Offices
	Keysbrook Community Association Meeting	Keysbrook
13 June 2018	Funeral for Mr Paul Chapman	Serpentine
	Special Council Meeting	Shire Offices



Date	Meeting Title	Location
14 June 2018	Meeting with various Darling Ranges By-Election Candidates	Shire Offices
	Candidates Forum	Baptist Church Byford
15 June 2018	Photo Opportunity with Premier	Whitby
18 June 2018	Peel Development Commission Blueprint Workshop - Pre-Workshop Discussion	Shire Offices
	Q&A	Shire Offices
19 June 2018	Mill Managers House Media Opportunity	Jarrahdale
20 June 2018	Peel Development Commission Blueprint Workshop	CRC
	Meeting with CEO and Cr Denholm	Shire Offices

6. Declaration of Councillors and Officers interest:

Councillor Gossage declared a Proximity Interest in item OCM054/06/18 as he lives adjacent to the proposed works. Councillor Gossage will leave the Chambers when this item is discussed.

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

7.1 Ordinary Council Meeting – 28 May 2018

OCM7.1/06/18 COUNCIL DECISION

Moved Cr McConkey, seconded Cr Byas

That, in accordance with Regulation 11, *Local Government (Administration) Regulations 1996* and clause 7.1, *Councils Standing Orders Local Law 2002 (as amended)*, the minutes of the Ordinary Council Meeting held on 28 May be confirmed (E18/5580), subject to the inclusion of reason for change to Officers Recommendation for OCM042/05/18 and OCM043/05/18.

The reason for change to the Officers Recommendation for OCM042/05/18 is that Council does not support the variation to carparking requested as part of the application;
and

The reason for change to the Officers Recommendation for OCM043/05/18 is that Council does not support the variation to its LPP with regards to where these types of facilities should be provided.

CARRIED UNANIMOUSLY 8/0

7.2 Special Council Meeting – 11 June 2018

COUNCIL DECISION

Moved Cr McConkey, seconded Cr Coales

That the minutes of the Special Council Meeting held on 11 June 2018 be confirmed (E18/6022).

CARRIED UNANIMOUSLY 8/0



7.3 Special Council Meeting – 13 June 2018

COUNCIL DECISION

Moved Cr Coales, seconded Cr Byas

That the minutes of the Special Council Meeting held on 13 June 2018 be confirmed (E18/6024).

CARRIED UNANIMOUSLY 8/0

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

8.1 Economic Development Advisory Committee Meeting – 12 June 2018

COUNCIL DECISION

Moved Cr McConkey, seconded Cr Byas

That the [minutes and resolutions](#) contained therein of the Economic Development Advisory Committee Meeting held on 12 June 2018 be adopted (E18/6026).

CARRIED UNANIMOUSLY 8/0

9. Motions of which notice has been given:

COUNCIL DECISION

Moved Cr Byas, seconded Cr McConkey

That the Presiding Member has requested Item 9 - OCM060/06/18 – CONFIDENTIAL - Motion on Notice – Council Policy Interpretation to be moved as per Standing Orders Local Law 2002 (as amended) to Item 10.6 – Confidential Reports.

CARRIED 5/3

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

OCM053/06/18 – Local Development Plan Amendment – The Glades Estate, Byford – Icaria Stage 8 (PA18/1)	
Author:	Lauren Dujmovic – Strategic Planner
Senior Officers:	Deon van der Linde – Manager Strategic Planning Andre Schonfeldt – Director Development Services
Date of Report:	22 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent:	Taylor Burrell Barnett
Owners:	LWP Byford Syndicate Pty Ltd
Date of Receipt:	22 December 2017
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Introduction

This report is presented to Council to consider a proposed Amendment to the approved Local Development Plan – The Glades Estate, Byford – Icaria Stage 8 (LDP). The applicant is seeking to extend the LDP boundary to include a row of R60 lots that front Catkin Way and to vary the deemed-to-comply provisions of the Residential Design Codes (R-Codes) for R60 lots.

Shire Officers recommend that Council approve the proposed Amendment to the LDP.

Relevant Previous Decisions of Council

OCM038/04/17 – LDP was approved subject to modifications.

BackgroundExisting Development

The LDP was prepared to satisfy Condition 27 of the conditional subdivision approval of Lots 11, 184, 9044 and 9045 Orton Road, Byford, which required local development plans to be prepared and approved for all proposed lots that were identified on the approved plan of subdivision dated 2 September 2014. Council approved the LDP subject to modifications at the Ordinary Council Meeting held on 24 April 2017, as contained within attachment OCM053.3/06/18.

Since the approval of the LDP, the Western Australian Planning Commission (WAPC) have approved Modification 8 to The Glades Local Structure Plan (LSP) in November 2017. One of the changes to the LSP through Modification 8 was to increase the residential density of a portion of lots within the Icaria Stage 8 precinct from R40 to R60. The lots that were up-coded to R60 were not included within the original LDP for Icaria Stage 8 as they were subject to the abovementioned LSP amendment. These lots were identified to require a local development plan on the approved plan of subdivision under Condition 27 of the subdivision approval. As such, the proposed LDP Amendment has been submitted to include the R60 lots within the LDP. The applicant submitted a revised version of the proposed LDP Amendment dated 12 March 2018 that supersedes the version submitted on 21 December 2017.



It should be noted that the proposed LDP Amendment reflects a revised plan of subdivision approved by the WAPC in August 2017 and a further revised plan of subdivision approved by the WAPC in January 2018. The most recent revisions to the plan of subdivision modified the lot depths and widths of the R60 lots, creating two additional lots.



Site Context

Proposal

The proposed LDP Amendment seeks to include the R60 lots that front Catkin Way within the extent of the LDP boundary and vary the deemed-to-comply requirements of the R-Codes for R60 lots within the LDP area. The proposed LDP Amendment contains variations to the R-Codes relating to primary street setbacks, laneway setbacks (garage or carport and rear of dwelling), lot boundary setbacks, open space and building form. A detailed summary table of the proposed variations to the R-Codes proposed by the LDP Amendment is included in the Planning Assessment Report contained within attachment OCM053.1/06/18. The variations to the R-Codes proposed by the LDP Amendment are further discussed in detail within the Planning Assessment Report contained within attachment OCM053.1/06/18.

Community / Stakeholder Consultation

Pursuant to Clause 59 (4), Part 6, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*), the local government may decide not to advertise a local development plan amendment if in the opinion of the local government, the amendment is of a minor nature. Under Clause 7.3.2 of the R-Codes, the WAPC's approval is required to amend deemed-to-comply provisions other than those specified within Clause 7.3.1 of the R-Codes. The proposed LDP amendment does



contain R-Code variations for R60 lots that are not specified under Clause 7.3.1, such as a proposed variation to the open space requirement. As such, the proposed LDP Amendment was referred to the WAPC for comment. The WAPC provided comment advising that the proposed variations to the R-Codes have been assessed and that the WAPC is satisfied that they are acceptable and adequately justified.

Given that the LDP Amendment requires the approval of the WAPC, Officers do not consider the proposed Amendment to be of a minor nature. The proponent of the LDP Amendment is acting on behalf of the landowner of all lots within, and the majority of lots adjoining the R60 lots subject to this Amendment. A different landowner owns one of the lots adjoining the R60 lots subject to this LDP Amendment. As such, the LDP Amendment was only referred to this landowner for comment. The Shire received no objection from this adjoining landowner.

Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 3.1 – Residential Design Codes

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Local Planning Policies

Local Development Plan Procedures

Clause 59, Part 6, Schedule 2 of the *Regulations* contains provisions for amendments to local development plans. Sub Clause 59 (3) states that the procedure for making a local development plan are to be followed in relation to an amendment to a local development plan. Clause 52, Part 6, Schedule 2 of the *Regulations* contains the provisions for a local government to make a decision on a local development plan. Sub-Clause 52 (1) states the following:

- “(1) Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must —*
- (a) approve the local development plan; or*
 - (b) require the person who prepared the local development plan to —*
 - (i) modify the plan in the manner specified by the local government; and*
 - (ii) resubmit the modified plan to the local government for approval;*
 - or*
 - (c) refuse to approve the plan.”*

Sub Clause 52 (2) contains provisions in regards to the timeframes a local government has to determine a local development plan:

- “(2) The local government is to be taken to have refused to approve a local development plan if the local government has not made a decision under subclause (1) —*
- (a) if the plan was advertised — within the period of 60 days after the last day for making submissions specified in a notice given or published under clause 50(2) or a longer period agreed between the local government and a person other than the local government who prepared the plan; or*



- (b) if the plan was not advertised — within the period of 60 days after the resolution not to advertise the plan was made by the local government or a longer period agreed between the local government and a person other than the local government who prepared the plan.”*

Planning Assessment

The detailed Planning Assessment Report for the proposed LDP Amendment is contained within attachment OCM053.1/06/18.

Brief Summary

In summary, Officers support the proposed variations to the R-Codes setback requirements for R60 lots subject to the modification of the minimum street setback requirement from 1 metre to 1.5 metres. While the site constraints of these lots is acknowledged, Officers recommend this modification to the proposed LDP Amendment to maintain a consistent streetscape and built form outcome, and to ensure a high level of amenity and character is preserved. The applicant has modified the LDP Amendment to specify a 1.5m setback, as recommended by Officers.

Officers support the 20% proposed reduction in the percentage of open space provided as the lots are located directly opposite public open space, a larger outdoor living area is required and a two storey dwelling and balcony is mandatory. This support is subject to the inclusion of a provision requiring the front setback area to consist of a minimum of 60% soft landscaping to enhance amenity and streetscape character. The applicant has modified the LDP Amendment to specify a 60% soft landscaping requirement within the front setback of R60 lots, as recommended by Officers and the WAPC.

Officers recognise that due to the site constraints of the narrow R60 lots and the proposed two storey dwellings, the visual privacy and solar access requirements within the R-Codes would be unable to be achieved, without causing detrimental impacts to residential amenity. Officers consider the applicant has demonstrated appropriate measures to mitigate issues with solar access and visual privacy.

With regard to the proposed provision for at least one car parking space for the two corner lots, Officers consider that Lot 2154 would be able to accommodate two car parking spaces as required under the R-Codes. As such, Officers recommend Lot 2154 be removed from this provision. The applicant has modified the LDP Amendment to specify that only Lot 2467 may have at least one (1) car parking space, as recommended by Officers. It is noted that the R60 corner lots within the LDP are site constrained and may not be able to meet the R-Codes requirement that states driveways shall be no closer than 6m to a street corner or at the point at which the carriageway begins to deviate. Officers recommend an additional provision for Lots 2467 and 2154 be included to reflect this. The applicant has modified the LDP Amendment to specify that driveways may be located closer than 6m to a street corner or the point at which a carriageway begins to deviate on Lots 2154 and 2467, as recommended by Officers.

It should be noted that all the Officer recommendations for the proposed LDP Amendment are consistent with Council's decision on another LDP for R60 lots within The Glades estate, approved by Council in 2017. All of the modifications to the proposed LDP Amendment recommended by Officers have been undertaken by the applicant and are reflected in the modified version of the LDP Amendment contained within Attachment OCM053.2/06/18.

Options and Implications

Option 1 – Approve the LDP amendment

Implications – This option would enable flexibility in dwelling designs for R60 lots and incorporates measures to enhance the built form and streetscape amenity of the development.

**Option 2 – Require modifications to the LDP amendment**

Implications – This option would allow the Shire to request further changes to the proposed LDP amendment. This would result in the Shire liaising with the applicant to submit a modified LDP amendment for consideration of approval.

Option 3 – Refuse the LDP amendment

Implications – This option may result in the applicant applying to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision to refuse the LDP amendment.

Option 1 is recommended.

Conclusion

The proposed LDP Amendment seeks to include the R60 lots that front Catkin Way within the extent of the LDP boundary and vary the deemed-to-comply requirements of the R-Codes for R60 lots within the LDP area. The proposed LDP Amendment seeks to vary the setback, lot boundary setback, open space, visual privacy, solar access and parking requirements of the R-Codes and seeks to include provisions relating to building form. The applicant has undertaken all of the modifications to the LDP Amendment recommended by Officers. Officers support the proposed LDP Amendment as contained within Attachment OCM053.2/06/18.

Attachments

- [OCM053.1/06/18](#) – Planning Assessment Report (E18/4162)
- [OCM053.2/06/18](#) – Proposed LDP Amendment – Modified as Requested by Officers (IN18/11651)
- [OCM053.3/06/18](#) – Existing LDP (OC17/7676)
- [OCM053.4/06/18](#) – WAPC Comment (IN18/13388)

Alignment with our Strategic Community Plan

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

Financial Implications

There are no direct financial implications relating to this application.

Risk Implications

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



Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council refuse the LDP Amendment	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM053/06/18 COUNCIL DECISION

Moved Cr Coales, Seconded Cr McConkey

That Council

- Pursuant to Clause 52 (1), Part 6, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the proposed Local Development Plan Amendment – The Glades Estate, Byford – Icaria Stage 8 as contained within attachment OCM053.2/06/18.
- Pursuant to Clause 52 (5), Part 6, Schedule 2, of the *Planning and Development (Local Planning Schemes) Regulations 2015*, provides written notice of the decision to the applicant.



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3. Pursuant to Clause 55 of Part 6, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, publishes the approved local development plan on the Shire of Serpentine Jarrahdale website.

CARRIED 6/2

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

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



10.2 Infrastructure Services reports

Councillor Gossage declared a Proximity Interest in item OCM054/06/18 and left the room at 7.36pm while this item was discussed.

OCM054/06/18 - Black Spot Program for the 2019/20 Financial Year (SJ2442)	
Author:	Pascal Balley – Manager Infrastructure and Assets
Senior Officer:	Steve Harding – Director Infrastructure Services
Date of Report:	24 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

Applications for submissions under the Black Spot program for the 2019/20 financial year close on Friday 13 July 2018, 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 eight projects for inclusion in the 2019/20 funding submissions, of which seven are eligible for both SBS and NBBS funding and one is eligible for only SBS funding.

In accordance with the conditions of application, Council are requested to endorse the eight nominated projects.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this topic.

Background

State Black Spot Program

The objective of the State Black Spot (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 National Building Black Spot (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.



National Building Black Spot Program

The aim of the NBBS program is in alignment with the objectives of the SBS Program. Mainly to improve road safety, to reducing the trauma and suffering of crash victims, their relatives and friends

The purpose is to provide a safer road network. The major difference with SBS is that the threshold are set higher given the national reach of the funding 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, eight potential projects have been identified for application to the two Blackspot programs. Details of the individually determined projects are below.

Community / Stakeholder Consultation

No consultation is required for this decision.

Policy Concept Forum

Not Applicable

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.

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 as a result of 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 2019/20 financial year under the NBBS and SBS programs.

Previous projects that were not successful are to be reconsidered and resubmitted 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. In the assessment of the SBS and NBBS program, the last 5 years of crash history is taken into account.

**Kargotich Road and Thomas Road Intersection**

A total of 30 crashes were recorded at the intersection of Kargotich Road and Thomas Road. The crashes are shown in the Table below by severity.

Based on the nature of the large number of crashes recorded and Main Roads recommended treatment measure the treatment measure adopted is to install a slip lane on the Kargotich north bound approach to the intersection and to improve sight line. 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.

Crash Statistics	Number of Crashes
Crashes in Total in the last 5 years	30
Casualties	12
Hospitalisation Required	3
Medical Attention Required	8
Proposed Intersection Treatment \$225,000 Shire Contribution \$75,000	

Note: Land acquisition and service relocation might be required.

Abernethy Road and Hopkinson Road Intersection

A total of 18 crashes were recorded at the intersection of Abernethy Road and Hopkinson Road. The number of crashes with higher severity are shown in the Table below.

Based on the nature of the large number of crashes recorded and Main Roads recommended treatment measure, it is recommended to install a roundabout at the intersection. This intersection qualify for both SBS and NBBS funding, so it is recommended that Council authorise Officers to submit an application under both the NBBS and SBS programs.

Crash Statistics	Number of Crashes
Crashes in Total in the last 5 years	18
Casualties	7
Fatalities	2
Hospitalisation Required	2
Medical Attention Required	3
Proposed Intersection Treatment \$600,000 Shire Contribution \$200,000	

Note: Land acquisition and service relocation might be required.

Thomas Road and Hopkinson Road Intersection

A total of 46 crashes were recorded at the Thomas Road and Hopkinson Road intersection. The number of crashes with higher severity are shown in the Table below.

Based on the nature of the large number of crashes recorded and Main Roads recommended treatment measure, it is recommended is to install a slip lane on the Hopkinson Road north bound approach to the intersection and improve sight line with vegetation clearing. 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.



Crash Statistics	Number of Crashes
Crashes in Total in the last 5 years	46
Casualties	10
Hospitalisation Required	2
Medical Attention Required	8
Proposed Intersection Treatment \$225,000 Shire Contribution \$75,000	

Note: Land acquisition and service relocation might be required.

Nicholson Road and Rowley Road Intersection

A total of 9 crashes were recorded at the Nicholson Road and Rowley Road intersection. The number of crashes with higher severity are shown in the Table below.

Based on the nature of the large number of crashes recorded and Main Roads recommended treatment measure, it is recommended is to install an indented left turn slip lane with stop control signage on Rowley Road approach to the intersection, undertake vegetation clearing to improve sightline and upgrade existing lighting. 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.

Crash Statistics	Number of Crashes
Crashes in Total in the last 5 years	9
Casualties	4
Hospitalisation Required	1
Medical Attention Required	3
Proposed Intersection Treatment \$163,000 Shire Contribution \$54,345	

Note: Land acquisition and service relocation might be required.

Karnup Road, Hopeland (SLK 11.78 to 13.73) – O'Neil Road to River Road

A total of 9 crashes were recorded Karnup Road between O'Neil and River Roads. The number of crashes with higher severity are shown in the Table below.

Based on the nature of the large number of crashes recorded and Main Roads recommended treatment measure, the effective treatment measures considered are shoulder widening and sealing, and installation of raised pavement markers. This road qualify for both SBS and NBBS funding, so it is recommended that Council authorises Officers to submit an application under the NBBS programs.

Crash Statistics	Number of Crashes
Crashes in Total in the last 5 years	9
Casualties	4
Fatality	1
Hospitalisation Required	1
Medical Attention Required	3
Proposed Intersection Treatment \$370,000	

Hopkinson Road, Oakford (SLK 5.53 to 7.99) – Abernethy Road to Gloaming Way

A total of 75 crashes were recorded Hopkinson Road between Abernethy Road and Gloaming Way. The number of crashes with higher severity are shown in the Table below.

Based on the nature of the large number of crashes recorded and Main Roads recommended treatment measure, the effective treatment measures considered are construction and sealing of road shoulders,



installation of edge line markers and centerline delineation marking and removal of roadside hazards. This road qualify for both SBS and NBBS funding, so it is recommended that Council authorises Officers to submit an application under the NBBS programs.

Crash Statistics	Number of Crashes
Crashes in Total in the last 5 years	75
Casualties	18
Fatality	2
Hospitalisation Required	4
Medical Attention Required	12
Run-Off Carriageways	9
Proposed Intersection Treatment \$470,000	

Jarrahdale Road, Serpentine (SLK 7.48 to 10.13) – Kingsbury Rd to Farina Rd

A total of 4 crashes were recorded Jarrahdale Road between Kingsbury Road and Farina Road. The number of crashes with higher severity are shown in the Table below.

Based on the nature of the large number of crashes recorded and Main Roads recommended treatment measures, the effective treatment measures considered are construction and sealing of the road shoulders, removal of roadside hazards, installation of advisory signs and erect additional reflective guide posts. 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.

Crash Statistics	Number of Crashes
Crashes in Total in the last 5 years	4
Fatality	4
Hospitalisation Required	2
Proposed Intersection Treatment \$542,000	

Cardup Siding Road, Cardup (SLK0.39 to 2.19) – Robertson Road to Culham Vista

A total of 7 crashes were recorded Cardup Siding Road between Robertson Road and Culham Vista. The number of crashes with higher severity are shown in the Table below.

Based on the nature of the large number of crashes recorded and Main Roads recommended treatment measures, the effective treatment measures considered are to construct and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guideposts. This road qualify for SBS, so it is recommended that Council authorises Officers to submit an application under the SBS programs.

Crash Statistics	Number of Crashes
Crashes in Total in the last 5 years	7
Hospitalisation Required	2
Proposed Intersection Treatment \$190,000	
Shire Contribution \$64,333	

Kingsbury Drive, Jarrahdale (SLK 23.60 to 25.07) – Day Road North to Jarrahdale Road

A total of 3 crashes were recorded Kingsbury Drive between Day Road and Jarrahdale Road. The number of crashes with higher severity are shown in the Table below.

Based on the nature of the large number of crashes recorded and Main Roads recommended treatment measures, the effective treatment measures considered are to construct and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guideposts. This road section 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



Crash Statistics	Number of Crashes
Crashes in Total in the last 5 years	3
Hospitalisation Required	3
Proposed Intersection Treatment \$330,000 Shire Contribution \$110,000	

Wright Road, Mardella (SLK 2.22 to 5.22) – Randell Road to Summerfield Road/Lowlands Road

A total of 12 crashes were recorded Wright Road between Randell Road and Summerfield/Lowlands Road. The number of crashes with higher severity are shown in the Table below.

Based on the nature of the large number of crashes recorded and Main Roads recommended treatment measures, the effective treatment measures considered are to construct and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guideposts. This road section 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.

Crash Statistics	Number of Crashes
Crashes in Total in the last 5 years	12
Hospitalisation Required	3
Medical Attention Required	3
Proposed Intersection Treatment \$453,000 Shire Contribution \$151,000	

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
Kargotich Road & Thomas Road Intersection		Install a slip lane on the Kargotich north bound approach to the intersection and undertake vegetation clearing to improve sightline
Abernethy Road & Hopkinson Road intersection		Install a roundabout on the intersection to cater for maximum of 12.5m long vehicle movement and upgrade lighting
Thomas Road & Hopkinson Road intersection		Install a slip lane on the Hopkinson Road north bound approach to the intersection and improve sight line by moving Satterley's developers sign further South east
Nicholson Road & Rowley Road Intersection		Install an indented left turn slip lane with stop control signage on Rowley Road approach to the intersection, undertake vegetation clearing to improve sightline and upgrade existing lighting.
Karnup Road	SLK 11.78 – 13.73	Widen and seal the road shoulders, remove roadside hazards, install raised edge pavement markers
Hopkinson Road	SLK 5.53 to 7.99	Construct and seal road shoulders, install edge line markers and centerline delineation marking and removal of roadside hazards



Project	Section	Summary of Works
Jarrahdale Road	SLK 7.48 to 10.13	Construct and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guide posts
Cardup Siding Road	SLK 0.39 to 2.19	Construct and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guideposts
Kingsbury Drive	SLK 23.60 to 25.07	Widen and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guide posts
Wright Road	SLK 2.22 to 5.22	Construct and seal the road shoulders, remove roadside hazards, install advisory signs and erect additional reflective guideposts

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.

Conclusion

Shire Officers has identified suitable projects, which fit the criteria for the 2019/20 Black Spot grant funding for both SBS and NBBS programs. Officers have identified eight projects for inclusion in the 2019/20 funding submissions, of which seven are eligible for both SBS and NBBS funding and one is eligible for only SBS funding and is seeking Council endorsement for submission.

Attachments

- [OCM054.1/06/18](#) – Black Spot Funding Program Maps (E18/6067)

Alignment with our Strategic Community Plan

Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalize the Shire's transport network in accordance with affordable sound Asset Management Plans

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:



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Monday 25 June 2018

Project	Section	National Building Black Spot Program (NBBS)		State Black Spot Program (SBS)	
		NBBS \$	Shire \$	SBS \$	Shire \$
Kargotich Road & Thomas Road Intersection		225,000	Nil	150,000	75,000
Abernethy Road & Hopkinson Road intersection		600,000	Nil	400,000	200,000
Thomas Road & Hopkinson Road Intersection		225,000	Nil	150,000	75,000
Nicholson Road & Rowley Road Intersection		163,000	Nil	108,667	54,333
Karnup Road	SLK 11.78 – 13.73	370,000	Nil	Nil	Nil
Hopkinson Road	SLK 5.53 to 7.99	470,000	Nil	Nil	Nil
Jarrahdale Road	SLK 7.48 to 10.13	542,000	Nil	Nil	Nil
Cardup Siding Road	SLK 0.39 to 2.19	Nil	Nil	126,667	63,333
Kingsbury Drive	SLK 23.6 to 25.07	330,000	Nil	220,000	110,000
Wright Road	SLK 2.22 to 5.22	453,000	Nil	252,000	151,000

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council resolves not to endorse the submissions	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation



Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 9 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM054/06/18 COUNCIL DECISION

Moved Cr Byas, Seconded Cr Coales

That Council endorses the following submissions, as described in the Table to Main Roads Western Australia for funding under the 2019/2020 Black Spot programs.

Project	Section	National Building Black Spot Program (NBBS)		State Black Spot Program (SBS)	
		NBBS \$	Shire \$	SBS \$	Shire \$
Kargotich Road & Thomas Road Intersection		225,000	Nil	150,000	75,000
Abernethy Road & Hopkinson Road intersection		600,000	Nil	400,000	200,000
Thomas Road & Hopkinson Road Intersection		225,000	Nil	150,000	75,000
Nicholson Road & Rowley Road Intersection		163,000	Nil	108,667	54,333
Karnup Road	SLK 11.78 – 13.73	370,000	Nil	Nil	Nil
Hopkinson Road	SLK 5.53 to 7.99	470,000	Nil	Nil	Nil
Jarrahdale Road	SLK 7.48 to 10.13	542,000	Nil	Nil	Nil
Cardup Siding Road	SLK 0.39 to 2.19	Nil	Nil	126,667	63,333



Ordinary Council Meeting Minutes

Monday 25 June 2018

Project	Section	National Building Black Spot Program (NBBS)		State Black Spot Program (SBS)	
		NBBS \$	Shire \$	SBS \$	Shire \$
Kingsbury Drive	SLK 23.6 to 25.07	330,000	Nil	220,000	110,000
Wright Road	SLK 2.22 to 5.22	453,000	Nil	252,000	151,000

CARRIED UNANIMOUSLY 7/0

Councillor Gossage returned to the Chambers at 7.38pm

The Shire President informed Councillor Gossage that the Council Decision was carried unanimously 7/0.



OCM055/06/18 - Seek Council approval to expand the <i>Switch your thinking</i> brand nationally (SJ2442)	
Author:	Julie McMinn – Coordinator Switch your thinking Program
Senior Officer:	Pascal Bailey - Manager Infrastructure and Assets
Date of Report:	6 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

To inform Council about minor amendments to the *Switch your thinking* Intellectual Property Licence Agreement (IPLA) attached at OCM054.1/06/18 and to seek Council approval to expand the *Switch your thinking* brand nationally.

Relevant Previous Decisions of Council

SD107.1/05/07 Council endorsed the use of the *Switch your thinking* Intellectual Property Licence Agreement to share the brand with other Western Australian Local Governments for a licence fee of \$5,000 per annum.

Background

In 1999, the Shire of Serpentine Jarrahdale and the Cities of Armadale and Gosnells resolved to work together as the South East Regional Energy Group (SEREG) to reduce corporate and community greenhouse gas emissions. The *Switch your thinking* program was developed by the group in 2002 as a vehicle to deliver diverse carbon abatement projects.

Switch your thinking provide a range of programs / services to assist SEREG Councils and their communities to reduce their carbon footprint by:

1. Supporting the community and Council staff to adopt low-emission practices and technology

Switch your thinking has won Federal Smart Cities and Suburbs funding to study the thermal performance of houses with dark coloured roofs, compared to those with light coloured roofs. This research will be used to inform policy, industry and new home builders about the long-term benefits of building an energy-efficient house.

2. Increasing resource efficiency and environmental awareness

Switch your thinking is currently delivering a suite of community workshops promoting waste avoidance and Plastic Free July in partnership with the Mundijong Library. Assisting the community to adopt low waste practices results in long-term cost savings for Council, in addition to the environmental benefits.

Switch your thinking also delivers locally relevant information to residents through a monthly e-news, website (switchyourthinking.com), Facebook page, free energy efficiency tips delivered by SMS and printed information manuals.



3. Provide technical advice and assistance relating to sustainability and carbon emission reductions

For example the Switch your thinking team recently assisted the Shire's procurement team to assess tender responses for contestable electricity supply to the Shire

4. Assisting SEREG Councils to implement corporate greenhouse gas abatement Strategies

Switch your thinking assists the Shire to measure energy and water consumption at its facilities, a crucial first step to improving efficiency and reducing greenhouse gas emissions.

Switch your thinking promotes the up-take of renewable energy within Council and the community, through workshops and negotiating discounts from corporate partners (Rewards for Residents initiative).

5. Forging partnerships with businesses, government agencies and community groups

Switch your thinking won funding from the Department of Industry Innovation and Science to deliver community engagement activities during National Science Week (11-19 August) 2018.

Switch your thinking will partner with SJ Food Farm Alliance, Curtin University Sustainability Policy Institute, Powderbark Permaculture, Kelmscott Community Garden, Southern River Community Garden and Hidden Specialty Coffee for National Science Week 2018.

6. Leading by example through best-practice and quantifiable emission abatement

Switch your thinking recently won the Best Residential Energy Efficiency Program at the National Energy Efficiency Awards.

Recognised for its successful track record in developing and implementing effective and exciting greenhouse gas abatement projects SEREG was approached by other Local Governments that wanted to deliver *Switch your thinking* to their communities. Considering SEREG's investment in the program a simple Intellectual Property Licence Agreement was developed to share the program with other Western Australian LGA's.

Expanding the Intellectual Property Licence Agreement Nationally

At the Ordinary Council Meeting of 28 May 2007, Council endorsed an Intellectual Property Licence Agreement prepared by solicitors Lewis, Blyth and Hooper. This agreement guided the expansion of the *Switch your thinking* brand to other Western Australian local governments. The resolution also endorsed the City of Gosnells as administrators of the *Switch your thinking* program, to sign the IPLA on behalf of South East Regional Energy Group (SEREG) partners; the Shire of Serpentine Jarrahdale and City of Armadale.

Since May 2007, SEREG has used the IPLA to share the *Switch your thinking* brand with other Western Australian LGAs. Currently 13 WA local governments* licence the brand, each paying an annual subscription fee of \$5,000. In 2016/17 licence fees generated \$65,000 of income.

**subscribing local governments include; Bayswater, Belmont, Cambridge, Canning, Kwinana, Mandurah, Murray, Perth, South Perth, Swan, Victoria Park, Vincent and Wanneroo*

The SEREG is now seeking Council's endorsement to use the Intellectual Property Licence Agreement to share the *Switch your thinking* program with Local Governments nationally.

Benefits to SEREG as a result of sharing the *Switch your thinking* brand with other LGAs nationally are:

1. Increased income generation. Annual subscription fees are used as an operational budget for the *Switch your thinking* program, reducing costs for the Shire and Cities of Gosnells and Armadale.
2. Increased program reach creating economies of scale and attractive investment opportunities for corporate sponsors and grant funding bodies.
3. Enhancing the SEREG Council's reputation as an innovative leader in sustainability and resource conservation.



City of Randwick (NSW) use of the *Switch your thinking* brand

The City of Randwick in NSW recently approached SEREG seeking permission to use the words 'Switch your thinking' in promoting the uptake of re-useable coffee cups and shopping bags at three of its eco-themed events. These programs align with *Switch your thinking's* Responsible Café initiative and waste reduction messaging.

However, based on the resolution from the Ordinary Council Meeting of 28 May 2007, local governments located outside Western Australia are not permitted licence the *Switch your thinking* program.

At its meeting held on 14 February 2018 SEREG considered the City of Randwick's request and in good faith agreed to provide permission to the City of Randwick to use the *Switch your thinking* trademark, as set out in the Intellectual Property Licence Agreement.

Permission was granted for a trial period of six months at a discounted rate of \$1,500. Time was of the essence, as the City of Randwick had already started preparing for their events, prior to being made aware of licencing requirements.

The discounted rate requested by the City of Randwick was deemed appropriate as they only require limited use of the brand (they will be using it three times).

Council endorsement of this trial licencing of *Switch your thinking* to the City of Randwick is now sought.

Community / Stakeholder Consultation

Nil

Statutory Environment

In 1999, the Cities of Armadale and Gosnells and Shire of Serpentine Jarrahdale resolved to work together as the South East Regional Energy Group (SEREG) to reduce corporate and community greenhouse gas emissions. The *Switch your thinking* program was developed by the group in 2002 as a vehicle to deliver diverse greenhouse gas emission abatement projects.

SEREG is comprised of a Councillor delegate and senior Officer from each partner Council. The Group's primary function is to guide the development and implementation of *Switch your thinking* to the satisfaction and mutual benefit of the partner Councils

The Group is not a "Committee of Council" to any of the partner Councils, and operates under an endorsed Terms of Reference and Memorandum of Understanding to implement actions identified in successive *Switch your thinking* Business Plans.

Comment**Going forward – general brand expansion nationally**

The approach by City of Randwick caused SEREG to consider the idea that all Australian local governments located outside of Western Australia should be considered eligible to use the *Switch your thinking* brand, in accordance with the current IPLA.

The benefits of licencing the brand to other Australian Councils located outside Western Australia include:

- Generation of new markets for the *Switch your thinking* brand that require few resources to service
- Generation of additional program income
- Enhanced reputation for the program and SEREG Councils

SEREG agreed that general use of the brand nationally should be in accordance with the IPLA, but that there may be times where a local government requests a discounted rate if they plan to use the brand to a minimal level, as is the case with the City of Randwick. On such occasions, SEREG will consider a discounted rate accordingly.

**Options and Implications****National Expansion of the brand**Option 1

That Council approves Australian local governments located outside of Western Australia to be considered eligible to use the *Switch your thinking* brand for approved purposes, in accordance with the Intellectual Property License Agreement (attached at OCM054.1/06/18) and at a cost deemed appropriate by the South East Regional Energy Group (SEREG). Implementation of this recommendation will be subject to approval of the same recommendation by the Councils of the City of Armadale and the City of Gosnells (the SEREG partners).

Option 2

That Council does not approve Australian local governments located outside of Western Australia to be considered eligible to use the *Switch your thinking* brand for approved purposes, in accordance with the Intellectual Property License Agreement (attached at OCM054.1/06/18) and at a cost deemed appropriate by the South East Regional Energy Group (SEREG). Implementation of this recommendation will be subject to approval of the same recommendation by the Councils of the City of Armadale and the City of Gosnells (the SEREG partners).

If Option 2 is taken potential future program income will be limited and Council will need to communicate the decision to other SEREG partners (the City of Armadale and the City of Gosnells).

City of RandwickOption 1

The Council endorse the trial licencing of the *Switch your thinking* program to the City of Randwick as agreed by SEREG.

Option 2

The Council does not endorse the trial licencing of the *Switch your thinking* program to the City of Randwick as agreed by SEREG.

If Option 2 is taken the City of Randwick would need to be notified and the program would suffer reputational and financial losses. Other SEREG partners (the City of Armadale and the City of Gosnells) would also need to be notified.

Conclusion

As a member of the South East Regional Energy Group the Shire in partnership with the City of Armadale and the City of Gosnells own the *Switch your thinking* brand and associated intellectual property.

Through an Intellectual Property Licence Agreement the *Switch your thinking* brand/program is shared with other Western Australian local governments for an annual subscription fee of \$5,000.

Council is being asked to consider using the existing IPLA to share the *Switch your thinking* brand with Australian local governments located outside Western Australia and the licencing of the program to the City of Randwick.

Attachments

- [OCM055.1/06/18](#) – Switch Your Thinking Intellectual Property License Agreement (IN18/12554)
- [OCM055.2/06/18](#) – Switch Your Thinking License Agreement – Council Resolution SD082/04/08 (E18/5555)
- [OCM055.3/06/18](#) – Extract from Statutory 2017/2018 Budget (E18/5556)



Alignment with our Strategic Community Plan

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

Outcome 3.4	An innovation centre of excellence
Strategy 3.4	Identify and promote innovation and education opportunities
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Permitting Randwick Council to use the *Switch your Thinking* brand will generate \$1,500 in income.

Permitting other Australian local governments outside of Western Australia to use the *Switch your Thinking* brand will generate up to \$5,000 in income per licenced Council per year.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputational risk if LG licencing the Switch your thinking brand acts inappropriately	Rare (1)	Minor (2)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Control through implementation of an Intellectual Property Agreement which outlines the manner in which the brand can be used...

Risk Matrix

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

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



environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM055/06/18 COUNCIL DECISION

Moved Cr See, Seconded Cr Gossage

That Council:

- 1. Approves Australian local governments located outside of Western Australia to be considered eligible to use the *Switch your thinking* brand for approved purposes, in accordance with the Intellectual Property License Agreement (contained in attachment OCM055.1/06/18) and at a cost deemed appropriate by the South East Regional Energy Group (SEREG). Implementation of this recommendation will be subject to approval of the same recommendation by the Councils of the City of Armadale and the City of Gosnells (the SEREG partners).**
- 2. Approves the City of Randwick being licenced the *Switch your thinking* brand for limited use for a trial period of six months for a fee of \$1,500.**

CARRIED UNANIMOUSLY 8/0



10.3 Corporate Services reports

OCM056/06/18 - Confirmation of Payment of Creditors (SJ801)	
Author:	Vicki Woods – Finance Officer
Senior Officer:	Frazer Sullivan – Director Corporate Services
Date of Report:	1 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Statutory Environment

Section 5.42 of the *Local Government Act 1995* states that the local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority 1.1.18 - Payments from Municipal and Trust Fund.

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

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

Comment

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

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

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

A detailed list of invoices for the period 1 May 2018 to 31 May 2018 is provided per attachment OCM056.1/06/18. Transactions made by purchasing cards are detailed in the Purchasing Card Report 6 April 2018 to 5 May 2018 as per attachment OCM056.2/06/18.



Attachments

- [OCM056.1/06/18](#) - Creditors List of Accounts 1 May 2018 to 31 May 2018. (E18/5671)
- [OCM056.2/06/18](#) – Purchasing Card Report 6 April 2018 to 5 May 2018. (E18/5670)

Alignment with our Strategic Community Plan

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

Financial Implications

All payments that have been made are in accordance with the purchasing policy and within the approved budget, and where applicable budget amendments, that have been adopted by Council.

Risk Implications

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

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

Risk Matrix

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



A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item.

Voting Requirements: Simple Majority

OCM056/06/18 COUNCIL DECISION

Moved Cr McConkey, Seconded Cr Byas

That Council records the accounts as paid under delegated authority for May 2018, totalling \$5,062,095.49 as attached, covering:

- 1. EFT Vouchers EFT51186 to EFT51641 including Purchasing Card Payment totalling \$4,939,890.55.**
- 2. Municipal Cheque Vouchers CHQ45915 to CHQ45921 totalling \$1,786.57.**
- 3. Municipal Direct Debits DD46154.1 to DD46212.30 totalling \$120,418.37.**

CARRIED UNANIMOUSLY 8/0



OCM057/06/18 – Monthly Financial Report – May 2018 (SJ801)	
Author:	Nick Grant – Senior Accountant
Senior Officer:	Les Mainwaring – Manager Finance
Date of Report:	1 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

The purpose of this report is to provide a monthly financial report, which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

This report is about the financial position of the Shire as at 31 May 2018.

Relevant Previous Decisions of Council

The original budget for 2017/18 was adopted on 24 July 2017 at an Ordinary Council Meeting (OCM090/07/17). As a part of this decision, and in accordance with regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2017/18 for reporting material variances, as resolved by Council, shall be:

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

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

Background

The *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Council has resolved to report by Statutory Program and Nature and Type and to assess the performance of each category, by comparing the year-to-date budget and actual results. This gives an indication that the Shire is performing against expectations at this point in time.

Community / Stakeholder Consultation

No community consultation was undertaken / required.

Statutory Environment

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.



Section 6.11 of the *Local Government Act 1995* requires where a local government wishes to set aside money for use or purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

Comment

Monthly Financial Report

The attached report shows our month end position as at the end of May. The municipal surplus for the month ending 31 May 2018 is \$8,362,472, which is favourable, compared to a budgeted surplus for the same period of \$245,520. This variance is attributable to the timing of capital expenditure and reserve transfers, most of which relates to the timing of the Abernethy Road project.

Description	YTD Budget	31 May 2018 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2017	3,105,535	3,105,535	-
Proceeds from sale of assets	449,000	67,000	(382,000)
Changes to net transfers to and from Reserves	8,126,039	4,089,000	(4,037,039)
Changes to net transfers to and from Restricted Cash	-	(285)	(285)
Loan principal Drawdown (New loans)	2,761,924	2,761,924	-
Loan principal repayments	(201,459)	(201,459)	-
Capital expenditure	(23,110,235)	(10,896,660)	12,213,575
Capital revenue (cash items)	6,438,075	4,089,071	(2,349,004)
Operating revenue (cash items)	31,600,370	31,598,212	(2,158)
Operating expenditure (cash items)	(28,923,729)	(26,249,866)	2,673,863
	245,520	8,362,472	8,116,952

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

Establishment of New Reserve

Pursuant to Section 6.11 of the *Local Government Act 1995* we are looking to establish a Car Parking Reserve. The purpose of this Reserve is to provide for future public car parking infrastructure funded from developer contributions for cash-in-lieu of car parking. The first contribution of its kind was received by the Shire in April 2018 and this adjustment is to recognise the creation of a new Car Parking Reserve, and to transfer the contribution received into it.

Account Number	Type	Description	Debit	Credit
STP101	Increase Income	Contributions – Cash in Lieu Car Parking		87,273
011003	Transfer to Reserve	Transfer to Car Parking Reserve	87,273	



Attachments

- [OCM057.1/06/18](#) – Monthly Financial Report May 2018 (E18/5724)

Alignment with our Strategic Community Plan

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

Financial Implications

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

Risk Implications

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

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

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



Voting Requirements: Absolute Majority**OCM057/06/18 COUNCIL DECISION****Moved Cr Byas, Seconded Cr McConkey****That Council:**

1. **Receives the Monthly Financial Report for May 2018, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment OCM057.1/06/18.**
2. **Resolves to establish a reserve under s6.11 of the *Local Government Act 1995*, called 'Car Parking Reserve' for the purpose and provision of future public car parking infrastructure.**
3. **Pursuant to section 6.8 of the *Local Government Act 1995*, approves the variation to the 2017/18 Budget as presented below, resulting in no change to the closing budget municipal surplus of \$3,835 as at 30 June 2018:**

Account Number	Description	Debit \$	Credit \$
STP101	Contributions – Cash in Lieu Car Parking		87,273
011003	Transfer to Car Parking Reserve	87,273	

CARRIED UNANIMOUSLY 8/0



OCM058/06/18 – Byford Community Bank Shareholding Rights (SJ1352)	
Author:	Les Mainwaring – Manager Finance
Senior Officer:	Frazer Sullivan – Director Corporate Services
Date of Report:	7 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is to provide Council with options in regard to the shareholding held with Byford Community Bank (BCB) and the potential exercising of rights attached to that shareholding.

Relevant Previous Decisions of Council

Ordinary Council Meeting held on 28 May 2018 moved the following resolution:

<i>OCM045/05/18</i>	<i>Officer Recommendation</i>
<i>That Council adopts the position that allows the exercise of voting rights according to share ownership at Byford Community Bank meetings and, in consultation with the Chief Executive Officer, considers nominating the Director Corporate Services, Frazer Sullivan, as a Council nominee to the Byford Community Bank Board at the next opportunity.</i>	
<i>OCM045/05/18</i>	<i>COUNCIL DECISION / Councillor Recommendation</i>
<i>Moved Cr Byas, Seconded Cr See</i>	
<i>That item OCM045/05/18 be adjourned to the Ordinary Council Meeting to be held on 25 June 2018.</i>	
<i>CARRIED UNANIMOUSLY 7/0</i>	

Background

In 2002, Council paid \$10,000 towards the formation of the BCB which was funded from an Investment Reserve and the 10,000 shares initially had to be held for up to 12 months. The shares are classed as Ordinary Shares that include rights to voting and dividends.

This shareholding is a representative holding of the local Bendigo Community Bank Branch, Byford Community Bank.

Community / Stakeholder Consultation

Nil

Statutory Environment

The powers of a local government in relation to investment activity are set out in section 6.14(1) of the *Local Government Act 1995* that gives broad powers of investment subject to Part III of the *Trustees Act 1962*. At the time of this investment in November 2002, there were no statutory limitations or impediments to the local government from becoming a shareholder in BCB.

It is noted that in April 2012 regulation 19C of the *Local Government (Financial Management) Regulations 1996* were introduced to limit cash investments to authorised deposit taking institutions or the Western Australian Treasury Corporation, however this is not retrospective and does not affect the



shareholding investment with BCB. Furthermore, regulation 19C does not restrict the Shire in investing in other kinds of investments so long as investments comply with the *Trustees Act 1962*.

Comment

Other than being an investment that pays dividends, Council does not appear to have exercised any rights of ownership from the shareholding, in terms of seeking Board representation or voting at general meetings in the recent past. The community has shown recent interest in whether the Council has formed a policy to deal with this aspect of the shareholding in the Byford Community Bank.

The initial investment of \$10,000 was made in 2002 at a time when the community was being asked to pledge sufficient funds in the order of \$450,000 to enable a feasibility study into the viability of a community bank to be undertaken. At this formative stage, Bendigo Bank wanted to see a community “buy in” of about 200+ shareholders to provide an indication of the viability of a reasonable customer base.

Pledges of support were encouraged from either individuals, companies or other organisations, but were restricted to a maximum of \$10,000, therefore a pledge of support from a local government was encouraged as this was a show of confidence to others in the community to participate. The pledge of support was integral to reaching the minimum requirement in order to undertake a feasibility study to determine the sustainability of establishing a community bank in Byford.

The pledge of support was effectively a pledge for the purchase of shares in a Byford Community Bank, and at this early stage Council's involvement included a Councillor as a member of the steering group. It is unclear whether Council had Board participation in the formative years, although given that a member of Council was active on the formation steering committee it would not be unexpected that this may have continued into Board representation in the early years. The initial restrictions on shares were that they could not be sold within the first 12 months and a return on investment was not expected to be received within three years.

Sixteen years have passed since the formation of the Byford Community Bank, and for all intents and purposes it has proved to be a successful enterprise in monetary terms, it has provided a benefit to the community and Council could consider that it has fulfilled its initial community and strategic obligation. The success of the Byford Community Bank can be measured by the regular dividends that have been received by Council after the initial set up phase.

Whilst there was a very clear imperative to actively assist in forming a Community Bank operation sixteen years ago, now that the Bank is a commercial success, we must consider what the imperative would be today to maintain an ownership stake in a Bank that now appears to be financially sustainable. Maintaining an equity stake could present a risk going forward that Council could be drawn into the operational affairs of a Bank, or it could be considered that maintaining operational involvement would mitigate the risk of the banks on going sustainability.

Options and Implications

The options available to Council would be:

Option 1

Divest the shareholding

Divest the shareholding so that there is a clear separation with the banking institution to bring this into line with a lack of direct ownership involvement with any other commercial enterprise within the Shire. The reasoning for this option is that the strategic imperative to form a Community Bank has successfully passed and sixteen years later on, the BCB has proved to be a going concern therefore it would no longer appear to be a strategic priority to remain involved in ownership from a commercial point. Public confidence will be maintained by continuing commercial support for the BCB through the investment policy and investment of surplus funds, rather than ownership.

**Option 2****Remain a passive shareholder**

Remain a passive shareholder of BCB by adopting a position that clearly states that Council will not exercise any voting rights and therefore will not become involved operationally with BCB in a similar way that Council may not operationally influence any other commercial enterprise. This position continues the status quo, but retains an equity stake that could be activated in the future depending upon the operational fortunes of the BCB.

Option 3**Exercise the voting rights of share ownership**

Exercise the rights of share ownership at meetings and/or actively place a Council nominee to the BCB Board in consultation with the Chief Executive Officer so that the Shire develops operational influence over a banking commercial enterprise. This becomes the most active option and may be welcomed in the near term, although positions taken today could be viewed differently with the benefit of hindsight. This option would allow Council to maintain a position of ownership influence and control over the BCB which would continue the strategy of support and influence that was affected by Council during the early feasibility and formation of the community bank.

Conclusion

Whilst on the one hand it may be viewed that the strategic need to form the BCB has now passed, given that the Bank has been a going concern for sixteen years, to maintain an active operational influence will continue that support and oversight that commenced with the original formation of the BCB.

Option 3 is recommended.

Attachments

Nil

Alignment with our Strategic Community Plan

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

Financial Implications

Council retains 10,000 shares valued at \$10,000, with dividends received in the past 12 months of \$1,400.

Risk Implications

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



Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Option 1	Unlikely (2)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Risk
Option 2	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Control through policy development
Option 3	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Control through Policy development...

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



Voting Requirements: Simple Majority

OCM045/05/18 Officer Recommendation

That Council adopts the position that allows the exercise of voting rights according to share ownership at Byford Community Bank meetings and, in consultation with the Chief Executive Officer, considers nominating the Director Corporate Services, Frazer Sullivan, as a Council nominee to the Byford Community Bank Board at the next opportunity.

Voting Requirements: Simple Majority

OCM045/05/18 COUNCIL DECISION / Councillor Recommendation

Moved Cr Byas, Seconded Cr See

That item OCM045/05/18 be adjourned to the Ordinary Council Meeting to be held on 25 June 2018.
CARRIED UNANIMOUSLY 7/0

Voting Requirements: Simple Majority

OCM058/06/18 Amended Officer Recommendation

Moved Cr Byas, Seconded Cr McConkey

That Council requests the Chief Executive Officer prepare a Council policy that reflects the position that Council allows the exercise of voting rights in accordance with any share ownership. ~~The exercise of voting would be through the Chief Executive Officer, in consultation with and at the discretion of the Shire President.~~

Note: In accordance with Clause 10.10 of the Standing Orders Local Law 2002 (as amended) the mover, with the consent of the seconder, amended the wording of the motion.

Voting Requirements: Simple Majority

OCM058/06/18 COUNCIL DECISION / Amended Motion

That Council requests the Chief Executive Officer prepare a Council policy that reflects the position that Council allows the exercise of voting rights in accordance with any share ownership.

CARRIED UNANIMOUSLY 8/0

Council Reason for Amended Officer Recommendation

The reason for the Council Amended Officer Recommendation is to omit the exercise of voting in regards to the Chief Executive Officer and the discretion of the Shire President as this should be reflected within the Council Policy to be developed.



OCM059/06/18 - Adoption of 2018/19 Budget and 2019–2029 Long Term Financial Plan	
Author:	Megan Hodgson – Strategic Financial Planner
Senior Officer:	Frazer Sullivan – Director Corporate Services
Date of Report:	14 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

To consider and adopt the Municipal Fund Budget for the 2018/19 financial year together with supporting schedules, including imposition of 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.

Relevant Previous Decisions of Council

1. Council endorsed the differential general rates and minimum payments at the special meeting of 11 June 2018 (SCM004/06/18).
2. It was adopted by Council that elected member entitlements shall be set at 75% of the maximum rates, as determined by the Salaries and Allowances Tribunal in accordance with the *Western Australia Salaries and Allowances Act 1975*. (SCM162/11/17).
3. At the Ordinary Council Meeting held on 22 May 2017 (OCM067/05/17), Council approved the removal of seasonal hire fees applicable to junior sporting clubs, for the 2017/18 financial year with a financial impact assessment being presented to Council prior to the consideration of fees and charges for the 2018/19 financial year.

Background

The 2018/19 Budget and Long Term Financial Plan (LTFP) have been prepared on the principles contained in the Strategic Community Plan and Corporate Business Plan. The 2018/19 Budget is integrated into the LTFP with the 2018/19 Budget forming year one of the plan. The budget has been prepared based on presentations made to elected members at the various budget/LTFP workshops over the last two months.

Community / Stakeholder Consultation

The Shire advertised the proposed differential general rates and minimum payments on 10 May 2018 with submissions closing on 1 June 2018. Submission's received were subsequently considered by Council at the special meeting on 11 June 2018.

Meeting Date	11 June 2018
Councillors in Attendance	Cr Atwell, Cr Byas, Cr Coales, Cr Denholm, Cr Gossage, Cr McConkey, Cr Rich, Cr See

**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 2018/19 Budget as presented is considered to meet statutory requirements.

Section 5.63 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.

CommentEstimated Surplus Brought Forward 1 July 2018

The 2018/19 Budget is based on an estimated surplus brought forward from the 2017/18 financial year of \$411,441. The surplus represents the following projects which were budgeted in the 2017/18 financial year but are not expected to be completed by 30 June 2018. Funds will be carried forward to be expended in the 2018/19 financial year:

Project	Municipal Funds Carried Forward \$
Asset Management Plans	100,000
Website Development	60,000
Sport and Recreation Strategy	14,600
Equine Strategy	25,000
Aging Well Strategy	30,000
Development Strategies	96,000
Bore & Pump Serpentine Sports Reserve	27,000
Briggs Park Skate Park	78,842
Kalimna Cricket Net	10,000

Underlying Budget Principles

The following budget measures/principles have been considered when preparing the 2018/19 Budget:

- The overall objective of the 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 Local Government Cost Index is forecast to rise by 1.8% in 2018/19 on account of higher costs associated with energy and street lighting, wages and construction;
- The WA wage price index is expected to increase to 1.75% in 2018/19;
- The 2018/19 Budget is integrated into year one of the Long Term Financial Plan; and
- The budget provides for the same or improved level of service

**2018/19 Budget Details**

The 2018/19 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 2018/19 Budget include:

- Total rate revenue of \$23,332,715. This is comprised of \$22,843,920 in rates raised less concessions of \$246,734 amounting to \$22,597,186 in rates levied, plus an estimated \$737,529 to be raised in interim rates. Interim rates are generated by an increase in total valuation, as a result of either property improvements, or additional rateable properties being developed.
- A capital works program totalling \$21,291,747 for investment in infrastructure, land and buildings, plant and equipment, and furniture and equipment is planned. Projects are itemised in the Capital Expenditure Schedule included in the Supplementary Information. Major project spends include:

Project	Amount \$
Abernethy Road – 18/19	8,306,786
Briggs Park Lower Oval Upgrade	4,528,000
Plant & Equipment	1,818,800
Roads & Bridges Upgrades and Renewals	4,344,702
Footpaths Upgrades and Renewals	414,000
Drainage Renewals	195,000
Parks & Gardens Renewals	81,000
Buildings Projects - New & Renewals	681,842
ERP System Implementation	660,000

- Total loan principal outstanding of \$6,039,874 as at 30 June 2019. Proposed new loans budgeted for 2018/19 include \$2,974,000 to fund the Briggs Park Lower Oval Upgrade.
- Total operating and non-operating grant funding and external contributions of \$10,845,661. Major funding includes:

Funding	Amount \$
Operating Grants	
General Financial Assistance Grants	2,549,000
SES and Volunteer Emergency Services Operating Grants	397,490
Non-Operating Grants	
National Stronger Regions Grant – Abernethy Road	3,778,385
Department of Sport & Recreation - Briggs Park	1,000,000
Local Jobs Local projects Grant – Briggs Park	200,000
Blackspot Grant Funding – Road Projects	968,500
Regional Road Group Grant Funding – Road Projects	736,267
Roads to Recovery – Road Projects	125,805



- 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 reserves are itemised in note 7 of the 2018/19 Statutory Budget. The following new reserves are proposed in the 2018/19 Budget:

Name of Reserve	Reserve Purpose
Community Infrastructure Developer Contribution Reserve	To provide for future community infrastructure, matching funds from the Community Infrastructure Developer Contribution Plan.
Rates Revaluation Reserve	To provide for the tri-ennial Gross Rental Valuation (GRV)
Local Government Election Reserve	To provide for Bi-Annual, and other interim local government election expenses.

The 2018/19 budget includes a \$500,000 transfer into the Community Infrastructure Developer Contribution Reserve. The Shire is required to match funding from developers towards future community infrastructure to be provided by the plan.

It is also proposed to change the purpose of the following existing reserve:

Name of Reserve	Proposed New Purpose	Reason for changing the purpose
Leave Reserve	To transfer the balance to the Administration building reserve	The Leave reserve is not required as annual leave, sick leave and long service leave are already provided for in the budget and balance sheet.

It is forecast that the closing balance of this reserve at 30 June 2018 will be \$316,667. The opening balance will be transferred into the Administration Building reserve in the 2018/19 financial year.

Fees and Charges

Fees and charges have generally been increased by 1.9% and are itemised in the Schedule of Fees and Charges included in attachment OCM058.2/06/18. The Budget provides for total fees and charges revenue of \$6,216,349. The majority of the fees and charges raised are for waste \$4,593,799. Waste collection fees and charges are proposed as follows, with no change to the prior year fees excluding GST:

Description	Fee
Waste 140L Bin	243.00
Waste 240L Bin	320.00
Recycle 240L Bin	151.00
Bin establishment/replacement – 140L waste	78.00
Bin establishment/replacement – 240L waste	84.50

Based on maintaining current levels of service, the budgeted cost of providing waste services in 2018/19 is \$4,090,543. The cost of the waste service is made up of a combination of directly attributable costs such as the waste collection contract, plus indirect costs such as corporate overheads. The provision of waste services is self-funded in 2018/19, with \$4,590,543 budgeted to be recovered in waste fees and charges. The \$500,000 surplus generated by this service is proposed to be transferred to the Waste Reserve for the future provision of Waste Services.

At the Ordinary Council Meeting held 22 May 2017 (OCM067/05/17) council approved the removal of seasonal hire fees applicable to the junior sporting clubs for the 2017/18 financial year and requested a financial impact assessment be presented to council prior to the consideration of fees and charges for the 2018/19 financial year.



At the PCF held 14 May 2018 Officers presented information regarding the financial impact assessment. As described, the seasonal charge waiver in 2017/18 resulted in a direct loss of income totalling \$5,428.15 of junior seasonal hire fees. However, if the usage of facilities by the exempted junior clubs in the 2017/18 financial year was calculated on an hourly cost, the financial impact to Council would be approximately \$225,918.

The review of the free seasonal charge for junior sporting clubs gave rise to a number of considerations:

1. Of the clubs that received the free seasonal charge, only one stated that they reduced their fees for members as a result. Therefore, it is not clear if the free seasonal use resulted in conditions that made junior sport more accessible to the community.
2. The free seasonal use did have a positive benefit to the affected clubs as a direct saving, which allowed clubs to redirect funds into supporting members, through avenues such development and equipment.
3. However, the free seasonal hire was available to only a select group of junior clubs. This exempt group did not represent all junior sporting clubs in the Shire, such as those that play at the Serpentine Jarrahdale Community Recreation Centre facility. This created inequity amongst junior sporting clubs in the Shire.
4. Providing free hire does not support the long-term sustainability of junior clubs in the Shire. Clubs may become financially dependent on the funds they would otherwise use to cover seasonal hire fees. This will make it difficult for clubs to meet their financial commitments should Council wish to reintroduce fees and charges in later years.
5. Providing free seasonal hire is not a sustainable practice and places additional financial burden on the Shire for the upkeep and provision of sporting facilities to the community, without support being received through the payment of minimal seasonal charges. This is in direct conflict with the intention of Council Policy 5.1.4 - Facility Hire.

Community facilities are a significant asset to our community and relevant clubs, and the maintenance and upgrading of these facilities is important to ensure sporting community needs can be met. As such, it is important that all user groups make a contribution to the costs associated with the maintenance and operations of these facilities. Officers therefore recommend reinstating applicable seasonal charges for all junior sporting clubs in the 2018/19 financial year, as detailed in the fees and charges attachment.

2018-2027 Long Term Financial Plan Details

The Long Term Financial Plan has been prepared based on the principles contained in the Strategic Community Plan, and is guided by other informing strategies such as the various Asset Management Plans and the Community Infrastructure Plan. It provides a point of integration between the annual budget and the Corporate business plan. The Long Term Financial Plan is based on the following key assumptions:

- Increases to rates of 2% pa
- Increases to the General Purpose Grant Income of 1% pa
- Increases to operating expenditure of approx. 5% pa
- Increases to asset renewals expenditure of approx. 6% pa

The priority infrastructure projects the plan aims to deliver include:

- Briggs Park Lower Oval Upgrade
- Byford Library
- New Administration and Operations Centre
- Other community infrastructure projects through the administration of the Community Infrastructure Developer Contribution Plan, as contained in the Community Infrastructure Plan.



The Long Term Financial Plan is based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for council and the community. It maintains a high level of service across all programs, provides for future community infrastructure, and ensures that all classes of existing assets are being renewed at financially sustainable levels.

Conclusion

The 2018/19 Budget and 2018-2027 Long Term Financial Plan continue to deliver on strategies adopted by council and maintains the same level of service across all programs while ensuring that future infrastructure is being provided for as well as ensuring that all classes of assets are renewed at financially sustainable levels.

Attachments

- [OCM059.1/06/18](#) – 2018/19 Statutory Budget and Supplementary Information (E18/5980)
- [OCM059.2/06/18](#) – 2018/19 Fees & Charges Schedule (E18/5982)
- [OCM059.3/06/18](#) – Long Term Financial Plan (E18/5984)
- [OCM059.4/06/18](#) – 2018 /19 Fees & Charges (Revised) Schedule (E18/5982)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.
Outcome 4.2	Strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.

Financial Implications

The financial implications are detailed within this report. The 2018/19 Budget is considered to deliver a sustainable economic outcome for council and the community.

Risk Implications

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

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



Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Absolute Majority

OCM059/06/18 Officer Recommendation

PART A – MUNICIPAL FUND BUDGET FOR 2018/19

That Council, 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*, adopts the Municipal Fund Budget as contained in attachment OCM059.1/06/18, for the year ending 30 June 2019.

ABSOLUTE MAJORITY REQUIRED

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

That Council:

- Pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general and minimum rates on Gross Rental and Unimproved Values adopted for the purpose of yielding the deficiency disclosed by the Municipal Fund Budget in the Rate Setting Statement:

1.1 General Rates

GRV Improved	9.0135 cents in the dollar
GRV Vacant	17.8467 cents in the dollar
GRV Commercial/Industrial	10.3331 cents in the dollar
UV Rural	0.3818 cents in the dollar
UV Intensive Farming	0.7599 cents in the dollar



1.2 Minimum Payments

GRV Improved	\$1,260
GRV Vacant	\$960
GRV Commercial/Industrial	\$1,416
UV General	\$1,365
UV Intensive Farmland	\$1,365

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

Full Payment and instalment due date	15 August 2018
2 nd quarterly instalment date	16 October 2018
3 rd quarterly instalment date	18 December 2018
4 th quarterly instalment date	19 February 2019

3. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, impose 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.
4. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, impose an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
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*, impose 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.
6. Pursuant to section 6.47 of the *Local Government Act 1995* and subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, grants the following concessions in relation to 2018/19 rate charges:

Rate to which the Concession is Granted	Type	Concession	Circumstances in which the Concession is Granted	Objects and reasons of the Concession
UV General	Farmland	31%	Where properties meet the council farmland concession policy criteria.	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.



Rate to which the Concession is Granted	Type	Concession	Circumstances in which the Concession is Granted	Objects and reasons of the Concession
UV General	Conservation	50%	Where properties meet the conservation eligibility criteria.	Conservation zoning allows landowners with areas of high conservation value to receive reductions in council rates. The initiative has been established by Council to reward landowners who have retained and maintained bushland and wetland.

7. Pursuant to Section 6.46 of the *Local Government Act 1995*, endorses two cash prizes of \$1,000 each, to ratepayers who have paid their rates in full by 4.30pm on 15 August 2018.

ABSOLUTE MAJORITY REQUIRED

PART C – RESERVE FUNDS

That Council:

1. Pursuant to section 6.11 of the *Local Government Act 1995*, establish the following new Reserves:

Name of Reserve	Reserve Purpose
Community Infrastructure Developer Contribution Reserve	To provide for future community infrastructure, matching funds from the Community Infrastructure Developer Contribution Plan.
Rates Revaluation Reserve	To provide for the tri-ennial Gross Rental Valuation (GRV)
Local Government Election Reserve	To provide for Bi-Annual, and other interim local government election expenses.

ABSOLUTE MAJORITY REQUIRED

2. Pursuant to section 6.11 of the *Local Government Act 1995*, change the purpose of the following Reserve:

Name of Reserve	Proposed New Purpose	Reason for changing the purpose
Leave Reserve	To transfer the balance to the Administration building reserve	The Leave reserve is not required as annual leave, sick leave and long service leave are already provided for in the budget and balance sheet.

ABSOLUTE MAJORITY REQUIRED

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

That Council, pursuant to section 6.16 of the *Local Government Act 1995*, adopts the Schedule of Fees and Charges as included in attachment *OCM059.2/06/18*.

ABSOLUTE MAJORITY REQUIRED

PART E – OTHER STATUTORY FEES AND CHARGES FOR 2018/19

That Council:

1. Pursuant to section 53 of the *Cemeteries Act 1986*, impose the Fees and Charges for Cemeteries included in attachment *OCM059.2/06/18*.
2. Pursuant to section 245A (8) of the *Local Government (Miscellaneous Provisions) Act 1960* and regulation 53 of the *Building Regulations 2012*, impose a swimming pool inspection fee of \$55 per annum.
3. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, impose the following charges for the removal and deposit of domestic and commercial waste:

Description	Fee
Waste 140L Bin	243.00
Waste 240L Bin	320.00
Recycle 240L Bin	151.00
Bin establishment/replacement – 140L waste	78.00
Bin establishment/replacement – 240L waste	84.50

Where residents in the Units at 1256 Rowley Road have a shared bin service with a neighbour, a 50% discount on the above fees will be applied to individual properties. There are 16 properties with this special discount arrangement.

ABSOLUTE MAJORITY REQUIRED

PART F – ELECTED MEMBERS FEES AND ALLOWANCES FOR 2018/19

That Council:

1. Pursuant to section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees, which are set at 75% of the maximum allowable as per the Salaries and Allowances Tribunal determination:

President	23,131
Councillors	17,250

2. Pursuant to section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, adopts the following annual allowances for elected members:

Information Technology Allowance	3,500
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3. Pursuant to section 5.98 (5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President Allowance	47,045
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4. Pursuant to section 5.98A of the *Local Government Act 1995* and regulation 33A of the *Local Government (Administration) Regulations 1996*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Deputy President Allowance	11,761
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ABSOLUTE MAJORITY REQUIRED

PART G – MATERIAL VARIANCE REPORTING FOR 2018/19

That Council, in accordance with regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2018/19 for reporting material variances 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.

SIMPLE MAJORITY REQUIRED

PART H – PROPOSAL TO BORROW LOAN FUNDS

That Council, pursuant to S6.20(1) of the *Local Government Act 1995*, endorses borrowings of \$2,974,000 to fund the Briggs Park Lower Oval Upgrade.

ABSOLUTE MAJORITY REQUIRED

PART I – LONG TERM FINANCIAL PLAN

That Council, pursuant to S5.56 of the *Local Government Act 1995*, adopts the Long Term Financial Plan 2018 – 2027 as part of the Integrated Planning Framework informing strategies included in attachment OCM059.3/06/18.

ABSOLUTE MAJORITY REQUIRED



Note: In accordance with Clause 10.6 of the Standing Orders Local Law 2002 (as amended), the person presiding has requested the complex recommendation for Item OCM059/06/18 Adoption of 2018/19 Budget and 2018-2027 Long Term Financial Plan to be broken down into two motions:

Part A – Municipal Fund Budget for 2018/19;

Part C – Reserve Funds

Part D – General Fees and Charges 2018/2019

Part E –Other Statutory Fees and Charges for 2018/19

Part F – Elected Members Fees and Allowances for 2018/2019

Part G – Material Variance Reporting for 2018/2019

Part H – Proposal to Borrow Loan Funds; and

Part I – Long Term Financial Plan

was considered en bloc.

Part B – General and Minimum Rates, Instalment Payment Arrangements and Concessions
was considered separately with the agreement of Council.

Voting Requirements: Absolute Majority

OCM059/06/18 COUNCIL DECISION / Amended Officer Recommendation

Moved Cr See, seconded Cr Gossage

PART A – MUNICIPAL FUND BUDGET FOR 2018/19

That Council, 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*, adopts the Municipal Fund Budget as contained in attachment OCM059.1/06/18, for the year ending 30 June 2019.

PART C – RESERVE FUNDS

That Council:

- 1. Pursuant to section 6.11 of the *Local Government Act 1995*, establish the following new Reserves:**

Name of Reserve	Reserve Purpose
Community Infrastructure Developer Contribution Reserve	To provide for future community infrastructure, matching funds from the Community Infrastructure Developer Contribution Plan.
Rates Revaluation Reserve	To provide for the tri-ennial Gross Rental Valuation (GRV)
Local Government Election Reserve	To provide for Bi-Annual, and other interim local government election expenses.



2. Pursuant to section 6.11 of the *Local Government Act 1995*, change the purpose of the following Reserve:

Name of Reserve	Proposed New Purpose	Reason for changing the purpose
Leave Reserve	To transfer the balance to the Administration building reserve	The Leave reserve is not required as annual leave, sick leave and long service leave are already provided for in the budget and balance sheet.

PART D – GENERAL FEES AND CHARGES FOR 2018/19

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

Reason for Amended Officer Recommendation

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

PART E – OTHER STATUTORY FEES AND CHARGES FOR 2018/19

That Council:

1. Pursuant to section 53 of the *Cemeteries Act 1986*, impose the Fees and Charges for Cemeteries included in attachment OCM059.2/06/18.
2. Pursuant to regulation 53(2) of the *Building Regulations 2012*, impose a swimming pool inspection fee of \$55 per annum.
3. Pursuant to section 67 and 68 of the *Waste Avoidance and Resources Recovery Act 2007*, impose the following charges for the removal and deposit of domestic and commercial waste:

Description	Fee
Waste 140L Bin	243.00
Waste 240L Bin	320.00
Recycle 240L Bin	151.00
Bin establishment/replacement – 140L waste	78.00
Bin establishment/replacement – 240L waste	84.50

Where residents in the Units at 1256 Rowley Road have a shared bin service with a neighbour, a 50% discount on the above fees will be applied to individual properties. There are 16 properties with this special discount arrangement.

**PART F – ELECTED MEMBERS FEES AND ALLOWANCES FOR 2018/19**

That Council:

1. Pursuant to section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees, which are set at 75% of the maximum allowable as per the Salaries and Allowances Tribunal determination:

President	23,131
Councillors	17,250

2. Pursuant to section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, adopts the following annual allowances for elected members:

Information Technology Allowance	3,500
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3. Pursuant to section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President Allowance	47,045
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4. Pursuant to section 5.98A of the *Local Government Act 1995* and regulation 33A of the *Local Government (Administration) Regulations 1996*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Deputy President Allowance	11,761
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PART G – MATERIAL VARIANCE REPORTING FOR 2018/19

That Council, in accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2018/19 for reporting material variances 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.

PART H – PROPOSAL TO BORROW LOAN FUNDS

That Council, pursuant to S6.20(1) of the *Local Government Act 1995*, endorses borrowings of \$2,974,000 to fund the Briggs Park Lower Oval Upgrade.

PART I – LONG TERM FINANCIAL PLAN

That Council, pursuant to S5.56 of the *Local Government Act 1995*, adopts the Long Term Financial Plan 2018 – 2027 as part of the Integrated Planning Framework informing strategies included in attachment OCM059.3/06/18.

CARRIED EN BLOC BY ABSOLUTE MAJORITY 8/0

**Voting Requirements: Absolute Majority****OCM059/06/18 COUNCIL DECISION / Amended Officer Recommendation**

Moved Cr Byas, seconded Cr Gossage

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

That Council:

1. Pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general and minimum rates on Gross Rental and Unimproved Values adopted for the purpose of yielding the deficiency disclosed by the Municipal Fund Budget in the Rate Setting Statement:

1.1 General Rates

GRV Improved	9.0135 cents in the dollar
GRV Vacant	17.8467 cents in the dollar
GRV Commercial/Industrial	10.3331 cents in the dollar
UV Rural	0.3818 cents in the dollar
UV Intensive Farming	0.7599 cents in the dollar

1.2 Minimum Payments

GRV Improved	\$1,260
GRV Vacant	\$960
GRV Commercial/Industrial	\$1,416
UV General	\$1,365
UV Intensive Farmland	\$1,365

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

Full Payment and instalment due date	15 August 2018
2 nd quarterly instalment date	16 October 2018
3 rd quarterly instalment date	18 December 2018
4 th quarterly instalment date	19 February 2019

3. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, impose 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.
4. Pursuant to section 6.45(3) of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, impose an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to section 6.51 of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, impose 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.

6. Pursuant to section 6.47 of the *Local Government Act 1995* and subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, grants the following concessions in relation to 2018/19 rate charges:

Rate to which the Concession is Granted	Type	Concession	Circumstances in which the Concession is Granted	Objects and reasons of the Concession
UV General	Farmland	31%	Where properties meet the council farmland concession policy criteria.	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.	Conservation zoning allows landowners with areas of high conservation value to receive reductions in council rates. The initiative has been established by Council to reward landowners who have retained and maintained bushland and wetland.

7. Pursuant to Section 6.46 of the *Local Government Act 1995*, endorses two cash prizes of \$1,000 each, to ratepayers who have paid their rates in full by 4.30pm on 15 August 2018.

CARRIED 5/3

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

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



10.4 Community Services reports

Nil

10.5 Office of the CEO reports

Nil

10.6 Confidential reports

Cr Coales submitted a Motion on Notice to the Chief Executive Officer via email transmission to the Chief Executive Officer on Monday 18 June 2018.

Clause 3.10 of the Shire's *Standing Orders Local Law 2002* requires that a notice of motion is to be provided to the Chief Executive Officer in writing at least four (4) full working days before the meeting at which the motion is moved.

The following is a full extract of clause 3.10 of the Local Law:

Clause 3.10 of the Shire's *Standing Orders Local Law 2002* requires that a notice of motion is to be provided to the Chief Executive Officer in writing at least four (4) full working days before the meeting at which the motion is moved.

The following is a full extract of clause 3.10 of the Local Law:

Motions on which Previous Notice has been Given

- (1) *Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.*
- (2) *A notice of motion under subclause (1) is to be given at least four (4) full working days before the meeting at which the motion is moved.*
- (3) *A notice of motion is to relate to the good government of persons in the district.*
- (4) *The CEO—*
 - (a) *with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be out of order; or*
 - (b) *may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and*
 - (c) *may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*
- (5) *No notice of motion is to be out of order because the policy involved is considered to be objectionable.*
- (6) *A motion of which notice has been given is to lapse unless—*
 - (a) *the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or*
 - (b) *the Council or committee on a motion agrees to defer consideration of the motion to a later stage or date.*
- (7) *If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.*



COUNCIL DECISION

Moved Cr Denholm, seconded Cr Gossage

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

CARRIED 6/2

Local Government Act 1995

5.23 Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —*
 - (a) all council meetings; and*
 - (b) all meetings of any committee to which a local government power or duty has been delegated.*
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) a matter affecting an employee or employees; and*
 - (b) the personal affairs of any person; and*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) a matter that if disclosed, would reveal —*
 - (i) a trade secret; or*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*



OCM060/06/18 – CONFIDENTIAL - Motion on Notice – Council Policy Interpretation	
Author:	Councillor Rob Coales
Date of Report:	18 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: **Simple Majority**

OCM60/06/18 COUNCIL DECISION

Moved Cr Coales, seconded Cr See

That Council requests that the Chief Executive Officer seek reimbursement from Mr Barry Urban for the costs associated with his enrolment in the Local Government Diploma Course.

MOTION LOST 2/6

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

Councillors Coales and See voted FOR the motion.

Councillors Byas, Denholm, Atwell, Rich, McConkey, Gossage voted AGAINST the motion.



11. Urgent business:

11.1 OCM061/06/18 - Confidential Late Item

Local Government Act 1995

5.23 *Meetings generally open to the public*

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
and
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
 - (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*



Item OCM061/06/18 is a matter currently subject to mediation through a State Administration Tribunal appeal process. This report includes information regarding confidential mediation discussions which occurred between Shire Officers and the Applicant.

OCM061/06/18 – Confidential - Section 31 Reconsideration - Proposed Amendment to Approval for 'Health Studio' at Lot 3, 821 South Western Highway, Byford (SJ2518)	
Author:	Regan Travers – Senior Statutory Planning Officer
Senior Officers:	Ashwin Nair – Manager Statutory Planning and Compliance Andre Schonfeldt – Director Development Services
Date of Report:	25 June 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM061/06/18 COUNCIL DECISION – Amendment Motion

Moved Cr See, Seconded Cr Atwell

That Council approves the development application submitted by B Luckens on Lot 3, 821 South Western Highway, Byford as contained in attachment [OCM042.1/05/18](#) in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following conditions:

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

Plans and Specifications	Plans P1 – P4 received at the Shire's Offices on the 4 October 2017.
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2. The number of customers per class shall be restricted as per the table below:

Day/s of Week	Time of Class	Members per Class
Monday to Friday	5:30am	20 30
Monday to Friday	6:30am	20 30
Monday to Friday	9:15am	20
Monday to Friday	4:30pm	20
Monday to Friday	5:30pm	20 30
Monday to Friday	6:30pm	20 30
Saturday	6:00am	20 30
Saturday	7:00am	20 30
Saturday	8:00am	20
Sunday	7:00am	20 30
Sunday	8:00am	20 30

3. Within 60 days of the date of this approval, or a period as agreed with the Shire, the landowner shall install an ambulant toilet facility to the satisfaction of the Shire of Serpentine Jarrahdale.



Condition 2 has been modified for the following reasons:

1. The proposed development is not consistent with the requirement for car parking bays for a 'Health Studio' in accordance with Shire of Serpentine Jarrahdale Town Planning Scheme No.2. There is a 14 bay shortfall.
2. The proposed development is not consistent with the requirement for car parking bays for commercial land uses under the Byford Town Centre Local Structure Plan. There is a 10 bay shortfall.
3. The proposed development is not consistent with the requirement for car parking bays in accordance with Requirement 14.1 of Local Planning Policy 31 – Byford Town Centre Built Form Guidelines. Car parking is required to be in accordance with the Byford Town Centre Local Structure Plan.
4. The proposed development is not consistent with Clause 67(s)(ii) of the Planning and Development (Local Planning Schemes) Regulations 2015 which requires adequate arrangements for parking of vehicles on the subject site.

MOTION LOST 4/4
CASTING VOTE BY PRESIDING MEMBER

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

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

Voting Requirements: Simple Majority

OCM061/06/18 COUNCIL DECISION – Original Motion

Moved Cr McConkey, Seconded Cr Byas

That Council approves the development application submitted by B Luckens on Lot 3, 821 South Western Highway, Byford as contained in attachment [OCM042.1/05/18](#) in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following conditions:

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

Plans and Specifications	Plans P1 – P4 received at the Shire's Offices on the 4 October 2017.
--------------------------	--

2. The number of customers per class shall be restricted as per the table below:

Day/s of Week	Time of Class	Members per Class
Monday to Friday	5:30am	20
Monday to Friday	6:30am	20
Monday to Friday	9:15am	20
Monday to Friday	4:30pm	20
Monday to Friday	5:30pm	20
Monday to Friday	6:30pm	20
Saturday	6:00am	20
Saturday	7:00am	20
Saturday	8:00am	20



Sunday	7:00am	20
Sunday	8:00am	20

3. Within 60 days of the date of this approval, or a period as agreed with the Shire, the landowner shall install an ambulant toilet facility to the satisfaction of the Shire of Serpentine Jarrahdale.

Reason for amended Officer Recommendation:

Condition 2 has been modified for the following reasons:

1. The proposed development is not consistent with the requirement for car parking bays for a 'Health Studio' in accordance with Shire of Serpentine Jarrahdale Town Planning Scheme No.2. There is a 14 bay shortfall.
2. The proposed development is not consistent with the requirement for car parking bays for commercial land uses under the Byford Town Centre Local Structure Plan. There is a 10 bay shortfall.
3. The proposed development is not consistent with the requirement for car parking bays in accordance with Requirement 14.1 of Local Planning Policy 31 – Byford Town Centre Built Form Guidelines. Car parking is required to be in accordance with the Byford Town Centre Local Structure Plan.
4. The proposed development is not consistent with Clause 67(s)(ii) of the Planning and Development (Local Planning Schemes) Regulations 2015 which requires adequate arrangements for parking of vehicles on the subject site.

CARRIED 4/4
CASTING VOTE BY PRESIDING MEMBER

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

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

Cr Gossage left the Chambers at 9.34pm.

COUNCIL DECISION

Moved Cr Denholm, seconded Cr Atwell

That the meeting be reopened to the public at 9.36pm.

CARRIED UNANIMOUSLY 7/0

Cr Gossage returned to the Chambers at 9.37pm.

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



12. Councillor questions of which notice has been given:

12.1 Councillor See

Councillor See asked the Chief Executive Officer:

Pursuant to standing orders as per below:

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

- (1) *A Member who wishes to seek general information from the CEO at a Council meeting may, without notice –*
 - (a) *ask the CEO a question; and*
 - (b) *with the consent of the Presiding Member, ask the CEO one or more further questions.*
 - (2) *Where possible, the CEO, or the CEO's nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO's nominee may ask that-*
 - (a) *the question be placed on notice for the next meeting of the Council; or*
 - (b) *the answer to the question be given within 7 days to the Member.*
1. What are the total legal, experts and officers costs for time spent, to date, on the matter before the SAT in relation to items OCM007/02/18 from 26 February 2018 OCM and OCM042/05/18 from 28 May 2018 OCM?
 2. If the matter is to go to full hearing what, based on past experience with SAT matters, would be the estimated total legal, experts and officers costs for the matter?

The Chief Executive Officer responded to Questions 1 and 2 collectively:

From what I could establish in the short timeframe leading into this meeting, I understand that officers have not expended any funds on external advice apart from the legal advice sought on Friday following the directions hearing. It should be noted that when officers refuse an application under delegation, they appearance at SAT are considered part of the normal duties and operational costs. Unfortunately we do not currently have an expert Traffic Engineer on Staff and as such we often require to seek consultants to assist as experts on this topic.

In this instance as the applicant has decided not to use legal representation the Shire is not able to seek legal representation either and therefore as you will note in the confidential late item presented tonight, Officers recommend that the Senior Planning Officer represent Council if the SAT process continues. This Officer was not involved in the reports prepared to Council regarding the application to increase the number of people per class and can therefore provide an independent opinion in relation to this matter. We have also requested SAT for the matter to be heard on papers to reduce costs not only for the Shire but also for the applicant. Based on past experiences and considering the limited complexity of the matter, we may be require a traffic engineer to provide additional information but the costs is not expected to exceed \$2,000 at this stage. Should a full hearing be required then this could escalate to around \$10,000.



Ordinary Council Meeting Minutes

Monday 25 June 2018

In past experiences where legal representation has been required, the legal expert costs depending on the complexity could range from \$10,000-35,000, with expert witnesses then being paid \$10,000 per witness. I have to stress that this will not be the case in this instance, unless Council directs us otherwise.

13. Closure

There being no further business the Presiding Member declared the meeting closed at 9.48pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 23 July 2018.

.....
Presiding Member

.....
Date