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Minutes of the Ordinary Council Meeting held in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong on Monday, 26 August 2013. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery.

1. Attendances and Apologies (including Leave of Absence):

In Attendance:

COUNCILLORS: B Moore Presiding Member
G Wilson
D Atwell
S Piipponen
B Urban

OFFICERS: Mr R Gorbunow Chief Executive Officer
Mr A Hart Director Corporate and Community
Mr B Gleeson..... Director Planning
Mr G Allan Director Engineering
Ms Linda Jones Executive Assistant to Chief Executive Officer
Mrs Debra Baldwin Executive Support Officer

APOLOGIES: J Kirkpatrick (Leave of Absence) Councillor

OBSERVER: Tammy Wayne-Elliot, Manager Communications and Executive Services

Members of the Public -12

Members of the Press - 1

2. Response to previous public questions:

Jan Star, 230 Jarrahdale Road, Jarrahdale

Councillor Moore, I have read all the review panel reports and heard the State Government pronouncements which are but tenuously related to the reports. I can see little justification for their decision with respect to the Shire. Will the Council be providing their community with their arguments on the proposed amalgamation giving both the advantages, if any, and disadvantages?

Response:

The Shire President advised that Council has resolved to at least talk with Armadale in order to come up with the pros and cons of amalgamation. The State Government has offered merging Councils \$200,000 if we follow this process. Council currently has a policy which is opposed to amalgamation. Council will review its position and make this public knowledge at the Ordinary Council Meeting on 23 September 2013. In the meantime it is proposed to have extensive discussions with executive officers and the public to enable Councillors to make a decision on behalf of the community.

A formal written response has been provided to Ms Star.

Sandra Hawkins, President of Byford Scarp Resident Association Inc, 12 Rath Close, Byford

Has the Serpentine Jarrahdale Shire Council investigated a different direction for amalgamation to take place other than joining with Armadale Shire Council when the Peel Region is the most obvious solution? If not why not, as it would appear to be the most sensible and logical way to go?

Response:

The Shire President advised that the State Government has made it quite clear that amalgamation of metropolitan local governments will take place by July 2015. Their next agenda will be country amalgamations by July 2017. It is likely that Mandurah, Murray, Waroona and possibly Boddington could merge to become a huge municipality. It is logical for Serpentine Jarrahdale to merge with Peel. Council will continue to have in-depth discussions with executive officers of the Peel groups.

A formal written response has been provided to Mrs Hawkins.

Merri Harris, 806 South Western Highway, Byford

Given the recent announcement of proposed amalgamations of metropolitan local governments and the release of the timeline and expected process I have the following questions:

1. What is the final date for the submission of the Shire report regarding its recommended approach for the proposed amalgamations?

Response:

The deadline for submissions is 4 October 2013.

2. Given the local governments were briefed last Thursday on the expected process of amalgamation from the date forward what are the component parts of this report that must be met to satisfy the Minister's demands for the proposed amalgamation and to prevent the Minister from submitting his own plan or putting a commissioner in place?

Response:

The Department of Local Government will provide information which includes guidance notes for local governments that intend to lodge a proposal with the Local Government Advisory Board. The Shire President advised that the Minister does have his own plan and that it does including putting Commissioner in place.

3. Does this report have to be done in collaboration with the City of Armadale or can it be a standalone document/process?

Response:

Submissions should preferably be submitted jointly but if this is not possible, they can be submitted by local governments individually. The Shire President advised that both Councils have indicated that they do not support the amalgamation; however we have an obligation to our ratepayers to at least go through the process and hopefully agree on the best way forward.

4. Given the City of Armadale does have a Council resolution on the books that indicates that they are not in favor of amalgamation with the Serpentine Jarrahdale Shire is it expected that Armadale will be entirely cooperative with the process?

Response:

The Shire President stated that we have entered into discussions and both Councils have agreed to cooperate during the process.

5. I have it on good advice that the City of Armadale has already submitted a report to support the needs of this process. Will that infer that Serpentine Jarrahdale Shire will not be involved with any discussions or construction of the report that is expected to be submitted from the two amalgamating Local Governments?

Response:

This question was taken on notice and a formal response will be provided in due course.

6. What steps has this Shire taken to engage with the Peel region over possible alternative local government action and/or collaboration to protect the rights and privileges of the Peel region?

Response:

The Shire President responded that there is no doubt our legacy is with the Peel Region and we propose to continue our relationship and in-depth discussions with the Peel local governments.

7. What steps does this Shire intend to take to engage the rate paying members of this community during this upcoming process?

Response:

The Shire President advised that the process has not been finalised at this stage. Extensive discussions need to take place and an opinion formed as a united Council, not fragmented.

8. Given that I have it on good advice that the State Government intends to proceed with amalgamations of our neighboring local governments in the Peel and further down the south western coastline to Bunbury and beyond, would it not seem logical that the SJ Shire should proceed with discussion with Peel local governments immediately?

Response:

The Shire President advised that the executive officers of the Peel groups are already having discussions with respect to proposed amalgamations. The State Government has made it clear that it intends to go ahead with amalgamations but State Government members can back down. One of the problems is that the general public thinks of local government only in terms of rates, roads and rubbish. We need you to be more outspoken and angry about the proposed amalgamation and hopefully stop it at the pass.

A formal written response has been provided to Ms Harris.

Jackie Dines, 34 Jarrahlén Rise, Jarrahdale

Can the Councillors declare their position?

How do we go about fighting the amalgamation?

Response:

The Shire President responded that Council resolved to review its position at the Ordinary Council Meeting to be held on 23 September. He asked for residents to be vocal, let Councillors know what you want, get petitions happening and let your local MLA know what you think.

A formal written response has been provided to Mrs Dines.

Margaret Cala, SJ for Peel Group, 49 Phillips Road, Karrakup

1. In the event of a forced amalgamation with the City of Armadale, which is predominantly urban in character; will SJ primary producers who currently qualify for farmland concessional rates continue to be eligible for the lower rate for their productive agricultural land?

Response:

The Shire President advised that he is unable to answer this question as he has no idea if primary producers will be eligible for the lower rate. He urged everybody to read an article on Council Amalgamations in today's The West Australian entitled "Mergers 'costly and divisive'".

2. In the event of amalgamation; will un-needed municipal buildings and real estate be sold off to private developers or retained for community use?

Response:

2. The Acting Chief Executive Officer advised that we cannot pre-empt what a future Council might decide. One would expect some rationalisation of facilities will occur with any merged entity, which is what happens in the Eastern States when amalgamation occurs.

A formal written response has been provided to Ms Cala.

Michelle Rich, Firns Road, Serpentine

On 21 February 2013 Tony Simpson, in a media statement, stated that there would not be any forced amalgamation by the Liberal Party. In that statement it was also stated that the Liberal Party would not change legislation as Victoria and Queensland did to force amalgamation. Our communities are against amalgamation and expect our Councillors to fight this amalgamation.

Has the Serpentine Jarrahdale Shire asked the Minister for Local Government regarding this statement?

Response:

The Shire President advised that, in his own words, the Minister said he lied because he wanted to get elected.

A formal written response has been provided to Mrs Rich.

Jan Star, 230 Jarrahdale Road, Jarrahdale

1. With respect to Item OCM016/08/13 on the agenda for this Council meeting, will the proposed amalgamation affect the new Police facility, given we are part of the Peel district and will now presumably go to the Armadale district?
2. Was an independent valuation obtained as the price seems very low? Is that a 'rural' value?

Response:

The Acting Chief Executive Officer advised of confirmation in this year's State budget that construction of the new facility will proceed as planned. An independent valuation was obtained and the price is as per that valuation.

A formal written response has been provided to Ms Star.

Denyse Needham, 3345 South West Highway, Keysbrook

What is being done about the state of Henderson Road West, Yangedi South and Elliot Road? The roads are extremely pot-holed and in need of repair.

Response:

The Shire President acknowledged these concerns and advised that they have been taken on notice by the Director Engineering and will be acted upon as soon as possible.

A formal written response has been provided to Ms Needham.

Amanda Worthington, Olbdury

What is being done about the state of Gossage Road shoulders? Potholes 30 centimeters or more deep. The road is one car width and it is incredibly dangerous being continually pushed into these by heavy vehicle traffic. Why are they not being maintained and checked?

Response:

The Shire President acknowledged these concerns and advised that they have been taken on notice by the Director Engineering and will be acted upon as soon as possible.

A formal written response has been provided to Ms Worthington.

Margaret Cala, 49 Phillips Road, Karrakup

1. The Town of Vincent has actually had a rally demonstrating their position on amalgamation, why is this Council not able to have a position?

Response:

The Shire President responded that the Mayor of Vincent speaks on behalf of her Council. This Council will go to the public with factual information as soon as possible.

2. Does that mean that you regard yourself as representing the community and that the community has to fall behind you?

Response:

Councillors want to hear what the community has to say so they can formulate a position based on majority views.

A formal written response has been provided to Ms Cala.

John Rossiter, 9 Comic Court Circuit, Darling Downs

I acknowledge what the Shire has done with respect to the proposed Tonkin Highway extension but there are ramifications? If not constructed, when we amalgamate Armadale will have no drive to extend the Tonkin Highway and we will be left with heavy trucks on the South West Highway.

Response:

The Shire President advised that the proposed Tonkin Highway extension requires funding from both State and Federal Governments. This Council has limitations on what it can contribute towards a \$300 million project. In my opinion the chances of the project succeeding if amalgamation goes ahead will be diminished.

A formal written response has been provided to Mr Rossiter.

3. Public question time:

Public question/statement time commenced at 7.01pm.

Colleen Rankin, 33 South Crescent, Byford

In considering amalgamation with the City of Armadale I believe that it does not make economic sense to amalgamate Armadale, one of the fastest growing local governments in Australia with a low rate base, struggling to provide infrastructure and community services to its ratepayers, to the SJ Shire the fastest growing with a very low rate base and very little infrastructure and community services.

The Mayor of the City told the Examiner newspaper recently *“that Armadale would not be prepared to jeopardise its projects upon merging with the SJ Shire. We have a project program that we want to affect including a new civic building that will house a couple of hundred of our staff including a government department. The strategic focus of this new merged Council will be focused on the Armadale strategic centre”*.

My question is, does the SJ Shire Council know what debt the City of Armadale is currently carrying and its projection into the future?

Response:

The Shire President advised that Council does not know what debt the City of Armadale is currently carrying but will request the Director Corporate and Community to investigate. On the other hand the Shire of Serpentine Jarrahdale has balanced its budget for a number of years into the future.

This question has been taken on notice and a formal written response will be provided in due course.

Michelle Rich, 155 Firms Road, Serpentine

In regards to the local government reforms proposed by the state government:

1. Is our Council in favor of amalgamation with the City of Armadale?
2. Is our Council in favor of amalgamation with the Shire of Murray?

Response:

The Shire President responded that this matter is on the agenda for tonight’s meeting under Urgent Business, when it is expected that Council will reiterate its previous two resolutions with clear reasons why this Council is totally opposed to amalgamation.

Jackie Dines, SJ for Peel Committee, 34 Jarraqlen Rise, Jarrahdale

My question tonight is in regards to the report on the SJ website regarding the engagement of a consultant and I quote....

“We are however continuing our open minded approach to the process, and we are working with the City of Armadale to co-fund the appointment of a consultant to investigate the feasibility of the amalgamation recommendation from the State Government, Cr Moore said.”

- Can the President tell us – does the ‘consultant’ appointed by the SJ Shire and the City of Armadale have any connection to the State Government amalgamation process or – is recommended by any State Government department?
- Could the President also tell us – what are the terms of reference for this consultant?
- When were they engaged?

Response:

The Director Corporate and Community advised that the consultant is an independent, ex-local government person who knows the industry very well and has undertaken consultancy work for both the Shire of Serpentine Jarrahdale and City of Armadale. Essentially the brief is to look at the impacts on both local governments including potential increase in rates, financial viability, governance issues and how all of that would fit into the proposed organisation over the next ten years. The level of detail required is very high because the State Government has given us only two weeks to prepare a report to both Councils and then to the Local Government Advisory Board by the deadline of 4 October 2013.

The Shire President added that the social impact on the community and its resources, such as the Peel Harvey Estuary, also needs to be taken into account.

4. Public statement time:

Sylvia Whibley, 22 Cranbourne Way, Byford

Mrs Whibley congratulated Council on recent improvements in the Byford area. She advised that the Byford Glades Residents Association will be holding a sausage sizzle at Percy's Park this coming Saturday, 31 August 2013 and urged Councillors and residents to come along and support fundraising for the toddlers play equipment.

Mrs Whibley tabled a letter from developers LWP in response to the Association's request for support and a donation towards play equipment at Percy's Park for 2-5 year olds. LWP advised that they have has a program to deliver parks and playground equipment as the estate grows and have already provided play equipment at Percy's Park, which includes comprehensive play equipment for older children. While the current equipment does not cater for 2-5 year old children, provision has been made for appropriate equipment to be installed in the temporary park next to the new LWP sales and information centre, corner Abernethy and Doley Roads, that will cater for this age group. In addition an extensive playground will be provided within the Village Centre in the near future that will cater for all ages. LWP does not consider there is a need to provide the Association with a donation for equipment they are already providing to their residents.

Public question/statement time concluded at 7.10pm.

5. Petitions and deputations:

Petitions and deputations commenced at 7.10pm.

5.1 Petition regarding Local Government Reform – against amalgamation of the Shire of Serpentine Jarrahdale with the City of Armadale.

Ms Margaret Cala presented a petition on behalf of SJ for PEEL Committee containing 3100 signatures against amalgamation of the Shire of Serpentine Jarrahdale with the City of Armadale, as follows:

This petition asserts that the Shire of Serpentine Jarrahdale should NOT be amalgamated with the City of Armadale as it is absolutely unacceptable to the residents of Serpentine Jarrahdale Shire.

It is respectfully requested that the Department of Local Government and State Government consider the will of the people of the Serpentine Jarrahdale Shire to have the whole Shire area remain associated with the Peel Region in whatever form the Peel Region, as an entity, decides is in the best interests of the Peel Region.

The ratepayers and residents of the Shire of Serpentine Jarrahdale, whose names, details and signatures are set out on the attached list support this proposal.

Reasons for this proposal are supported by the following facts:

Social/Community

1. Community surveys within the Shire & greater Peel region have determined that the residents of Serpentine Jarrahdale share community values which are similar to those of the greater Peel, with respect to:
 - a. A rural Lifestyle
 - b. Protecting waterways and the Peel Catchment
 - c. Conservation of the natural environment
 - d. A long standing culture of volunteering
 - e. A mix of age groups, with young people active in the community – not just a single demographic found in the many developed areas
 - f. Living in a safe community
2. Residents of Serpentine Jarrahdale have a significantly higher level of social advantage than our neighbours in the City of Armadale indicating that our residents do not share similar characteristics with the population of Armadale; as demonstrated by Socio-Economic Indexes for Areas, an Australian Bureau of Statistics figure, (SEIFA) indexes.
3. That the residents of Serpentine Jarrahdale Shire share a common history of development and community interests with the Peel region. The original Peel homestead and farm land is situated within the shire on a property that is the largest remaining, intact, coastal vegetation complex.

Economic

1. The residents of the Shire of Serpentine Jarrahdale maintain a high level of value and support in the agricultural industry sector (twice that of the Shire of Murray).
2. The equine industry within the Shire of Serpentine Jarrahdale and greater Peel is a valuable asset involving and employing many local residents.
3. The Shire of Serpentine Jarrahdale maintains an important role within the mining and extractive industries to the economic history and future of the Peel region.
4. The Shire of Serpentine Jarrahdale has a shared vision for the development of industrial areas within the Peel region that will support the local rural and agribusiness communities and provide the appropriate levels of employment self sufficiency.
5. The continued growth and development of the chicken meat industry (50% of the state total) and forward thinking/innovative approaches to the treatment of agricultural wastes, green wastes, re-use of waste water and development of intense agricultural processes continue to contribute greatly to the local economy. These attributes are shared with the Peel region but not the City of Armadale.
6. Residents of Serpentine Jarrahdale are responsive to the development of the tourism industry within the greater Peel region.

Environment

1. The Shire of Serpentine Jarrahdale falls entirely within the Peel Harvey Water Catchment area (except for about 5% of land within the north eastern state forest). It is well understood by all related state agencies that all drainage and water conservation issues are determined by the constraints applied by that relationship with the Peel Harvey Catchment area.
2. The Shire of Serpentine Jarrahdale supports the protection of the environment. The Shire is well recognised for innovative and award winning approaches taken for many years in the development of Biodiversity programs and the protection of biodiversity on private lands.
3. The Shire of Serpentine Jarrahdale supports the Peel regions collaborative approach to climate change mitigation and adaptation plans.
4. The Shire of Serpentine Jarrahdale share landscape, physical and topographical features with the Peel region especially the Palus plain.

Organisation

1. The Shire of Serpentine Jarrahdale is one of the five local governments that form Peel Regional Leaders Forum Inc, the Peel Regional Development Authority (Federal regional funding body), the Peel Harvey Catchment Council, the Peel Development Commission and the Peel Community Development Group (social development) which act for the strategic development of the Peel region.
2. The Shire of Serpentine Jarrahdale was given Category 1 status for organisational capacity in the 2009 evaluation of Local Governments.
3. The Shire of Serpentine Jarrahdale has received international recognition in each of the past 2 years for its innovative strategic planning and treatment of drainage and biodiversity plans.
4. The Shire of Shire Serpentine Jarrahdale falls within the Peel area jurisdictions for state agencies such as:
 - a. Department of Local Government
 - b. Department of Regional Development and Lands
 - c. Department of Sport and Recreation
 - d. Landcorp
 - e. Police
 - f. Department of Housing
 - g. Department of Health
 - h. Department of Water

COUNCIL DECISION:

Moved Cr Urban, seconded Cr Moore That Council:

1. Receive the petition presented by the SJ for PEEL Committee against amalgamation of the Shire of Serpentine Jarrahdale with the City of Armadale.
2. Note that the petition does conform with the Shire's Standing Orders Local Laws 2002, Section 3.6(1)(a)(f).

CARRIED 5/0

Petitions and deputations concluded at 7.24pm.

6. President's report:

Never since the Mid 1960s (History of Serpentine Jarrahdale Neil Joy 1984) district history has the community been threatened by State Government interference.

It was stated then the State Government was concerned about the efficiency of local government bodies and in 1966 initiated an investigation. The resulting boundaries report eventually handed down by Judge Johnson (Johnson Report) in 1975 recommended the amalgamation of a number of shires, including the now booming southern sector of Armadale-Kelmscott with Serpentine Jarrahdale.

A series of press reports during 1973-74 suggests the people were not receptive to these **changes and public opinion prevented any proposed amalgamation**.

We are today once again faced with such a challenge, threatening Serpentine Jarrahdale's unique character. The disappointing fact is that, although we were promised no forced amalgamation pre-election, this approach has now changed and Serpentine Jarrahdale and the 29 other metropolitan Councils affected have been assured that the State Government will indeed force boundary changes. A decision from our State Government to remove Dador provisions will also mean communities across WA cannot have their say for or against the decision.

As the fastest growing locality in the nation, Serpentine Jarrahdale's future is bright. With a new CEO at the helm, a Council of nine by October this year, and a strategic plan in place to guide us over the next decade, this organisation knows what our community needs now and in the future. Serpentine Jarrahdale prides itself on its pristine rural environment, and we fear for the future of this community should we amalgamate as a new organisation with the urbanised City of Armadale.

We have a dedicated, compassionate elected Councillor voice, ably supported by a strong community and second to none volunteerism within the community.

All of this is threatened on no justifiable grounds and I urge all residents to be outraged by this fundamental taking away of our rights as to how our community should develop and evolve.

Council has before it tonight under urgent business, a consideration to undertake this challenge and dare I say it, a confrontation with the State Government which I believe **people power** will conquer and win.

7. Declaration of Councillors and officers interest:

Nil

8. Receipt of minutes or reports and consideration for recommendations:

8.1 Ordinary Council Meeting – 12 August 2013

Moved Cr Urban, seconded Cr Wilson

That the minutes of the Ordinary Council Meeting held on 12 August 2013 be confirmed (E13/3262).

CARRIED 5/0

9. Motions of which notice has been given:

OCM020/08/13	Final Approval - Local Planning Policy No. 75 – Interim Development Deeds - Byford Traditional Infrastructure Development Contribution Plan (SJ1494)
Author	John Ellis – SPP Consulting (WA) Pty Ltd
Senior Officers:	Brad Gleeson – Director Planning
Date of Report:	16 July 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Owner: Various
 Proponent: Shire of Serpentine Jarrahdale
 Areas Subject to Proposal: Byford Development Contribution Area 1

Introduction

To grant final approval of Local Planning Policy No 75 (LPP 75) following public notification consultation. As a result of the submissions received, some minor modifications to LPP 75 are proposed.

Background:

The Byford District Structure Plan (BSP) was adopted by Council in August 2005. This BSP provided the means whereby development of around 11,000 residential lots could proceed. To date, a little over 2000 lots have been subdivided within the BDSP area. To allow such subdivision to occur in the absence of the operable Development Contribution Plan (DCP), developers have been required to enter into Interim Development Deeds with the Shire. These deeds ensure DCP cost contributions can be sought when the DCP becomes operable.

Once Amendments 167 and 168 to Town Planning Scheme No 2 (TPS 2) are gazetted, the Byford Traditional Infrastructure DCP becomes operable. TPS 2 s.10.3.10.1, as modified by Amendment 167, specifies a contribution cost apportionment schedule for each precinct is required within 90 days of the DCP becoming operable. Immediately the DCP becomes operable and the Council approves the DCP Report, it is necessary to resolve the Deed credits and liabilities. To provide clarity and transparency in dealing with the acquittal of the Interim Development Deeds, it is considered appropriate to capture the Deed acquittal methodology in LPP 75.

Relevant Previous Decisions of Council:

- OCM199/05/13 – Council adopted Draft LPP 75 – Interim Development Deeds – Byford Traditional Infrastructure Contribution Plan.

Community / Stakeholder Consultation:

LPP 75 was advertised for a period of 21 days by way of:

- A notice being placed in a local newspaper circulating within the district for two consecutive weeks;
- A notice being placed in the Shire's Administrative Centre;
- A notice being placed on the Shire's website;
- A letter being sent to relevant State Government Agencies; and
- A letter being sent to all landowners holding Interim Development Deeds.

Advertising commenced on 13 June and closed on 5 July 2013. A total of seven submissions were received, of which two were representing landowners.

Comment:

Main issues raised by submitters

The five government agency submitters made no objection or formal comment. The two landowner submitters were 'generally supportive' of the LPP provisions. Aspects of the LPP proposals not supported were:

- *Credit repayment.* Where the DCP did not have the discretionary funds to pay out all credits within sixty days of advising landowners of their credit/liability, it was proposed any residual credit should be allowed as an offset against future contribution liability.
Supported
- *Set time for repayment.* A commitment was sought for full payment of any credit within 180 days regardless of the capacity of the DCP to pay. If extended beyond 180 days, interest should be payable – the DCP has no provision for payment of interest to landowners/creditors. The Shire has no legal responsibility for financially underpinning the DCP.
Not supported
- *Prioritise payment.* It was proposed the LPP provide guidance on prioritising credit reimbursement to Deed holders.
Supported
- *Clarify process for review of valuation and cost calculations.* - The process is contained in Amendment 167.
No action required
- *Removal of allowance for selling and marketing costs in valuation brief.* - This cost is not incurred by the landowner transferring land to the DCP as the transfer is direct. This saving should be to the benefit of the DCP.
Not Supported
- *Development levies (contribution costs) should be included in the land valuation calculation.* - It was argued that any development levy should not be discounted from the value. Where the comparative valuation evidence is land on which a development levy is payable, allowance for the non-payment of such a levy should be made otherwise the transferor gets compensated for a cost that is not incurred.
Not supported

Modifications proposed in response to submissions

It is proposed to modify the LPP to:

- a) Provide a basis on which Council can prioritise payment. As the DCP does not pay interest on outstanding developer credits, it can be argued the credits outstanding for the longest period should be repaid before more recent credits. A higher priority, however, can be seen as the minor developer who developed a small subdivision and, rather than securing the contribution against landholdings, paid an estimated contribution plus 50% security. A small subdivision in this case can be assumed as five or less lots. Most of these minor subdivisions were in Precinct C (old Byford townsite).

Modify 4.3.4

From - "Where there is a contribution surplus, the Shire shall, dependent upon the prevailing cash reserves in the DCP account, make reasonable effort to repay the surplus amount to the Deed holder within 60 days of notice being given by the Shire under s.4.3.2. An interim payment may be made pending full payment."

To – “Where there is a contribution surplus, the Shire shall, dependent upon the prevailing cash reserves in the DCP account, make reasonable effort to repay the surplus amount to the Deed Holder within 60 days of notice being given by the Shire under s.4.3.2.

Payment order shall be based on: firstly, Deed holders who have paid a cash contribution in excess of their liability and where the number of lots covered by the Deed is less than or equal to five; and secondly, the Deed date whereby earlier dated Deeds are prioritised”.

- b) take account of the opportunity to offset outstanding credits against future contribution liabilities. Where the developer is still subdividing land in the DCA, it is appropriate to allow the offset of the credit. Where the Deed holder has no further land to develop, payment should be made when sufficient discretionary funds are available.

Modify 4.3.4

Insert after:

“Payment order shall be based on: firstly, Deed holders who have paid a cash contribution in excess of their liability and where the number of lots covered by the Deed is less than or equal to five; and secondly, the Deed date whereby earlier dated Deeds are prioritised”.

The following:

“An interim payment may be made pending full payment. Where the Deed holder holds land for further development, the outstanding surplus amount may be used as an offset to future development contribution liability”.

Conclusion

It is proposed that the Council note the response to the Summary of Submissions from the public notification of LPP 75 and endorse the modified LPP 75.

Finalising LPP 75 will allow the timely acquittal of the Interim Development Deeds to follow the coming into operation of the Byford Traditional Infrastructure DCP through gazettal of Amendments 167 and 168 and the subsequent Council consideration of the DCP Report.

Attachments:

- [OCM020.1/08/13](#) – LPP 75 - Summary of Submissions (E13/2386)
- [OCM020.2/08/13](#) – Draft LPP 75 – adopted for advertising (E13/1723)
- [OCM020.3/08/13](#) – Draft LPP 75 – modified version, July 2013 (E13/3009)

Alignment with our Strategic Community Plan:

Objective 2.3	Financial Diversity
Key Action 2.3.1	Prioritise and pursue new income streams that are financially sound and equitable, such as establishing business enterprises or asset acquisition
Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area’s distinct rural character, create village environments and provide facilities that serve the community’s needs and encourage social interaction

Statutory Environment:

- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- State Planning Policy 3.6 - Development Contributions for Infrastructure
- TPS 2
- Amendment 167 - revise DCP text in TPS 2

- Amendment 168 - introduce Appendix 16A into TPS 2
- LPP No 52 - Interim Development Contributions - Western Byford
- LPP No 55 - Interim Development Contributions - Eastern Byford

Financial Implications:

It is noted that the operation of the DCPs has been integrated into the Shire's adopted Forward Financial Plan and will have implications for the short and medium term financial capabilities of the Shire. Failure to acquit the Interim Development Deeds in a timely manner following the Byford DCP becoming operable will financially expose the Shire. Developers are expected to seek payment of credits and release from the security (bank guarantees and caveats over land) required by the Interim Deeds.

The Shire is also a creditor to the DCP for pre-funded works, structure planning and DCP administration. Much of this pre-funding has utilised loan funding. Collection of Interim Deed related contribution liabilities should enable the Shire to retire debt associated with the DCP pre-funding thus providing better financial capacity and flexibility to undertake other activities within the Shire. Pre-funding of structure planning and DCP establishment costs by the Shire amounts to \$1,447,866.

Voting Requirements: **Simply Majority**

OCM020/08/13 COUNCIL DECISION / Officer Recommendation:

**Moved Cr Wilson, seconded Cr Urban
That Council:**

- 1. Endorse responses to the Submissions received as contained in the attached Summary of Submissions OCM020.1/08/13.**
- 2. Pursuant to Clause 9.3 of Town Planning Scheme No 2, finally adopt Local Planning Policy No 75 – Interim Development Deeds – Byford Traditional Infrastructure Development Contribution Plan (dated July 2013), as provided at attachment OCM020.3/08/13.**
- 3. Approve notification of the final adoption of Local Planning Policy No 75 in a newspaper circulating within the Scheme area.**
- 4. Forward a copy of the Policy to the Western Australian Planning Commission.**

CARRIED 5/0

OCM021/08/13	Approval To Advertise - Byford Traditional Infrastructure Development Contribution Plan Report (SJ612-02)
Author:	John Ellis – SPP Consulting (WA) Pty Ltd
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	23 July 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i> .

Proponent: Shire of Serpentine Jarrahdale
 Areas Subject to Proposal: Byford Development Contribution Area

Introduction:

To adopt the Byford Traditional Infrastructure Development Contribution Plan Report for the purpose of comment.

Background:

The Byford District Structure Plan (BSP) was adopted by Council in August 2005. This BSP provided the means whereby development of around 11,000 residential lots could proceed. The development process firstly requires the approval of Local Structure Plans (LSP) that provide greater land use detail and allow individual landowners to prepare subdivisional plans.

The Development Contribution Plan (DCP) required to facilitate subdivision through the provision of district level infrastructure will become operable upon gazettal of Amendments 167 and 168. To date, over 2000 lots have been subdivided within the BSP area. To allow such subdivision to occur in the absence of the operable DCP, developers have been required to enter into Interim Development Deeds with the Shire. These deeds ensure DCP cost contributions can be sought when the DCP becomes operable. Local Planning Policy 75 deals with the process to acquit the Deeds following approval of the DCP Report.

Two statutory events needed to occur before the DCP became operable. Firstly, the Serpentine Jarrahdale Town Planning Scheme No 2 (TPS 2) needed to contain the appropriate statutory powers to support the DCP. These powers are contained in Amendment 167 that recently was approved by the Minister for Planning subject to modifications. Secondly, Amendment 168, that sets out the content of the DCP, was approved by the Minister for Planning with modifications. The two Amendments will soon be gazetted.

The Shire was requested by the WAPC, on behalf of the Minister, to amend Amendments 167 and 168 to incorporate the modifications approved by the Minister following which the Amendments would be gazetted.

Relevant Previous Decisions of Council:

- OCM079/11/12 – Final approval – Interim Byford Traditional Infrastructure Development Contribution Plan Report

Community / Stakeholder Consultation:

Stakeholder engagement on the DCP Report has been achieved during the progression of Amendment 168 to TPS 2 and its advertising in 2010, 2011 and 2012. Council considered

the Response to Submissions and Schedule of Modifications arising from the October 2011 advertising of Amendment 168 on 29 June 2012. In November 2012 Council approved the Interim DCP Report being provided to the Byford Industry Reference Group (BIRG) members, submitters from the 2011 advertising of Amendment 168, Interim Deed holders and all major landowners in the Byford DCA, where there are large lots that have subdivision potential, and was placed on the Shire's website. Comments were invited for a 21 day period. While this does not constitute a formal advertising of the DCP Report, feedback would identify whether there are material flaws in the cost calculations. A copy of the Interim DCP Report was provided to the WAPC to assist in its consideration of Amendment 168.

Following the DCP becoming operable with the gazettal of Amendments 167 and 168 to TPS 2, the DCP Report will be formally referred to landowners.

SPP 3.6 states:

6.3.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

Comment:

The Byford Traditional Infrastructure DCP Report has been prepared to set out in detail the following:

- The infrastructure, land and other items for which development contributions are to be collected;
- How land values are calculated;
- The cost estimates for infrastructure and other items;
- The cost contribution rates applicable to individual precincts within the Byford DCP;
- The methodology to calculate the development contributions applicable to landowners and the operational aspects of the approach;
- Principles for the priority and timing of infrastructure provision and land acquisition;
- Period of operation and review of the DCP;
- Various other operational matters; and
- Examples of how development contributions will be calculated.

Response to informal advertising of Interim DCP Report

There were only two submissions resulting from the 21 day advertising – 22 November 2012 to 14 December 2012. The WAPC was provided a copy of the Schedule of Submissions to assist it when recommending Amendment 168 to the Minister for Planning.

Modifications to the DCP Report arising from the informal advertising are as follows:

- Inclusion of basic information from the Joint Use Agreement on District Open Space (DOS).
- Include plans for each DOS site.
- Amend map (Figure 4) to show only the three DOS sites.
- The Glades DOS site area will be included and removed from the POS area calculations.
- The costs of preparing the Byford Town Centre LSP have been removed from historic Administration costs.

Modifications to the Scope and Content of the DCP Report arising from WAPC Modifications

Amendment 167 modifications of a material nature are:

- Modification 4 that removes reference to “any structure plan applicable across the development contribution plan area”. This has the effect of confining eligible costs only to the district structure plan;
- Modification 5 that clarifies the exclusion of “public works” from contribution liability to not include public housing;
- Modification 6 that removes valuation methodology from TPS 2 s.10.3.12 and provides for the valuation methodology to be defined in the DCP Report; and
- Modifications 7 and 8 that broaden the scope for the Shire to impose conditions on development for contribution liability where a “development contribution plan is required but not yet in effect”.

The modifications contain changes to Amendment Maps and Plans 15A and 16A to reflect the following modifications:

- Include all of Thomas Road in the DCA from Tonkin Highway to the rail reserve.
- Reduce extent of Byford Trotting Complex buffer north of Larsen Road.
- Include public open space east of Briggs Road.
- Amend boundary of Parks and Recreation Reserve abutting Turner Road.
- Include public open space for part of Lot 4 South West Highway.
- Exclude all the rail reserve.
- Include some highway commercial lots to the east of the South West Highway in Precinct C.
- Exclude industrial land immediately south of Nettleton Road.
- Exclude land between the South Western Highway and the western edge of the rail reserve up to Larsen Road except for Part Lot 4.
- Exclude from the DCA all of the South Western Highway.

Modifications to Appendix 16A requested by the WAPC are generally refinements of wording and inclusion of additional detail from the Interim DCP Report. Material changes arising from the WAPC modifications are:

- Under ‘Administrative’, inclusion of detail that removes any opportunity for the Shire to recoup its funding of the Town Centre Local Structure Plan; and
- Insertion of a new item of ‘Review process’ that requires a review of the DCP at least every five years.

There are no significant changes to the DCP Report arising from incorporation of the WAPC Schedule of Modifications.

Additional Modifications

- To update the accuracy of lot count estimates by reviewing all estimates to reduce the total lot estimates from 11,773 to 10,938 lots.
- Public open space (POS) in the Byford Town Centre was also expanded through the SAT determination on the LSP that allowed a resource enhancement wetland to be claimed as POS. Part Lot 4 South Western Highway is also recognised as POS in the Byford Town Centre LSP.
- The Glades DOS oval was increased to a senior AFL size in accordance with the Glades LSP.

Valuation Approach and Methodology

In accordance with State Planning Policy 3.6 (SPP3.6), valuations for individual land holdings will be assessed individually at highest and best use. This value will be used for crediting land transferred for DCP purposes. Since it is not practical to value every piece of land earmarked for DCP purposes, it is standard practice in many DCP's to use a single representative value for the purpose of estimating future land costs. In the case of Byford, a hypothetical 5 hectare site, zoned and ready for development, is used to provide a value per hectare. Current valuation advice places a value per hectare of \$475,000 on land to be acquired through the DCP.

To facilitate the valuation process, an expert Valuation Advisor, Mr Ross Hughes, has been appointed to review valuation briefs and valuation reports. Ross Hughes, Principal of Ross Hughes Property, is a Fellow of the Australian Property Institute and Immediate Past President of the API. Ross has also been Chairman of LandCorp, the Rottneest Island Authority and the Murdoch University Property Committee. A panel of four valuers has been established to undertake the various individual valuations for the Interim Development Deeds and the ongoing DCP land transfers.

Independent Certification

SPP 3.6 requires the local government to have estimated costs independently certified by appropriate qualified persons. In the case of valuations this requirement is directly met. In the case of civil works and administration, it is intended to use the Byford Cost Estimate Reference Group (CERG) (a sub-committee of BIRG) to fulfil this role informally.

Formal Adoption of the Byford Traditional Infrastructure DCP Report

This DCP Report provides the pathway to the acquittal of the outstanding Interim Development Deed credits and liabilities in accordance with the process defined in LPP 75. Once this occurs, the completed works and land transfers and lots created can be used to adjust the DCP Report outstanding works and applied to lots yet to be created. Currently, the DCP Report treats all works as being outstanding and does not recognise lots created.

Following approval of the DCP Report by Council, all costs will be reviewed to account for Interim Deed contribution payments, completed works and land transfers thus leading to a revised contribution rate per lot. The next DCP Report would be prepared at this point rather than waiting for the annual review.

Once the DCP Report has gone through public notification Council, following consideration of submissions can formally adopt it. Following adoption, the Byford Traditional Infrastructure DCP becomes fully operational.

DCP Cost and Cost Apportionment

The aggregate cost of the Byford Traditional Infrastructure DCP is \$136.1 million. This represents a reduction of 22.2% from the 2011 advertised figure of \$175 million and 4.3% reduction from the November 2012 estimate. Based on projected lot yield, this translates to an average per lot contribution cost of \$12,442. Precinct A, the largest precinct, has a cost of \$13,429 per lot (\$16,383/lot in October 2011).

To put this contribution into perspective, the standard statutory requirement to provide 10% Public Open Space (POS) in all subdivisions equates approximately to \$3,050/per lot in the Byford DCP, based on a net developable land area of 70% including POS. The 10% POS contribution is included as part of the Byford DCP. Therefore, the Byford DCP cost per lot excluding statutory POS is \$10,379 /lot in Precinct A.

This adjusted figure is in line with the City of Armadale DCP for North Forrestdale.

Summary of cost impact from Key Revisions to the November 2012 Interim DCP Report

The total DCP cost of \$136,093,603 represents a reduction of \$6,168,525 or 4.3% from the November 2012 result. This reduction was mainly due to the lower land valuation estimate of \$475,000/ha from the previous \$550,000/ha.

When converting the DCP total cost to per lot contributions, the impact of lower cost was mainly offset by the reduced estimated lot yield that fell to 10,938 lots from 11,773 lots. The impact on Precinct A contribution cost per lot was a fall from \$16,383/lot in November 2011.

Conclusion

This DCP Report represents the first report for an operable traditional infrastructure DCP for Byford. This report and incorporated cost estimates will allow the Interim Development Deed obligations to be resolved and provide a high level of cost certainty for developers. The DCP Report displays the benefits of three public advertising periods and detailed consideration by stakeholders at BIRG and CERG meetings. It is now a robust document that achieves, as best it can, equity and transparency for all developers tackling the task of bringing residential land to market in Byford.

Attachments:

- [OCM021.1/08/13](#) - DCP Report and Appendices, July 2013 (E13/3297)
- [OCM021.2/08/13](#) - Amendment 167 modifications (E13/3298)
- [OCM021.3/08/13](#) - Amendment 168 modifications (E13/3299)
- [OCM021.4/08/13](#) – Submissions from Interim DCP informal advertising, November 2012 (E13/1352)

Alignment with our Strategic Community Plan:

Objective 2.3	Financial Diversity
Key Action 2.3.1	Prioritise and pursue new income streams that are financially sound and equitable, such as establishing business enterprises or asset acquisition
Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Statutory Environment:

- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- SPP 3.6 – Development Contributions for Infrastructure
- Amendment 167 - revise DCP text in TPS 2
- Amendment 168 – introduce Appendix 16A into TPS 2
- LPP 75 – Interim Development Deeds

Financial Implications:

It is noted the operation of the DCP's has been integrated into the Shire's adopted Forward Capital Works and other financial plans and will have implications for the short and medium term financial capacity of the Shire. Failure to initiate the DCP's will result in the Shire redirecting funds from other projects to enable 'DCP' infrastructure to be developed that will have implications Shire-wide over the longer term.

There are also financial and legal implications associated with the finalisation of interim development legal agreements if development contribution plans are not in place and guided by an appropriate statutory framework. The Shire will also be eligible to recoup the \$1.4 million prefunding cost of establishing the DCP. Future administration recurrent costs will be recoupable when expended.

Voting Requirements

Simple Majority

OCM021/08/13 COUNCIL DECISION / Officer Recommendation:

**Moved Cr Urban, seconded Cr Piipponen
That Council:**

- 1. Note the Development Contribution Plan Report (July 2013) has been prepared in response to the Minister for Planning conditional approval of Amendments 167 and 168 to Town Planning Scheme No 2 that will allow the Byford Traditional Infrastructure Development Contribution Plan to become operable following gazettal of the Amendments.**
- 2. Endorse the July 2013 Development Contribution Plan Report contained in attachment OCM021.1/08/13 as reflecting the Schedule of Modifications approved by the Minister for Amendments 167 and 168 to Town Planning Scheme No 2.**
- 3. Forward a copy of the Development Contribution Plan Report (July 2013) to the Western Australian Planning Commission.**
- 4. Advertise the Development Contribution Plan Report (July 2013) for comment on the Shire's website and provides a copy to the Byford Industry Reference Group members, Interim Development Deed holders and all major landowners in the Byford DCA where there are large lots that have subdivision potential, for a 21 day comment period.**
- 5. Notes that following final approval of the Development Contribution Plan by the Council, all existing Interim Development Deeds holders will be advised of their contribution liability or credit in accordance with LPP 75.**

CARRIED 5/0

OCM022/08/13	Final Adoption of Amendment No 181 – Rezoning of Lot 564 Scrivener Road, Serpentine from ‘Rural’ zone to ‘Conservation’ zone (SJ1409)
Author:	Louise Hughes – Manager Statutory Planning
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	9 August 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Ironbark Environmental
 Owner: Paul Lee
 Date of Receipt: 11 June 2012
 Lot Area: 33.09 hectares
 Town Planning Scheme No. 2 Zoning: Rural Zone
 Metropolitan Region Scheme Zoning: Rural Zone

Introduction:

To consider final adoption of Amendment No 181 to rezone the subject land from ‘Rural’ to ‘Conservation’ in accordance with the provisions of the Shire’s Town Planning Scheme No 2 (TPS 2).

Background:

Lot 564 Scrivener Road, Serpentine is located on the Darling Scarp, south east of the Serpentine townsite and approximately 1.5 kilometres off the Scrivener Road/South Western Highway intersection. The site is almost completely vegetated and surrounded by large rural properties and the Serpentine National Park to the north. The property is moderately to steeply undulating, with the western third offering extensive views over the coastal plain.

Relevant Previous Decisions of Council:

- OCM121/01/13 - Subject to the advice of the Environmental Protection Authority that the amendment is not subject to formal environmental assessment, advertise the amendment.

Community / Stakeholder Consultation:

Pursuant to section 48A of the *Environmental Protection Act 1986 (EP Act)* and section 81 of the *Planning and Development Act 2005*, the scheme amendment was referred to the Environmental Protection Authority, who advised that the application does not require formal assessment under the EP Act.

The application was subsequently advertised to Government Agencies and adjoining landowners. Thirteen submissions were received none of which objected to the proposed scheme amendment.

Comment:

The landowner is seeking to have the property rezoned to ‘Conservation’ to ensure the site’s conservation values are recognised in TPS 2 and offered greater protection in the long term. The site has been managed for conservation for the past 30 years.

The site is almost fully vegetated and has little, if any, capability for agriculture or intensive development. This rezoning submission proposes to limit permitted use classes on the site to Single House and Public Utility and remove the potential for any discretionary uses.

In common with other lands in the 'Conservation' zone, Special Provisions will apply to this site in TPS 2. A Management Plan has also been prepared as required under Clause 5.14.6 (b) of TPS 2.

Rezoning of Lot 564 is consistent with TPS 2, the Shire's Strategic Community Plan, Local Biodiversity Strategy and Biodiversity Incentives Strategy for Conservation on Private Property.

TPS 2

The following clauses in TPS 2 apply to all 'Conservation' zone properties and have been used to guide the preparation of the rezoning report:

- 5.14.1 *The purpose and intent of the Conservation Zone is described within the Council's Rural Strategy as amended and adopted by Council and the State Planning Commission dated April 1994.*
- 5.14.2 *A Conservation zone is intended to identify land that has a high conservation significance which includes private land with large stands of relatively intact remnant vegetation, all recognised wetlands of significance and some areas covered by the Department of Environmental Protection System 6 recommendations.*
- 5.14.3 *The private lands identified for conservation in the rural strategy are not intended for acquisition by the Council or State Government agencies. Rather the general aim is to encourage and make it easier for landowners to protect and manage the conservation values present.*
- 5.14.4 *Before including land within the Conservation Zone Council will require the owners of the land to prepare a submission in support of its inclusion and any submission shall include those matters set down in sub-clause 5.9.3 of this Scheme.*
- 5.14.5 *A description of the land included in the Conservation Zone together with the uses permitted and any special provisions relating to the land are set out in Appendix 4D. Such uses will generally be in accordance with the Rural Zone uses but will depend upon site survey and reference to land capability and other planning data. Land uses selected will be on the basis that they will not conflict with, or they will contribute to the significance of conservation values present.*
- 5.14.6 *In addition to the provisions contained in Appendix 4D and other such provisions of the Scheme as may affect it any land which is included in the Conservation Zone shall be subject to the following conditions:*
 - a. *The relevant guidelines contained within the Council Planning Guidelines for Nutrient Management dated May 1994 (as amended) shall apply to the use and development of land.*
 - b. *A management plan for each Conservation Zone shall be drafted to Council's satisfaction by the landowner with input from other relevant organisations and the land owner's consultant where necessary.*
 - c. *The management plan shall establish the limits for land use and criteria that any development will have to satisfy. The plan will form the basis for site management and future management decisions.*
 - d. *The management plan shall, as appropriate, identify setbacks, buffer zones, and the required conservation management practices and other measures as deemed necessary to achieve a satisfactory standard of protection relative to the significance of conservation values present.*

5.14.7 *The implementation of a management plan by the landowner is a means of longer term protection for the site and will be accompanied by a reduced Council rating on the land.*

The incentives for these conservation measures will be a reduction in the general rural rate which shall be set at 50% unless otherwise amended by Council.

Conclusion

The merit of the proposed scheme amendment has been considered prior to advertising and was deemed to be acceptable. The purpose of the final amendment report is to consider any submissions received during the advertising process and determine whether any modifications are required to the proposed scheme amendment. In view of the fact that there were no objections to the proposal and comments of support have been received, it is considered that the scheme amendment can be finalised without the requirement for modifications. It is therefore recommended that the scheme amendment should be finalised and the scheme text and maps updated accordingly.

Attachments:

- [OCM022.1/08/13](#) - Location map (E12/8622)
- [OCM022.2/08/13](#) - Proposed zoning from 'Rural' to 'Conservation' (IN12/14401)
- [OCM022.3/08/13](#) - Management Plan for Covenanted Bushland (IN12/14398)
- [OCM022.4/08/13](#) – Schedule of Submissions (E13/2547)

Alignment with our Strategic Community Plan:

Objective 1.1.3	Strong Leadership
Key Action 1.1.3	Foster partnerships to deliver key projects and initiatives in conjunction with key stakeholders
Objective 5.2	Responsible Resource Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity

Statutory Environment:

- Metropolitan Region Scheme
- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- TPS 2

Financial Implications:

There are no financial implications as a result of this application.

Voting Requirements Simple Majority

Officer Recommendation:

Moved Cr Moore, seconded Cr Wilson
That Council:

1. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* that the Shire of Serpentine Jarrahdale Town Planning Scheme No 2 be amended as described below:

- a) Rezone Lot 564 Scrivener Road, Serpentine from 'Rural' to 'Conservation';
 - b) Amend the Scheme maps accordingly; and
 - c) Include provisions in Appendix 4D – Conservation Zone.
2. Endorse the schedule of submissions in attachment OCM022.4/08/13 prepared in respect of Amendment No 181 to the Shire of Serpentine Jarrahdale Town Planning Scheme No 2.
 3. Authorise the signing and sealing of the amendment documentation and the forwarding of the amendment documentation to the Western Australian Planning Commission, along with the endorsed schedule of submissions and steps taken to advertise the amendment, with a request for the endorsement of final approval by the Minister for Planning.
 4. Advise those persons who lodged a submission during the comment period of Council's decision.

OCM022/08/13 COUNCIL DECISION / Amended Motion

Moved Cr Urban, seconded Cr Piipponen

That this item be deferred to the Ordinary Council Meeting to be held on 9 September 2013.

CARRIED 4/1

Council Note: Council changed the Officer's Recommendation in Item OCM022/08/13 by deferring the item to the next Ordinary Council Meeting and requesting further information be provided to Councillors, particularly in relation to environmental assessment.

OCM023/08/13	Council Policy G921 – Changing Methods of Valuation of Land Policy (SJ526)
Author:	Casey Mihovilovich – Manager Finance and Customer Service
Senior Officer:	Alan Hart – Director Corporate and Community
Date of Report:	26 July 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

To adopt a Changing Methods of Valuation of Land Policy.

Background

Rates are the main source of revenue for the Shire. To optimise rate revenue, the Shire must ensure that the most appropriate method of valuation is used as the basis of rates. Standardising the method of valuation will lead to minimal enquiries from ratepayers and apply a consistent and equitable process across the Shire. This policy relates to properties that are over 2 hectares in area and that have subdivided their property into land parcels 2 hectares or less, or properties that are rated on the unimproved method of valuation but have a commercial/industrial business use on their land.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

No community consultation is required.

Comment:

This policy has been developed based on the Department of Local Government guidelines for changing methods of valuation of land. The policy will provide staff with guidance and give subdividers a clear indication that when subdivision occurs, what the valuation method will be. It also will link into the planning process that when an application to operate a business on land that is rated unimproved value that the property will be rated on a gross rental value until such time as the business ceases to operate. Under Australian taxation legislation any properties that are under 2 hectares are exempt from capital gains tax if it is the taxpayer's main residence, and this has formed the basis of the recommendation of changing properties under 2 hectares upon subdivision to a gross rental value. Note, this is not retrospective and any properties that have maintained an unimproved value as a result of subdividing to less than 2 hectares will retain the unimproved valuation methodology under this current policy.

Conclusion

It is recommended that Council adopt proposed Policy G921 – Changing Methods of Valuation of Land Policy.

Attachments:

- [OCM023.1/08/13](#) - Department of Local Government Guidelines (E13/2978)
- [OCM023.2/08/13](#) - Proposed Policy G921 (E13/2977)

Alignment with our Strategic Community Plan:

Objective 2.4	Business Efficiency
Key Action 2.4.2	Critically examine service delivery to ensure efficiency and effectiveness

Statutory Environment:

Section 6.28 of the *Local Government Act 1995*, states that the Minister must approve the changing of method of valuation to be used by the local government as the basis for a rate.

Financial Implications:

There are no financial implications relating to this report.

Voting Requirements: Simple Majority

OCM023/08/13 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Wilson
That Council adopt proposed Policy G921 - Changing Methods of Valuation of Land Policy as per attachment OCM023.1/08/13.

CARRIED 5/0

OCM024/08/13	Proposed Lease – The Lightweight Motorcycle Club (Inc) and the Shire of Serpentine Jarrahdale (SJ975)
Author:	Kristen Cooper – Administration Officer – Leases and Licences
Senior Officer:	Alan Hart - Director Corporate and Community
Date:	25 July 2013
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The previous 21-year lease with the Lightweight Motorcycle Club expired on 11 November 2011. The proposed lease agreement is a standard agreement prepared by Council's Solicitors. In accordance with the Shire's adopted Lease and Licence Policy, it is recommended that a lease of ten years, with an option to renew for a further ten years, be offered to the club. The purpose of this report is to seek Council's endorsement of this draft standard no cost to the Shire lease. Once this approval is obtained the Shire will seek support from the Minister for Lands as required under legislation for all leases. The report will then come back to Council for final consideration.

Background:

Reserve 40950 has a permitted use for recreation motorcycle track as outlined in the lease agreement. The Shire does not maintain or provide any resources into the maintenance of the motorcycle track or onsite facilities.

The Lightweight Motorcycle Club was established in 1952 and is based at Hendley Park on the South West Highway, Byford. The course and clubrooms have been purpose designed and built and do not lend themselves to alternative community use. The Club has made significant investments to maintain the site and keep the track at the current standard. The club caters for both junior and senior riders. The motorcrosse track has 40 starting gates and consists of 2km of a loam/gravel track. Membership currently stands at 400 and the club promotes a family atmosphere.

In accordance with the Shire's Lease and Licence Policy a rental term of ten years with an option to renew for a further ten years will be offered to the Club. A \$1.00 peppercorn rental is payable yearly on this lease consistent with the Shire's Lease and Licence Policy.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community/ Stakeholder Consultation:

An initial meeting was held with the Lightweight Motorcycle Club to clarify the terms and conditions of the lease being offered. The Club has consented to progress the draft Lease.

Attachments:

- [OCM024.1/08/13](#) – Proposed lease (IN13/12273)
- [OCM024.2.08/13](#) - Aerial Photograph of proposed lease area (E13/3090)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

The Lightweight Motorcycle Club, being a sporting body is exempt from the requirements of S3.58 of the Act by Regulation 30(2) of the *Local Government (Functions and General) Regulations 1996*. A valuation of the premises and public advertising of the disposition of land is not required as it is a lease that is being offered under the Shire's Lease and Licence Management Policy (G007). In accordance with the Shire's Community Group Rating Policy, Policy number SEG02, Council can provide a general rate concession to community groups that would normally be subject to being charged general rates under the Local Government Act (1995) where the Shire enters into Lease Agreements with the Community Group.

Financial Implications:

As this is a 'no cost to the Shire' standard lease, a \$1.00 peppercorn rental only will be payable. All costs in relation to the preparation of the lease will be paid by the Lessee. The club funds all maintenance, payment of outgoings, utilities and government rates and charges of the lease area.

Voting Requirements

Simple Majority

OCM024/08/13 COUNCIL DECISION / Officer Recommendation:**Moved Cr Wilson, seconded Cr Piipponen**

That Council seek the approval from the Minister of Lands to lease Reserve 40950 to the Lightweight Motorcycle Club for the purpose of motorsports for a period of ten years with an option to renew for a further ten years.

CARRIED 5/0

10. Information reports:

OCM025/08/13	Confirmation of Payment of Creditors (SJ514)
Author:	Erin Macek - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	22 July 2013
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The *Local Government (Financial Management) Regulations 1996* requires the local government to prepare a list of accounts paid by the Chief Executive Officer each month.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Comment

In accordance with the *Local Government (Financial Management) Regulations 1996* 13(1), schedules of all payments made through the Council's bank accounts are presented to Council for 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.

Invoices supporting all payments are available for the inspection of Council. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment, is attached and relevant invoices are available for inspection.

It is recommended that Council receive the payments authorised under delegated authority and detailed in the list of invoices for period of 1 - 21 July 2013, as per the attachment.

Attachment:

- [OCM025.1/08/13](#) - Vouchers numbered Cheque 43572 - 43612 and EFT 31358 - 31583 totalling \$1,878,739.59 for the period 1 - 21 July 2013 (E13/2871)

Alignment with our Strategic Community Plan:

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

Statutory Environment

Section 5.42 and 5.45(2) 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 CG07 - Payments from Municipal and Trust Fund.

Financial Implications

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

Voting Requirements Simple Majority

OCM025/08/13 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Urban

That Council receive the payments authorised under delegated authority and detailed in the list of invoices for the period 1 - 21 July 2013, as per attachment OCM025.1/08/13 - Creditor List of Accounts 1 - 21 July 2013 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED 5/0

OCM026/08/13 Monthly Financial Report – June 2013 (SJ801)	
Author:	Megan Hodgson – Financial Accountant
Senior Officer:	Alan Hart – Director Corporate and Community
Date of Report:	23 July 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The monthly financial report includes rating, investment, reserve, debtor, and general financial information and is required to be presented to Council under the *Local Government Act 1995*.

Background:

The *Local Government Act* and *Financial Management Regulations* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act* further states that this statement can be reported by either Nature and Type, Statutory Program or Business Unit. The Shire has resolved to report by Business Unit and to assess the performance of each business unit the columns of year-to-date budget and actual results are compared. This gives an indication of how each business unit (and collectively the Shire) is performing against expectations for this point in time and any variance over or under 10% is reported.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

No community consultation was undertaken / required.

Comment:

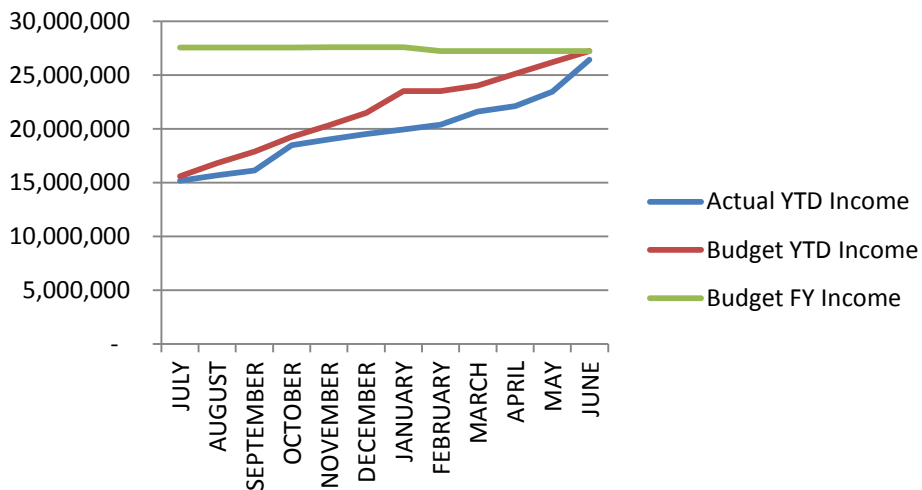
It is noted that while the June 2013 Financial report is complete at the date of publishing, it is not yet final. The numbers are subject to change and final numbers will be published with the June 2013 audited Financial Statements.

The period of review is June 2013. The municipal surplus for this period is \$2,314,677 compared to a budget position of \$23,102. This is considered a satisfactory year end result for the Shire. The surplus is not finalised as there are end-of-year adjustments still required to be completed. There are capital projects anticipated to have been completed by June 2013 that were not included in the 2013/2014 budget and are required to be carried forward. These projects are factored into the June 2013 surplus. Upon reviewing the estimated carried forward for the 2013/2014 opening surplus balance of \$1,366,745, and the additional projects that were not included, the surplus at the end of June will be absorbed by these variances.

Income for the June 2013 period, year-to-date is \$26,434,400. The budget estimated \$27,237,302 would be received for the same period. The variance to budget is (\$802,902).

The following graph illustrates actual income to-date compared to the year-to-date budget.

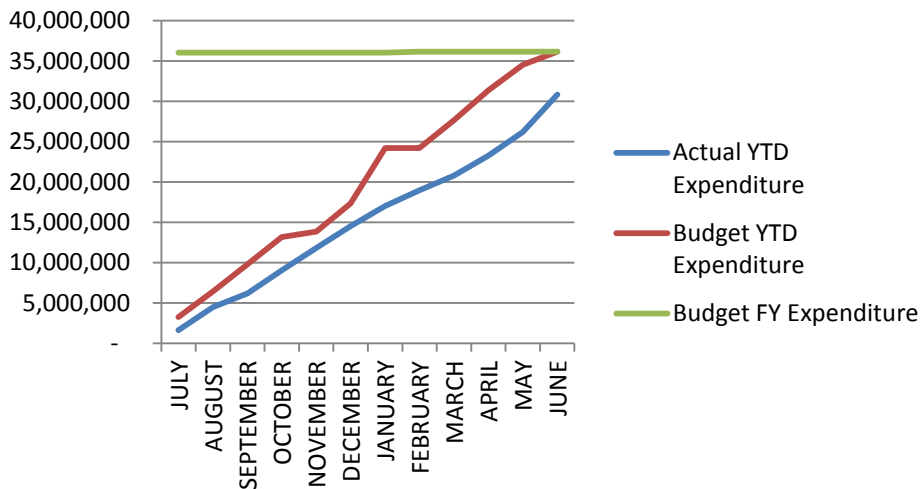
Total Income



Expenditure for the June 2013 period, year-to-date is \$30,836,136. The budget estimated \$36,161,115 would be spent for the same period. The variance to budget is \$(5,324,979), details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

The following graph illustrates actual expenditure to-date compared to the year-to-date budget.

Total Expenditure



Natural Disaster Recovery Management Account Expenditure Information Report

Council has established a Natural Disaster Recovery Management Account from which works associated with declared disasters are funded (PC106 – Natural Disaster Recovery Management Account). The *Local Government Act 1995* requires that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- a) is incurred in a financial year before the adoption of the annual budget by the local government;
- b) is authorised in advance by resolution*; or
- c) is authorised in advance by the mayor or president in an emergency.

Given the circumstances surrounding emergencies, advance authorisation by the Shire President or Council is not always appropriate. This information report is to allow Council to accept expenditure on emergency management and to transfer these funds from the Natural Disaster Recovery Management Account Reserve.

Month	Description	Amount (\$)
July – November 2012	Storm Damage in June/July 2012	\$17,731
December 2012		\$0
January 2013		\$0
February 2013	Fire - 12/2/13 WA Blue Metal FESA no234528 Fire - 18/2/13 Yarrabah FESA no235095	\$14,411
March 2013	Fire - 18/2/13 Yarrabah FESA no235095	\$12,316
April 2013	Fire - 18/2/13 Yarrabah FESA no235095	\$7,904
May 2013	Fire - 18/2/13 Yarrabah FESA no235095	\$9,378
June 2013	Fire - 18/2/13 Yarrabah FESA no235095	\$8,280
Total 2012-2013		\$70,020

Attachment:

- [OCM026.1/08/13](#) - June Monthly Financial Report (TRIM E13/2959)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

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

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

Financial Implications:

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

Voting Requirements: **Absolute Majority**

OCM026/08/13 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Urban
That Council:

1. Receive the Monthly Financial Report for July 2013, in accordance with Section 6.4 of the *Local Government Act 1995*.

- 2. Accept the Natural Disaster Recovery Management Account Expenditure Information Report and authorise transfer out of the Natural Disaster Recovery Management Account Reserve for the amount of \$8,280 (ESD999).
CARRIED 5/0 by Absolute Majority**

OCM027/08/13	Monthly Financial Report – July 2013 (SJ801)
Author:	Megan Hodgson – Financial Accountant
Senior Officer:	Alan Hart – Director Corporate and Community
Date of Report:	24 July 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The monthly financial report includes rating, investment, reserve, debtor and general financial information and is required to be presented to Council under the *Local Government Act 1995*.

Background:

The *Local Government Act* and *Financial Management Regulations* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act* further states that this statement can be reported either by Nature and Type, Statutory Program or Business Unit. The Shire has resolved to report by Business Unit and to assess the performance of each business unit the columns of year-to-date budget and actual results are compared. This gives an indication of how each business unit (and collectively the Shire) is performing against expectations for this point in time and any variance over or under 10% is reported.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

No community consultation was undertaken / required.

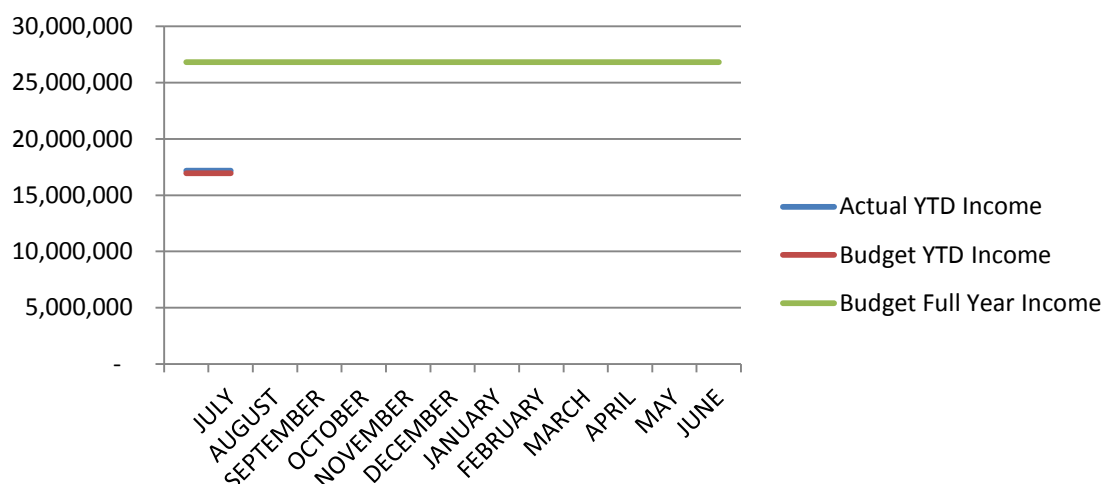
Comment:

The period of review is July 2013. The municipal surplus for this period is \$18,263,410 compared to a budget position of \$16,307,937. This is considered a satisfactory result for the Shire for this time of the year.

Income for the July 2013 period, year-to-date is \$17,184,763. The budget estimated \$16,946,624 would be received for the same period. The variance to budget is \$238,139.

The following graph illustrates actual income to-date compared to the year-to-date budget.

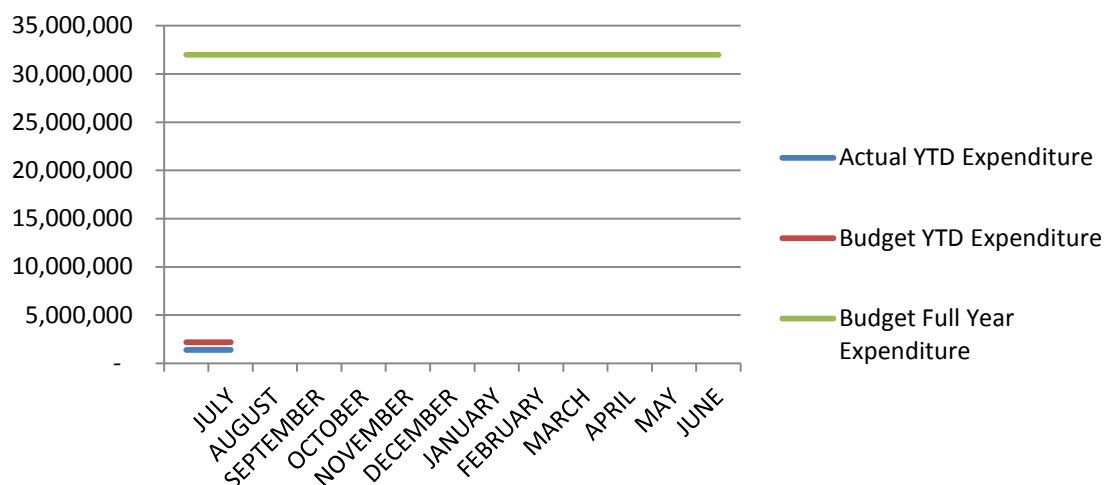
Total Income



Expenditure for the July 2013 period, year-to-date is \$1,395,361. The budget estimated \$2,199,214 would be spent for the same period. The variance to budget is \$(803,853). Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

The following graph illustrates actual expenditure to-date compared to the year-to-date budget.

Total Expenditure



Natural Disaster Recovery Management Account Expenditure Information Report

Council has established an account from which works associated with declared disasters are funded - Natural Disaster Recovery Management Account (PC106). The *Local Government Act 1995* requires that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- a) is incurred in a financial year before the adoption of the annual budget by the local government;
- b) is authorised in advance by resolution*; or
- c) is authorised in advance by the mayor or president in an emergency.

Given the circumstances surrounding emergencies, advance authorisation by the Shire President or Council is not always appropriate. This information report is to allow Council to

accept expenditure on emergency management and to transfer these funds from the Natural Disaster Recovery Management Account Reserve.

Month	Description	Amount (\$)
July 2013	Nil	\$0
Total 2013-2014		\$0

Attachment:

- [OCM027.1/08/13](#) - July Monthly Financial Report (E13/2962)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

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

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

Financial Implications:

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

Voting Requirements: Simple Majority

OCM027/08/13 COUNCIL DECISION / Officer Recommendation:

**Moved Cr Urban, seconded Cr Piipponen
That Council:**

1. Receive the Monthly Financial Report for July 2013, in accordance with Section 6.4 of the *Local Government Act 1995*.
2. Accept the Natural Disaster Recovery Management Account Expenditure Information Report and authorise transfer out of the Natural Disaster Recovery Management Account Reserve for the amount of \$0 (ESD999).

CARRIED 5/0

OCM028/08/13 Corporate and Community Information Report	
Author:	Erin Noble – Finance Officer (Accounts Payable)
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	22 July 2013
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

There is no community/stakeholder consultation required.

Comment:

The following details are authorisations made from investment, municipal, trust, and reserve funds, as per delegations, and are provided to Councillors for information only.

29/06/2013	CG07	Payment of EFT31358	83.68	CM and MH
04/07/2013	CG19	Payroll	219,398.77	CM and BG
04/07/2013	CG19	Reinvestment of Investment Account Number 937536 for the purpose of Municipal Funds	502,219.18	AH and BG
05/07/2013	CG07	Payment of Cheques 43572 to 43577	48,728.18	MH and AH
07/07/2013	CG07	Payment of EFT31359	13,602.82	CM and MH
05/07/2013	CG07	Payment of EFT31360 to 31430	483,466.69	MH and AH
09/07/13	CG19	Investment of Investment Account Number 149852824 for the purpose of Restricted Funds – Byford Central	235,498.44	RG and BG
09/07/2013	CG07	Payment of EFT31431	520.00	MH and CM
10/07/2013	CG19	Reinvestment of Investment Account Number 144244100 for the purpose of Restricted Funds – Reserves	2,620,960.36	RG and BG
10/07/2013	CG19	Partial Withdrawal of Investment Account Number 144244100 for the purpose of Restricted Funds – Reserves	3,210.00	RG and BG
11/07/2013	CG07	Payment of EFT31432 to EFT31514	682,244.33	CM and BG
12/07/2013	CG07	Payment of Cheque 43578 to 43605	79,163.19	MH and CM

13/07/2013	CG19	Withdrawal of Municipal Investment Account Number 9708-89875	503,746.27	AH and GA
18/07/2013	CG07	Payment from Trust Bank Account to Muni Bank Account for the Month of June		BG and CM
18/07/2013	CG19	Investment of Investment Account Number for the purpose of Municipal Funds	500,000.00	RG and 18AH
18/07/2013	CG07	Payment of EFT31515 to EFT31516	5,863.63	CM and MH
18/07/2013	CG07	Payment of EFT31517	50.00	CM and MH
18/07/2013	CG07	Payment of EFT31518	139,108.80	CM and MH
19/07/2013	CG07	Payment of EFT31519 to EFT31583	422,580.32	CM and AH
19/07/2013	CG07	Payment of Cheque 43606 to 43612	3,327.95	MH and AH
22/07/2013	CG19	Investment of Investment Account Number for the purpose of Municipal Funds	500,000.00	AH and BG

Alignment with our Strategic Community Plan:

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

Statutory Environment:

There are no statutory requirements in providing this information report.

Financial Implications:

There are no financial implications in providing this information report.

Voting Requirements: Simple Majority

OCM028/08/13 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Urban

That Council receive the Corporate and Community Information Report for July 2013.

CARRIED 5/0

OCM029/08/13	Chief Executive Officer - Information Report (SJ514)
Author:	Linda Jones – Executive Assistant to Chief Executive Officer
Senior Officer:	Richard Gorbunow - Chief Executive Officer
Date of Report:	5 August 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Summary

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

Attachments

- [OCM029.1/08/13](#) – Agenda for Councillor Information Day, August 2013 (E13/2520)
- [OCM029.2/08/13](#) - Common Seal Register Report, July 2013 (E02/5614)
- [OCM029.3/08/13](#) – Minutes of Outer Metro Growth Council Meeting, 24 July 2013 (IN13/13446)
- [OCM029.4/08/13](#) – Minutes of Tonkin Highway Community Working Group Meeting, 3 July 2013 (IN13/13452)
- [OCM029.5/08/13](#) – Minutes of Whitby Falls Project Partners Meeting, 9 July 2013 (E13/2744)
- [OCM029.6/08/13](#) – Minutes of Peel Region Leaders Forum CEO Group Meeting – 2 August 2013 (IN13/13989)

Voting Requirements

Simple Majority

OCM029/08/13 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Wilson

That Council accept the Chief Executive Officer Information Report for August 2013.

CARRIED 5/0

OCM030/08/13	Planning Information Report (SJ537)
Author:	Jodie Evans - Personal Assistant to Director Planning
Senior Officer:	Brad Gleeson - Director Planning
Date of Report:	23 July 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Summary

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

Attachments

- [OCM030.1/08/13](#) – Building / Health, Rangers and Development Compliance / Planning - Delegated Authority Information Report (E13/2974)
- [OCM030.2/08/13](#) – Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

Voting Requirements: Simple Majority

OCM030/08/13 COUNCIL DECISION / Officer Recommendation:

**Moved Cr Urban, seconded Cr Moore
That Council accept the Planning Information Report for August 2013.**

CARRIED 5/0

OCM031/08/13	Engineering Services Information Report (SJ514)
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	14 August 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report and associated attachments is to provide information to Councillors relating to various committees and working groups. The following details are provided to Councillors for information only:

Attachments

- [OCM031.1/08/13](#) – Minutes of Peel Trails Group Meeting, 5 April 2013 (IN13/13949)
- [OCM031.2/08/13](#) – Minutes of Reserves Advisory Group Meeting, 22 May 2013 (E13/3250)
- [OCM031.3/08/13](#) – Minutes of Reserves Working Group Meeting, 13 June 2013 (E13/3251)
- [OCM031.4/08/13](#) – Minutes of Rivers Regional Council Meeting, 20 June 2013 (IN13/10981)

Voting Requirements

Simple Majority

OCM031/08/13 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Wilson

That Council accept the Engineering Services Information Report for August 2013.

CARRIED 5/0

Council Note: Council noted positive feedback being received from ratepayers on recent works improvements in the Serpentine Jarrahdale/Byford area and congratulated the Engineering and Operations Departments on their achievements. Well done!

11. Urgent business:

11.1 Local Government Reform

COUNCIL DECISION:

Moved Cr Moore, seconded Cr Urban
That Council receive a new motion relating to Local Government Reform as urgent business.

CARRIED 5/0

COUNCIL DECISION:

Moved Cr Urban, seconded Cr Atwell
That:

1. Council reiterate its Council resolution OCM216/06/13:
 - a) the Shire of Serpentine Jarrahdale does not support any major boundary adjustment change or merger with the City of Armadale or any other Local Government;
 - b) the Shire is of the view that both authorities will grow to an optimum size of population without a merger.
2. The reasons for not supporting amalgamation are:
 - a) the Shire achieved a Category 1 classification in the assessment the Department of Local Government undertook for overall sustainability of Local Governments within Western Australia;
 - b) the Shire was identified as a leader in Strategic Planning by the Department of Local Government and the Minister for Local Government acknowledged this during the assessment process;
 - c) the Shire was one of the few Local Governments in Western Australia that approved all of the strategic documents the State Government required to be approved by 30 June 2013 and submitted to the Department of Local Government which make up the 'Integrated Planning Framework'.
3. In the event of the State Government determining the need for an amalgamation of the Shire of Serpentine Jarrahdale and the City of Armadale, that the Shire negotiate to receive the best possible outcome in relation to:
 - a) representation on the new Council that will protect the interests of the Serpentine Jarrahdale community for a minimum period of two terms;
 - b) the name of the new Local Authority reflect the communities of Serpentine Jarrahdale and Armadale;
 - c) the method of election of the Mayor;
 - d) location of the new Local Authority (Administrative Centre).
4. The Chief Executive Officer be authorised to continue preliminary discussions with the Chief Executive Officer of the City of Armadale on the State Government's position on Local Government Reform.

5. Council publicly oppose the Government’s foreshadowed removal of the ‘Dador provisions’ from Schedule 2.1 of the *Local Government Act (1995)*. The removal of this clause silences the communities’ say in how they want their Local Government to develop over time by not allowing the community to have the opportunity to hold a referendum on whether the Shire is to be amalgamated or not.
6. Council write to all Local Governments in Western Australia seeking their support to publicly object to the removal of the Dador provisions from Schedule 2.1 of the *Local Government Act (1995)* for the reasons specified above.
7. Council write to all Members of Parliament seeking their support to vote against repealing of the poll provisions, the removal of which is a wholesaling silencing of the communities’ voice, removing their right to have a say in the future or otherwise of their Council.

CARRIED 5/0

COUNCIL DECISION:

Moved Cr Wilson, seconded Cr Urban
That Council:

1. Receive the petition from the SJ for PEEL Committee containing 3100 signatures against amalgamation of Serpentine Jarrahdale with the City of Armadale, as per Item 5.
2. Forward the petition to the Shadow Minister for Local Government, David Templeman MLA and request that the petition be presented to Parliament on behalf of the listed signatories.

CARRIED 5/0

12. Councillor questions of which notice has been given:

Nil

13. Closure:

There being no further business the meeting closed at 7.52pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 9 September 2013.

.....
Presiding Member

.....
Date