



Shire of
Serpentine
Jarrahdale

Public

Ordinary Council Meeting

**Confirmed
Minutes**

7.00pm

Monday 26 March 2018

Contact Us

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In Person

Shire of Serpentine Jarrahdale
6 Paterson Street, Mundijong WA 6123
Open Monday to Friday 8.30am-5pm (closed public holidays)



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

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



Minutes of the Special Council Meeting of the Shire of Serpentine Jarrahdale held on Monday 26 March 2018 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

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

The Shire President, Cr Rich acknowledged and welcomed Mayor Carol Adams, City of Kwinana and Freeman John Kirkpatrick.

Minutes

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

In Attendance:

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

Officers: Mr K Donohoe Chief Executive Officer
Mr F Sullivan Director Corporate Services
Mr A Schonfeldt Director Development Services
Mr R Davy Acting Director Infrastructure Services
Ms R Steinki Manager Community Development
Ms A Liersch Agendas and Minutes Officer (Minute Taker)

Leave of Absence:

Apologies: Ms H Sarcich, Deputy CEO / Director Community Services

Observers:

Members of the Public – 29

Members of the Press – 1

Shire Officers – 2 - Mrs K Bartley, Manager Corporate Services; Mr J O'Neill, Manager Economic Development, Tourism and Marketing.

2. Public question time:

2.1 Response to previous public questions taken on notice:

Special Council Meeting 12 February 2018

Questions asked by **Mr W John Kirkpatrick, 77 Mead Street, Byford WA 6122** Special Council Meeting 12 February 2018. Letters have been sent to Mr Kirkpatrick on 26 February 2018 and 16 March 2018 with the responses.

This matter raises the questions of conflict with the Local Government Act of 1995 as to whether the then Shire President used his position of Shire President to influence the



Community Bank to make a substantial grant to a private organisation of which he was President when the Shire was a substantial shareholder in that Bank.

Question 1

Will the Council develop a policy as the reply to Question 2 Raised by me at the annual electors meeting as the Council is a substantial shareholder in the Community Bank and did the previous President declare an interest when the Byford and Districts Country Club applied for a grant of \$166,000 to complete the fit out of this Private organisation?

Response:

The Chief Executive Officer responded to Question 2 at the Annual General Meeting of Electors on 5 February 2018 that Council does not have a policy for voting at the AGM nor was any decision made to vote for that year. Council will consider developing a Policy upon investigation by Officers.

Report OCM109/08/17 presented to Council on 28 August 2017, was the Byford & Districts Country Club Closing Report. This report provided an overview of the Shires involvement in the Byford and Districts Country Club project with a view of closing out any matters that may be considered to be in the public interest. The figure of \$166,000 as mentioned by Mr Kirkpatrick, was not identified in the report. All Grants have been successfully acquitted, and these include Lotteries West \$900,000; Department of Sport and Recreation \$261,468; Home and Community Care \$500,000; Regional Development Australia \$245,000; Royalties for Regions \$600,000 and the Shire of Serpentine Jarrahdale \$280,000.

Council Minutes indicate that the Shire President Councillor Erren declared a financial interest in OCM109/08/17 and left the chambers. The Presiding Member, Councillor Erren vacated the chair and Deputy Shire Piipponen assumed the chair.

Following the comments as recorded in the Minutes of the Annual Meeting of Electors meeting by Mr Warren Robinson of 52 Lawrence Way Byford.

Question 3

How many other Councillors in the 2 years prior to the October 2017 elections were booked to attend Training (which indicates that the Shire has paid the fee required) of any kind and failed to attend and what was the cost to the Shire and who were they?

Response:

Through investigation of Council and external training records for the 2 year period in question, it has been confirmed that there were no 'non-attendance' by Councillors to training courses booked and paid for by the Shire.

Ordinary Council Meeting 26 February 2018

Questions asked by **Ms Julie Brown, on behalf of Mr Dale Collins, 104 Byford Meadows Drive, Oakford WA 6121** representing Peel Pet Food Pty Ltd regarding Agenda item OCM006/02/18 at the Ordinary Council meeting 26 February 2018. A letter was sent to Mr Collins on 14 March 2018 with the following response.

Question 1

Why have additions, extensions & modifications on the existing Dairy been allowed to be completed without Shire Building Approval?

Response

At the time of the providing this response there were no compliance issues identified within the Shires records, however the Shire will consider this further as part of the outcomes of this process.



Question 2

Why hasn't the proponent advised the Shire & the E.P.A that the property at 504 Yangedi Road Keysbrook is a registered "Quarantined Feedlot", that trades extensively in trade sheep?

Response

The Shire is not able to respond on behalf of the applicant.

Question 2a – from the floor

Is this being investigated?

Response

Shire Officers can advise that there is no record on file identifying that the site had been previously approved for the purpose of a Quarantined Feedlot.

Shire Officers can further advise that the proposed Change of Use application approved by Council complies with the Shire of Serpentine-Jarrahdale Town Planning Scheme No.02 and relevant State legislation and polices.

Question 3

Why has the Shire recommended approval of the abattoir when it is constructed on land that is subject to flooding, and is on land where the water table is at ground level in the winter? The water authority's recommendation is that an abattoir is not constructed on land where the water table is less than 2 metres, & the structure is approximately 30 metres from the "Treen Brook" which ultimately feeds into the Serpentine River, a Tributary to the "Peel-Harvey Estuary".

Response

The Department of Water and Environmental Regulation confirmed that they were satisfied with the strategies contained within the Nutrient Irrigation Management Plan (NIMP) to address nutrient export. The NIMP has also addressed the matter of a multiple use wetland affecting the site, including an analysis of the DoW's floodplain mapping. No buffers are applicable to multiple use wetlands, given multiple use wetlands are not considered to be a constraint to development.

2.2 Public questions:

Public question time commenced at 7.02pm.

Mr Maxwell Erskine, 12 Waterside Pass, Byford 6122 regarding OCM021/03/18

Question 1

At what locations were vehicle speeds measured, what measuring equipment was used and over what period of time were speeds measured?

Question 2

What were the 85th percentile speeds calculated at these locations?

Question 3

Over the period that speeds were measured, how many vehicles were recorded using Old Brickworks Road and how many were exceeding the 50km/h speed limit?

Response

The traffic count was measured on Old Brickworks Road north of Nettleton Road.



Measurement was carried out using a Metro Count Vehicle Classifier System, which is a passive traffic measurement system that records vehicle numbers and speeds, used widely by the industry.

Traffic was monitored over 16 days. The recorded 85th percentile speed was 67km/h.

It is estimated that approximately 80% of vehicles or some 240 vehicles each day exceeded the posted speed limit of 50 km/h. Relevant statistical data is as follows:

Daily average traffic volume is 301 vehicles.

43% of vehicles were measured as exceeding a speed of 60km/h.

Recorded maximum speed was 100.8km/h.

Recorded median speed was 58.3km/h.

Based on these measurements, it is estimated that 50km/h represents approximately the 20th percentile, or alternatively that about 80% of vehicles exceeded the 50km/h speed limit.

Question 3a – from the floor

Was the equipment used to measure the traffic counts an Amphometer?

Response

Yes

Ms Tricia Duggin, address supplied but withheld by request, regarding OCM021/03/18.

Question 1

In a media statement released 8th February, 2018 the Shire President said, "In monitoring the area, we recorded a significant number of vehicles exceeding the 50km/hr limit by over 17km/hr". Is it possible to obtain access to the raw data from this monitoring including the dates and location along Old Brickworks Road of monitoring devices? Thank you for your consideration.

Response

The traffic count was measured on Old Brickworks Road north of Nettleton Road, using a Metro Count Vehicle Classifier System, which is a passive traffic measurement system that records vehicle numbers and speeds. Traffic was monitored over 16 days and recorded the movement of approximately 4800 vehicles.

The System calculates results according to predetermined parameters (such as the percentage of vehicles exceeding a given speed), rather than producing a printout of raw data from individual vehicle measurements.

Relevant statistical data is as follows:

Daily average traffic volume is 301 vehicles.

43% of vehicles were measured as exceeding a speed of 60km/h.

Recorded maximum speed was 100.8km/h.

Recorded median speed was 58.3km/h.

Based on these measurements, it is estimated that about 80% of vehicles exceeded the 50km/h posted speed limit and that approximately 25% of all vehicles exceeded 67 km/h.



Mr J Kirkpatrick, 77 Mead Street, Byford WA 6122

Given the apparent unfounded slur campaign against former elected member Barry Urban MLA over WALGA elected Member training could the CEO clarify the following.

Question 1.

How many modules of the WALGA training modules have Councillor Gossage and Councillor Piipponen, considering Councillor Piipponen is the longest serving elected member, completed as elected members and have any completed units been assessed?

Response

WALGA academic transcript for Cr Piipponen details no course attendance.

The WALGA academic transcripts for Cr Gossage, details 11 of courses attended. No assessment details are provided.

Having sat in the Gallery on many occasions and watched what would appear to be elected members seeking guidance from the gallery by SMS on a number of occasions or perhaps taking instructions?

Question 2.

Is it against the Local Government Act 1995 to have direct contact with the Gallery or others during a Council meeting as it may influence the debate or give information to an elected member that the other elected members may not be privy to thus effecting the way they may vote?

Response

It is the responsibility for the Elected Members to maintain standards as set out in the Local Government Act 1995, the Local Government (Rules of Conduct) Regulations 2007 and the Council's Code of Conduct. Elected Members are not to make improper use of their positions as a council member. All Elected Members are fully aware of their responsibilities, as they have undertaken Elected Member Induction in November 2017 with the Chief Executive Officer, Mr Kenn Donohoe or training with the WALGA training providers.

Section 5.93 of the Local Government Act 1995 speaks most appropriately to your question:

"5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

(a) to gain directly or indirectly an advantage for the person or any other person; or

(b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years."

Question 3

Has the Council formed a policy to deal with the shareholding in the Byford Community Bank?

Response

Not at this time, investigations by Officers is still ongoing, and we expect to have a report to Council by the end of the 2017 / 18 financial year.



Mrs Lee Bond, Box 44, Armadale WA 6112

Question 1.

Does the Serpentine Jarrahdale Shire Council have evidence that Lot 801 Thomas Road, Oakford (OCM017/03/18) has been remediated fully and according to the rules of asbestos contamination ?

Response

The Department of Environmental Regulation (DER) advised the Shire in a letter in June 2016 that the site was previously reported as a Known or Suspected Contaminated Site after the demolition of a residential building which was suspected to have been improperly managed for asbestos. The letter further states that the site has been successfully remediated and is no longer a contaminated site to the satisfaction of the Department of Environment Regulation.

Question 2.

When did Council change the ruling of no nurseries on the south western side of the railway line to the coast, was it full Council or delegated authority?

Response

It is unclear which rule this question refers to. Further detail will need to be sought in order for officers to prepare an appropriate response. As such it is recommended that the question be taken on notice and that a letter be sent to Ms. Bond to request further clarification.

Question 3

How much notice is being taken of Councillors who do not declare interests in matters and continue to vote on them until members of the public become aware and only then do they admit their involvement by suddenly leaving the room ?

Response

To Council's knowledge this has not occurred however should you think that this has occurred, you may submit a complaint to the Chief Executive Officer with the relevant details for further investigation or referral.

Public question time concluded at 7.13pm.

3. Public statement time:

Public statement time commenced at 7.13pm.

Ms Melissa and Mr Philip Alexander, 11 Crossing View, Byford regarding speed cushions on Old Brick Works Road, Byford

Hi, My name is Melissa Alexander and this is my husband Philip Alexander. We reside at 11 Crossing View in Byford.

We are here today to express our concerns over the recently installed speed cushions on Old Brick Works Road.

We would like to start out by talking about our main vehicle, a 1995 Landcruiser. We purchased this to be our dream travelling car. For us to make our own. This car was never intended for such harsh treatment (as traversing these speed humps) unless engaged in four wheel drive, this is greatly apparent given that at even a mere 10kmph the jolt is unbearable. It is a manual naturally aspirated diesel engine. We have to work the clutch, brakes and engine much harder to traverse these speed cushions. This produces significantly more hydrocarbons and considerably more



noise. We try very hard to be conscious of our environment and the comfort of our neighbours. We are forced now to produce more hydrocarbon emissions and be a noise nuisance everyday.

The article in the examiner stated that no noise increases where noted upon installation of speed cushions on Fitzgerald Street in Perth- since the comparison has already been put forward, although it is not one we would ever make ourselves, we would like to add that the speed cushions in Perth are on a flat gradient- there is no need for heavy acceleration as there is on the steep gradients of Old Brickworks.

I grew up in Byford, Beenyup Road in fact, so can state from personal experience that speed humps created a huge increase in vehicle noise. They did nothing to stop the hooning on Beenyup and have done nothing to stop the burnouts on Old brickworks- I would dare to say that the tyre marks have increased in frequency since the speed cushion installation. Since the installation I have seen all manner of alarming driving to avoid these cushions- people crossing the centre line, even driving onto the footpath! I never saw such dangerous or erratic driving prior.

We both worked in the top of Western Australia for a few years, in a remote part of the Kimberleys. We have been over many poor roads and enough corrugations to last a lifetime. The station owners would start petitions just to try to get the roads graded. We would never have thought that we would be living with something more woeful than corrugations, and worse- intentionally placed! We pay our rates for the maintenance of our community, the country charm and appeal, not to deface our otherwise sound carriageway. To think that we have the same installations as a bustling Perth street on our quiet country road boggles the mind.

We have a dear friend, also a Byford resident, that will no longer visit our house- she has two bulging discs in her back and cannot tolerate the severity of these 'cushions'. This is very horrifying for us.

For me to travel to my mother's house, only 1.6km away I need to cross 6 speed humps- six, in less than 2 kilometres- I do this twice everyday.

What we share with you now is our fear. We lost our nephew in a home accident when he was just two years old. We cannot help but to feel if medical assistance arrived quicker he may still be with us. We fear for everyone affected by these speed cushions when emergency services are delayed even seconds. Our elderly neighbours, their children and grandchildren, and ourselves. It is a horrible thought but not one to be excluded because it is the most important.

We end by stating these new additions have added an unnecessary stress to our lives. Please do not think for a second that this is exaggerated- this is our story, our life and it affects our everyday negatively. We do not make complaints frivolously but we implore you to remove these speed cushions. If it is decided that change is needed let it be in the form of chicanes, roundabouts, or even if it must be, the concrete humps as on Beenyup Road, but not on the steep gradients, leave us with our quiet please!

Thank you for hearing us.

Mr Maxwell Erskine, 12 Waterside Pass, Byford 6122 regarding OCM021/03/18

Madam President & Councillors,

It is now approaching two months since six speed cushions were installed on Old Brickworks Road.

Consultation with many residents either residing on this road or on one of the four side streets indicates a ground swell of dissatisfaction and objection to these devices, unfortunately installed without appropriate community consultation or it appears no Local Area Traffic Management Analysis.

Incredibly, at the same time these devices were being installed on Old Brickworks Road, the City of Gosnells were having them removed from Gay Street, under a grant of \$250 000 from the State



Government due to noise complaints and the fact that they did not actually slow down a lot of the traffic.

Is the Shire aware that on the 14th August 2013 the City of Swan rejected the placing of speed cushions in streets in the Ballajura Ward for a variety of reasons?

References are attached as a footnote.

I have negotiated these devices in three different vehicles, individually and towing a double axle trailer as well as a caravan. The vehicles being a small car, a large crew cab utility and a large sedan towing a single axle 16 foot caravan. The recommended speed to pass over these cushions is posted at 30 K/hr. This speed is far too fast for most vehicles to comfortably negotiate. I have found that 15 K/hr or even less is the most desirable and comfortable.

However it has been observed that some vehicles pass over them at a considerably greater speed generating considerable noise issues.

Since the installation of these speed cushions I have written to the Shire officer responsible in an attempt to have determined a number of questions.

I have not so far to this date received a response in answer to these questions, although the Shire CEO Mr Kenn Donohoe was kind enough to ring me and discuss the matter somewhat.

We are aware of investigations and trials in the United Kingdom that find that such devices cause a significant increase in environmental pollution? What, if any, engineering analysis was carried out to determine that these devices would best serve our interests, particularly without a local consultation with residents in this generally quiet area?

Exactly how many individual people posted complaints of speeding along Old Brickworks Road that induced the Shire to propose this undesirable solution?

Having lived in this area for 21 years I know of no accident ever occurring on Old Brickworks Road. Whilst acknowledging that there are certain individuals who may not be abiding by the posted speed limit of 50 K/Hr on this road, the same applies even more so to Nettleton Road where burn outs and wheel spins are common place. Old Brickworks Road has not generally been noted as particularly bad for this type of behaviour.

Now residents find that the supposed speed controlling cushions actually provide an impetus to these individuals that see them as a challenge to their perceived right of a fast passage.

We are also well aware of vehicle and trailer overload conditions that can be induced by such devices.

Due and extensive consideration leads me to the final conclusion that the most practical solution is the total removal of all six speed cushions with a return to the original road configuration as soon as possible.

Problems in the past induced by speeding, unregistered motor bikes in our area have been greatly corrected by the vigilant action of local residents who by due diligence have been able to bring the offenders to the notice of the police and resolved these issues. Similarly, when these speed cushions are removed I would encourage local residents by the same due diligence to observe and identify the isolated minority of speeding vehicles and report them under the hooning report on line or direct phone link facility.

References:

<http://www.yourlocalexaminer.com.au/grant-remove-gay-street-speed-humps/>

<https://www.swan.wa.gov.au/files/assets/public/document-resources/council-meetings/2014/02-feb/12/item-4.5-petition-speed-humps-of-kingfisher-avenue-and-jacana-parade-ballajura.pdf>



Mr Henry Dykstra, representing Harley Dykstra, PO Box 316, Kelmscott WA 6991 regarding OCM017/03/18

Attachment to OCM017/03/18 Proposed Rural Travel Stop

Good evening Councillors, I am here this evening on behalf of Vince Borrello to speak to the recommendation for approval of the proposed Rural Travel Stop at the cnr of Thomas Road and Kargotich Rd in Oakford.

The project was approved by Council several years ago and we have been working closely with Main Roads and Council engineers to achieve the most suitable intersection solution for the Thomas Rd/Kargotich Rd intersection, a solution that will serve the wider needs of the community, contribute to the safety of this existing problematic intersection and also provide for the needs of Vince Borrello's proposed Rural Travel Stop development. A significant amount of work has been done over the past several years, including surveys, traffic safety audits, various intersection upgrade designs, negotiation with state and federal politicians on black spot funding options, and most recently a finalised design concept for the new roundabout proposed at this intersection with Main Roads now working on the concept design and costings in preparation for the next round of budgetary requests. Main Roads appears to be quite committed to the project, and this has been brought about largely by the ongoing negotiation and prompting that has been led by our project team with Vince Borrello and the Shire technical staff. Vince's planning approval expired in December last year and the proposal before you this evening is really about simply reapproving the same development. This will provide Vince with the confidence to continue his work and negotiation with Main Roads so that hopefully in the next 1-2 years the new roundabout construction and the associated entry requirements for the proposed rural travel stop can be realised.

Councillors, I ask for your favourable consideration in support of the officers recommendation this evening.

Ms Tricia Duggin, address supplied but withheld by request, regarding OCM021/03/18.

Good evening. My husband and I were responsible for interviewing most of the people for the petition (discussed in item agenda OCM 21/03/18 this evening). In the cover page for the petition I brought to councils' attention many of the reasons local residents told us they opposed the speed cushions. My reason for standing here today is to add my strongest personal reason.

Although I agree with the points raised by the other residents, our family has an additional grievance which has a significant impact on our family and our friends. We have good friends who have a severely intellectually handicapped son. He is a gorgeous 12-year-old who is non-verbal, with muscular palsy and suffers with many epilepsy events. He lives in his wheelchair. Our friends have a converted car so his wheelchair can go directly into the back as he is too heavy to lift from his wheelchair into a normal car seat.

The shortest route from our friends' house to ours is via Beenyup Road. However, the speed bumps on Beenyup Road make that trip very difficult for their son as the wheelchair doesn't have suspension and cushioning like car seats. Therefore, previously they would travel around the block to come up Nettleton Road and across Old Brickworks Road to get to our street. This trip has now also become problematic due to the placement of the speed cushions on Old Brickworks Road.

I asked them how they dealt with these speed cushions in other areas and they said that on most roads there was another route that would be a way around them (like them previously coming up Nettleton Road rather than Beenyup Road) and so they would take an alternative route. Unfortunately, there is no alternative route to get to our house other than to go along Old Brickworks Road. Our house is wheelchair friendly with wide spaces and no steps so it was always easy for them to come to our place and relax. The speed cushions have now made that trip much more difficult for them.



I hope by this you understand our family's wish to have the speed cushions removed is not based on them being a "mere inconvenience" but I've shared with you how this has had a significant impact on us and our dear friends who already go through so much. Thank you.

Mr David Bailey, 8 Old Brickworks Road, Byford WA 6122 regarding OCM021/3/18

Speed Humps, March 2018

Why does Shire believe they have the right to treat all the residents of Old Brickworks Rd and surrounding side streets as guinea pigs in their trial research of speed cushions to prevent speeding and hooning from a minor amount of complaints.

Our basic rights to a peaceful lifestyle has been jeopardised by Serpentine Jarrahdale Shire by implementing speed cushions that create noise from the constant breaking and accelerating of cars, utes and tradesmen trailers bouncing as they pass over speed cushions early hours of the morning waking us up from 4am.

This is breaking our sleep pattern which has never been an issue until the speed cushions were installed.

The speed cushions between 6 and 8 Old Brickworks Rd are not approved for installation by the documentation we received from the Shire on the 16th January 2018.

There should only be a warning sign which hasn't been installed and signage stating that a road hazard ahead is no longer visible.

When a tandem axle trailer is towed over speed cushions or speed humps, one axle and its associated springs and wheels clear the road so that the wheels are free to spin.

This obviously indicates that the remaining axle is now carrying the load.

It also means that the rear wheels take the load as the trailer passes over the hump.

This therefore results in the rated capacity of the supporting axle being exceeded should the trailer be loaded to its GVM.

Further in the case of the rear axle carrying the load, the drawbar may well be subjected to an overload exceeding the towbar downloaded rated capacity of the towing vehicle due to the shift of the centre of gravity forward.

A study carried out by Mark King from the University of Queensland shows that no load sharing device, will cope with speed cushions or speed humps, and could severely damage the tyres on the overloaded axle.

This could increase the possibility of a tyre bursting as well as reducing the stability of the vehicle.

As a consequence of this, the Shire is therefore culpable of modifying a carriageway in such a way as to constitute a hazard to the passing of motor vehicles.

Mr J Kirkpatrick, 77 Mead Street, Byford WA 6122

I must congratulate the Shire President and CEO on the article in the Examiner Newspaper with reference to a grant of about a million dollars to be spent on Briggs Park.

What a strange decision to actually spend a grant for the benefit of the Community as a ratepayer, I am not used to this!

What next? Funding for the Tonkin Highway?

For the last two years or so all grants, (about 2.75 million) with the exception of the Federal Funding for Abernethy Road, seemed to be spent on an Exclusive Private Licenced Restaurant along with about a million and a half dollars of ratepayer's money. But I suppose it helps if the then Shire



President is the President of this Exclusive Club and it is his favourite project seemingly ahead of all others.

They still were short and had to get a donation of \$166,000 from the Bendigo Community Bank.

Well done the current Council in getting this grant for Briggs Park but this money was promised by Tony Simpson prior to a State election to upgrade the Lower Oval only to be withdrawn following his re-election (hollow promises). No wonder a 30% swing against him at the last State election.

Pity you were not in control when the money to relocate the BMX track went missing and could not be accounted for.

All we need is for the Council to get the MOU signed by the principal of the High School to allow our youth to use the sports facilities at the school as promised by the Education Department. Partly funded by the Council.

Thank you to the present administration finally for the installation of the Toilet in Percies Park as promised in October 2015 and that budget better late than never.

Note. You will see the figures confirmed by the cuttings from the Examiner newspaper. Could I have these clippings as part of the minutes?

Shire President responded – Unfortunately, due to Copyright Laws, and legal advice, we are unable to include copies of newspaper articles in the minutes.

Mr Dennis and Mrs Meralyn Bell, 3 Elston Court, Byford WA 6122 regarding removal of speed humps on Old Brickworks Road, Byford

Mr Bell acknowledged that his wife was unwell and therefore unable to stand with him for their statement.

We were disappointed to see the recently installed speed humps in Old Brickworks Road. They were installed it seems, without consultation with the local people who are impacted by such action.

My wife has had back surgery and cannot drive over these obstacles without stopping and proceeding slowly over the humps to prevent a painful experience. This in turn can be dangerous for other road users travelling behind, as it could result in a rear end collision. Others that have medical problems have expressed the same concern in negotiating these speed humps.

There are a number of alternatives Council could implement:

1. The placement of "50" speed signs at either entrance of Old Brickworks Road, there are no signs at all currently.
2. Creation of suitable roundabouts and/or slow points.

The speed humps are also creating unnecessary wear and tear on our motor vehicles, such as suspension and brakes.

I realise Council sometimes have a difficult job to do, but in this instance let common sense and compassion prevail for people with disabilities and remove these road hazards.

Thank you for giving me the opportunity to express our concern of the current situation in Old Brickworks Road.

The Council is elected for the people, by the people.

Mrs Lee Bond, Box 44, Armadale WA 6112

Item OCM017/03/18 on tonight's agenda needs a serious look at it. A former Councillor has been involved in this matter and did vote on the matter while a Councillor, having been caught out many lies were told. I saw the asbestos building on Lot 801 Thomas Road being demolished by an excavator and no care was taken. The truck and excavator were unmarked and asbestos dust and



particles flew everywhere. There has never been any remediation of any kind, just more lies. Does Council have any idea where this asbestos was taken to by an open uncovered truck from the site? I pass this site regularly and know nobody has done anything on this site.

This is a dangerous intersection where deaths have occurred in the past and it should never have been considered a suitable site for this development.

Speaking of dangerous intersections the Abernethy/ Hopkinson Road intersection is in need of bright lights so as to give the law abiding members of the public a chance of avoiding being killed. The rumble strips and stop signs are not working because idiots at the wheel do not stop at the stop sign. Daily you can watch as they drive through and the never ending near misses and the unfortunate who get collected. It is a clear intersection and there are no excuses for law breaking idiots putting other people's lives at risk. Bright lights please.

Public statement time concluded at 7.38pm.

4. Petitions and deputations:

Nil

5. President's report:

Hello and welcome to the March Ordinary Council Meeting.

I would like to take a moment to acknowledge the passing of Serpentine resident Graham Sampson. Graham was a founding member of the Serpentine Jarrahdale Youth Activity Group and personally contributed to the lives of many of our local youth. His significant contributions to our community were recently recognised on Australia Day when he was the recipient of the Senior Citizen of the Year Award, an award that he was also received in 2002. The Shire extends our sincere condolences to Jacqui Sampson and family.

Late last month, I along with City of Mandurah Mayor Rhys Williams and members of the Peel Development Commission were delighted to host the Governor of WA Her Excellency the Honourable Kerry Sanderson AC in the Peel Region. The CEO and I discussed with her the exciting opportunities that Serpentine Jarrahdale has to offer, as well as the challenges that we are facing and the hard-work that Council is putting in to overcome these challenges.

On March 8, I was delighted to join in celebrating International Women's Day in the Shire. The Shire has had five female presidents to date, including myself; this includes a stretch of 15 years of female leadership from 1996 to 2011. These women have all advocated for progress within the Shire and acted as guardians of community values and culture. I encourage you to visit the Shire's news feed on the website to read the full interviews with the past presidents.

Employment has been a focus for March as the Shire welcomed the first inductees to its traineeship program. The program's inaugural inductees - Gemma Worboys and Scott Shaw – will each complete a nationally accredited Certificate III in Business Administration during a one-year traineeship with the Shire.

Additionally, the Shire was represented by members of its Human Resources, Engineering, Planning and Environmental Health teams at the Curtin Careers Fair on March 14. We are actively marketing the Shire as an employer of choice to attract talented employees who will best serve the community for many years to come.

Currently, we are asking you to work with us through a community survey, as we strive to make the community a safer place. Completing the Emergency Risk Management survey will only take 7-10 minutes and will inform the development of a revised Local Emergency Risk Management Plan and provide important information on the community's level of emergency preparedness. I thank you in advance for taking the time to complete this survey.



Taylah Cruttenden and Bethany Nightingale-Smith, two local athletes, recently competed at the Australian Junior Athletic Championships in Sydney. We would like to recognise the hard work and dedication that they put in, and congratulate them on their achievements.

We would also like to thank everyone who had their say on a range of topics pertinent to the Shire's future during the Shaping SJ consultation process. 1,189 direct survey responses were received in under three months. The consultation process also included 29 engagement workshops and meetings with members of the public, landowners, industry groups, local businesses, community stakeholders and government agencies.

The Draft Local Development Strategies will be presented to Council next month, before being advertised for public comment from May to June. During the advertising period, residents will be able to make submissions on each plan before they are finalised and resubmitted to Council mid-year.

On Friday the 23rd of March the State Government released its revised plans for the Perth and Peel @ 3.5million project. This plan will assist to guide development across the Perth and Peel regions with the aim of accommodating 3.5 million people by 2050, making the best use of existing and proposed infrastructure. The plan supports Metronet which will connect suburbs, reduce road congestion and focus on communities close to train station precinct.

Lastly, The Shire has once again combined with the Mundijong Public Library and the Serpentine Jarrahdale Recreation Centre (YMCA) to offer you a bumper free school holiday program, which you can find information about on the Event Calendar on the Shire's website. I would like to take this opportunity to wish you all a safe and happy Easter break.

I would also like to read you a letter that I recently received from her Excellency the Honourable Kerry Sanderson AC, Governor of Western Australia.

Peel Regional Visit 2018

Thank you and please also convey my thanks to your CEO Mr Kenn Donohoe for meeting with me as part of my recent official visit to Peel. Thank you also for your kind gifts of a book and glass coasters.

I enjoyed meeting with you both and appreciated the time that you and Kenn took out of what I am sure are busy schedules, to provide an interesting and informative briefing at Whitby Falls Farm, and then to join me at the ensuing hospitality events at Fairbridge and the boat cruise.

It was a great chance to understand the wide variety of issues, opportunities and challenges in your Shire, and I was particularly impressed by the collaborative and positive relationships between local governments, other groups, and the Peel Development Commission.

It is clearly a very exciting time for your Shire with the strong population growth continuing and for the region generally, and I extend my very best wishes for your future plans and endeavours.

Date	Meeting Title	Location
1 March	NGAA Executive Briefing	Gosnells Civic Centre
	WALGA Peel Zone Meeting	Shire of Serpentine Jarrahdale Civic Centre
6 March	WALGA Mayors and Presidents Forum	West Leaderville
7 March	Opening of Early Learning Centre at SJ Grammar School	SJ Grammar School



Continued

Ordinary Council Meeting Minutes Monday 26 March 2018

Date	Meeting Title	Location
	WALGA RAP Launch	West Leaderville
	WALGA State Council Meeting	West Leaderville
	Sundowner – WA Federal ALP Candidates	GRA Everingham Office – West Perth
8 March	Meeting with Hon Andrew Hastie	Shire of Serpentine Jarrahdale Offices
9 March	Peel Regional Leaders Forum Meeting	Shire of Murray
13 March	Photo Opportunity with Examiner Newspaper Re Business Trainees	Shire of Serpentine Jarrahdale Civic Centre
	Local Emergency Management Committee Meeting	Shire of Serpentine Jarrahdale Civic Centre
	Economic Development Advisory Committee Meeting	Shire of Serpentine Jarrahdale Civic Centre
	Special Council Meeting	Shire of Serpentine Jarrahdale Civic Centre
14 March	Round Table Forum with Senator Louise Pratt	Lakelands Library and Community Centre
15 March	Funeral for Mr Graham Sampson	Mardella
19 March	Infrastructure WA Info Session – Peel Region	Mandurah
	Q&A	Shire of Serpentine Jarrahdale Civic Centre
20 March	Councillor Training Meeting with Cr Rich	Shire of Serpentine Jarrahdale Civic Centre
	Peel Regional Leaders Tour of Shire of Serpentine Jarrahdale	Shire of Serpentine Jarrahdale
21 March	Peel Development Commission meeting with Minister Alannah MacTiernan – Transform Peel Project and Peel Business Park	Dumas House
23 March	Perth and Peel @ 3.5 Million Update	Perth City

**6. Declaration of Councillors and Officers interest:**

Councillor Coales declared a Proximity Interest in item OCM021/03/18 as he lives on the street. Councillor Coales will leave the chambers when this item is discussed.

Councillor Gossage declared a Financial Interest in item OCM028/03/18 as he currently works in the Bushfire Control Industry as Chief Fire Control Officer across Local Governments. Councillor Gossage will leave the chambers when this item is discussed.

7. Confirmation of minutes of previous Council meeting(s):**7.1 Ordinary Council Meeting – 26 February 2018****COUNCIL DECISION**

Moved Cr Byas, seconded Cr McConkey

That the minutes of the Ordinary Council Meeting held on 26 February 2018 be confirmed (E18/1967).

CARRIED UNANIMOUSLY 9/0

7.2 Special Council Meeting – 13 March 2018**COUNCIL DECISION**

Moved Cr Coales, seconded Cr Byas

That the minutes of the Special Council Meeting held on 13 March be confirmed (E18/2418).

CARRIED UNANIMOUSLY 9/0

8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meetings:**8.1 Audit, Risk and Governance Committee Meeting – 6 March 2018****COUNCIL DECISION**

Moved Cr Byas, seconded Cr McConkey

That the [minutes of the Audit, Risk and Governance Committee Meeting](#) held on 6 March 2018 be adopted. (E18/2222).

CARRIED UNANIMOUSLY 9/0

8.2 Economic Development Advisory Committee Meeting – 13 March 2018**COUNCIL DECISION**

Moved Cr Byas, seconded Cr Piipponen

That the minutes of the Economic Development Advisory Committee Meeting held on 13 March 2018 be adopted. (E18/2460).

CARRIED UNANIMOUSLY 9/0

9. Motions of which notice has been given:

Nil

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

OCM017/03/18 – Proposed Rural Travel Stop – Lot 801 Thomas Road, Oakford (P08235/02)	
Author:	Regan Travers – Senior Statutory Planner
Senior Officer/s:	Ashwin Nair – Manager Statutory Planning and Compliance Andre Schonfeldt – Director Development Services
Date of Report:	31 January 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent:	Harley Dykstra
Owner:	Vincenzo Borrello and Teresa Diana Borrello
Date of Receipt:	19 August 2015
Lot Area:	15.5ha
Town Planning Scheme No 2 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

Introduction

The purpose of the report is for Council to consider an amended development application for a Rural Travel Stop at Lot 801 Thomas Road, Oakford. The proposal has received objections, which are not able to be addressed in accordance with Delegation 11.1.1 – Determination of Development Applications, therefore the amended proposal is presented to Council for determination. The details of the proposal have been included as attachment OCM017.3/03/18 to this report.

Council originally approved the Rural Travel Stop at its Ordinary Council Meeting on 9 December 2013, which included a service station, stock feed and veterinary establishment. Since 9 December 2013, the landowner and applicant have been discussing options for the site with Main Roads Western Australia (MRWA), as the landowner seeks to increase accessibility of the development for trucks and passenger vehicles.

This application relates to a re-design of site layout, following consultation with MRWA regarding future intersection planning at Kargotich Road and Thomas Road.

After this amended application was submitted, there were ongoing discussions with MRWA regarding intersection design and subsequent impacts on the design of the proposed Rural Travel Stop, which delayed presentation of the application to Council for determination.

Officers recommend that Council approve the application subject to conditions as detailed in this report.

Relevant Previous Decisions of Council

OCM175/05/14 – Council resolved to grant planning approval for a Service Station, Veterinary Clinic and Produce Store Travel Stop on Lot 801 Thomas Road, Oakford subject to conditions.



Background

Existing Development

The subject land is located to the south of Thomas Road and the west of Kargotich Road, in Oakford. The current use of the subject land is rural in nature, historically being used for pastoral and grazing purposes. As noted earlier in this report, the land had a valid approval for a 'Rural Travel Stop' (service station, veterinary establishment and produce store) which expired on 6 December 2017.

In accordance with Clause 77(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* ("the deemed provisions") an amendment to a planning application may be requested to proceed, even though the period within which the development approval must be substantially commenced has expired.

Proposed Development

It is proposed that a portion of Lot 801 on the corner of Thomas Road and Kargotich Road, be developed to a 'Rural Travel Stop' incorporating a fuel outlet and convenience store with accompanying rural stores and services. These additional stores will consist of a rural stock feeds store and veterinary clinic.

The application also includes truck and caravan/trailer parking facilities as well as a gazebo and proposed barbeque area with a fenced playground to the south of the lot, directly across from the proposed veterinary clinic and rural stock feeds store. The proponent advises that the overall theme and intention of the Rural Travel Stop is to reflect the rural character of the area and will comprise of a rural theme that is different to other more urban or commercial style service stations.

The Service Station will consist of the following:

- Floor Area measuring 33.43m x 11.87m
- Four Standard Fuel Bowsers servicing up to eight vehicles
- Three Truck Fuel Bowsers; and
- Sales area, kitchen, office, feed storage areas (freezer, cool and dry), plant room and male and female toilets.

The rural stock feeds store and veterinary clinic building comprising of 33.43m in length and 11.87m in width and will provide services to the surrounding rural area in terms of rural supplies and animal health care. A revegetation strip is also proposed in the form of a garden along the northern and eastern boundaries of the lot. The proponent as agreed at the time that the opening hours of the 'Service Station' will be limited to 5.00am to 9.00pm seven days a week. Any change to this may be the subject of a future application.

During the planning process the application was referred to MRWA, whereby the original plans have been further redesigned to satisfy comments received by MRWA. A copy of the redesigned plans have been included as attachment OCM017.1/03/18 to this report. The relevant features of the proposal are explained in the planning assessment section below.

Community / Stakeholder Consultation

The application has been advertised in accordance with clause 64 of the deemed provisions, whereby 22 submissions were received from the community and six submissions were received from government agencies. These submissions have been included as attachment OCM017.4/03/18 to this report and have been summarised in the table below.



Department of Environment Regulation	
NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> • Potential for Asbestos • DER recommends that the development does not commence until the validation of the asbestos cement material (ACM) remediation has been completed. 	<p><i>"Notes. We would consider it reasonable to provide an advice note on any approval, indicating that any ACM must be remediated prior to the commencement of development at the site".</i></p>
	<p>OFFICER COMMENT</p> <p>Shire officers are of the opinion that an advice note if approved is placed for an ACM must be remediated prior to commencement of development at the site.</p>
Department of Water	
NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> • A drainage design strategy is to be completed. • Layout Plan of all Key Infrastructure • Effluent disposal system 	<p><i>"It is considered that all of the items requested within this submission can be provided at the point a building application is lodged. It appears that the Department of Water has taken this opportunity to request such plans given that it would be there only formal opportunity to comment on the proposal. Therefore, it can be reasonably determined that a condition on any development approval requiring such plans is appropriate".</i></p>
	<p>OFFICER COMMENT</p> <p>The Department of Water has requested a number of items to be submitted prior to construction phase. Shire Officers are of the opinion that these can be dealt with as conditions of approval and addressed as part of the building approval.</p>
Water Corporation	
NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> • It was advised that the applicant to liaise with Water Corporation at the preliminary planning stage to determine detailed planning requirements as this area could be prone to future flooding. 	<p>This has been noted by the applicant in the response to submissions.</p>
	<p>OFFICER COMMENT</p> <p>The Water Corporation stated that the development falls within the Mundijong Drainage District, a rural drainage system. Developments within this catchment are required to contain the flows from a one in one hundred year storm event on site. This has been conditioned accordingly.</p>
Traffic Congestion	
NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> • Increase in traffic levels. 	<p><i>"Thomas road has been designated as a Primary Road by Main Roads Western Australia (MRWA) and therefore increases in traffic levels are expected to increase given the level of development surrounding the subject site".</i></p>
	<p>OFFICER COMMENT</p>



	It is noted the proposed development is likely to result in increases in local traffic as a result of the proposal. However, Main Roads Western Australia supports the proposal. This is further addressed within the planning assessment section of this report.
Traffic Safety Impacts	
NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> Traffic Incidents 	<p><i>"It is considered in implementation of the intersection upgrade by Main Roads will benefit the proposal and result in less traffic impacts in the intersections current form".</i></p>
	OFFICER COMMENT
	Main Roads Western Australia stated in their submission their support for the proposed development. Shire officers are of the opinion that the intersection modification will greatly improve traffic safety at the corner of Kargotich and Thomas Road.
The Use in Relation to the Rural Zoning of the Land	
NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> Zoning 	<p><i>"It is standard planning practice to assess all of the individual components as separate land uses. This does not mean that the total impact of the site will not be considered. Therefore, the claim that the Scheme does not provide for this type of use is incorrect".</i></p>
	OFFICER COMMENT
	Refer to planning assessment section of the report.
Property Devaluation	
NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> Property Values 	<p><i>"Submissions in relation to the devalue in property values are not a valid planning consideration and therefore cannot be substantiated".</i></p>
	OFFICER COMMENT
	Not considered a relevant planning consideration.
Noise	
NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> Increase in noise 	<p><i>"It is not unreasonable for residents living adjacent to a major road to be impacted by traffic noise. Therefore, such issues cannot be supported, particularly given that the primary noise producer is the road itself and not the proposed facility".</i></p>
	OFFICER COMMENT



	The Shire considers that the increase in noise audible from surrounding properties will be negligible. The function of Thomas Road as a primary freight route indicates that any noise associated with the proposed development would be reasonable in the context of the heavy traffic movements along Thomas Road.
Amenity Impacts	
NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> Smell, lights, noise and vibration impacts. 	<p>The environmental concerns raised here can be addressed through similar conditions that were imposed on the previous approval in relation to an Urban Water Management Plan and the appropriate installation of a petrol and oil trap. Furthermore, it is expected that an Operational Management Plan will once again be required in relation to amenity impact.</p>
	<p>OFFICER COMMENT</p> <p>Other amenity impacts including smell, lights and vibration would be limited. The key consideration with regard to amenity impacts is the interface with the existing rural living properties to the north of the development. However it is considered that sufficient separation distance exists in order to ensure amenity impacts are managed.</p>

Statutory Environment

Legislation

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

Planning Framework

- State Planning Policy 1 – State Planning Framework
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 4.2 – Activity Centres
- Directions 2031 and Beyond
- Draft Perth and Peel Green Growth Plan for 3.5 Million
- Draft Southern Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013
- Shire of Serpentine Jarrahdale Local Planning Policy 5 – Advertising Signs
- Shire of Serpentine Jarrahdale Local Planning Policy 24 – Designing Out Crime
- Shire of Serpentine Jarrahdale Local Planning Policy 58 – Bicycle Facilities in Urban Developments
- Shire of Serpentine Jarrahdale Local Planning Policy 59 – Public Art
- Shire of Serpentine Jarrahdale Local Planning Policy 70 – Activity Centres



Planning Assessment

Land Use

The subject site is zoned 'Rural' under the Shire's TPS2. The purpose and intent of the Rural zone is to *"allocate land to accommodate a full range of rural pursuits and associated activities conducted in the Scheme area"*.

In determining whether this application is capable of approval under TPS2 it is necessary to consider the appropriate land use classification for the proposal with reference to the definitions provided for in Appendix 1 of the TPS2.

Within the use classes defined within TPS2, the proposal includes a 'Service Station', 'Veterinary Establishment' (veterinary clinic) and 'Produce Store' (rural stock feeds store). The uses are defined as follows:

'Service Station':

- o *land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repairs or wrecking.*

'Veterinary Establishment':

- o *land and buildings used for, or in connection with, the treatment of sick animals and includes accommodation of sick animals*

'Produce Store':

- o *land and buildings where in fodders, fertilisers and grain are displayed and offered for sale*

The service station will comprise of petroleum products and a retail component, which falls within the above definition of 'Service Station', which is an 'SA' use, which means that *"Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the deemed provisions"*.

The veterinary clinic will provide animal health care which falls within the above definition of 'Veterinary Establishment' which is an 'AA' use, which means that *"Council may, at its discretion, permit the use."*

The rural stock feeds store will provide rural supplies which falls within the above definition of 'Produce Store' which is an 'AA' use, which means that *"Council may, at its discretion, permit the use"*.

As such, Council is requested to exercise its discretion to grant planning approval in accordance with Clause 27 of the deemed provisions. In considering if Council should exercise its discretion to approve the application, Council is required to consider Schedule 2, Part 9, Clause 67 of the Deemed Provisions. A comprehensive assessment has been undertaken in accordance with Clause 67 of the Deemed Provisions, the assessment can be viewed as part of attachment OCM017.2/03/18. In this case, as is detailed below, the proposed development does not require a variation to the Local Planning Policies or Framework and as such officers are recommending approval.

Orderly and Proper Planning

Clause 67 of the Deemed Provisions, specifically A – J, considers the state and local planning policy framework including draft schemes, strategies, state planning policies, local planning policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning. The Deemed Provisions also specifically require consideration of the aims and objectives of the Scheme.



Aims and Objectives of the Scheme

Clause 5.10 of TPS2 states the objectives of the 'Rural' zone, as follows:

“to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area”.

It is considered that the proposed land uses are consistent with the objectives of the 'Rural' zone because the development services the needs of the community and has the provision of rural services at its core.

Policy Framework

When considering the State and Local Planning Policy framework the following policies are relevant:

Directions 2031 and Beyond

The vision of the Western Australian Planning Commission's (WAPC) Directions 2031 strategic document is that by 2031, Perth and Peel people will have created a world class liveable city; green, vibrant, more compact and accessible with a unique sense of place.

These broad objectives are not relevant to the proposed amendment, which focus on accommodating significant road infrastructure improvements. However, the proposed amendment does not decrease the development's contribution to employment, diversity and identity.

Officers consider that the proposed modifications are consistent with the broad vision of the Directions 2031 strategic document.

Draft Perth and Peel @ 3.5 Million

The Draft Perth and Peel @ 3.5 Million is a WAPC document which will replace Directions 2031 and Beyond when it is finalised. It includes a subsidiary document called the draft South Metropolitan Peel Sub-Region Framework. The site is designated as 'Rural' in the draft South Metropolitan Peel Sub-Region Framework. The document recognises the importance of employment self-sufficiency. The document also recognises the importance of contributing to the promotion of employment to cater for the demand for jobs caused by a growing population.

The proposal is consistent with the objectives of providing self-sufficient employment opportunities in line with the Draft Perth and Peel @ 3.5 Million and Draft South Metropolitan Peel and Sub-Regional Framework Towards Perth and Peel @ 3.5 Million.

Overall, the proposal is consistent with the State Planning framework, and as a result, the development is considered to be in accordance with orderly and proper planning.

Rural Strategy

The subject site is identified as being part of the Rural Policy Area under the Rural Strategy Review (2013), which provides the following key objectives of the Rural Policy Area:

“To retain and maintain traditional agricultural uses in this policy area.”

Whilst the proposed 'rural travel stop' will not directly maintain agricultural land uses in the area, it is considered that it will provide an important service to agricultural land uses surrounding the area, thereby it is considered complementary to this objective.

“To promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.”

The service station, rural supplies store and veterinary will provide additional services to the surrounding rural area in terms of rural supplies and animal health care.



“To prevent the further fragmentation of land through subdivision and thus retain the remaining large lots of future rural use.”

The proposal does not propose subdivision, however it would take a section of land out to provide complementary services to the rural uses surrounding the area.

“To retain and enhance the rural lifestyle and character of the area.”

The overall theme and intention of the ‘rural travel – stop’ is to reflect the rural character of the area. The applicant has designed the buildings to have a visual appearance that would reflect the rural theme and will be different to other urban/commercial type service stations.

“To protect Local Natural Areas and encourage revegetation.”

No vegetation is proposed to be removed. As discussed in the assessment section of the report a revegetation strip is proposed.

Accordingly, it is considered that the proposed ‘Rural Travel – Stop’ does not undermine the key objectives of the Strategy”.

State Planning Policy 4.2 – Activity Centres (SPP 4.2)

The main purpose of this policy is to specify broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel. Nearby Byford is identified in this policy as a District Centre, however the subject site is not.

SPP 4.2 refers to car travel, land uses and diversity, urban form and resource conservation. The section relevant to the proposed amended application is urban form. The urban form should incorporate landmark height at key points, while respecting human scale and solar access.

The amended application proposes a scale and built form style which demonstrates consideration of the rural context of the development, as well as elements which are required to ensure the site functions effectively.

Local Planning Policy 70 – Activity Centres

The subject site is not identified for future development within the Shire’s Activity Centres Strategy and Local Planning Policy No. 70 - Activity Centres (LPP70). However, Oakford (2.096km) west of the proposed Rural Travel Stop) has been designated to accommodate a neighbourhood activity centre which will support retail and commercial uses with a floor space allocation of up to 4,500 square metres.

The Activity Centres Strategy specifies that this neighbourhood centre be situated at the intersection of Thomas Road and Nicholson Road, expanding on the existing development at this location. The proposed development at the intersection of Thomas Road and Kargotich Road is therefore considered to be out of the centre development. The Activity Centres Strategy states that retail developments out of centre locations are to be avoided. However, due to the service land uses proposed, Officers consider the proposal to have merit, as a produce store is more appropriate in a rural setting, as opposed to a neighbourhood centre.

In this instance the rural themed service station, veterinary establishment and produce store are not considered to undermine the Shires policy or the nearby neighbourhood centre as it will primarily service rural industries and passers-by as opposed to local residents. The addition of the proposed service station is considered consistent with the pattern of the other approved service stations.



Form of Development

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

The proponent is seeking to develop a service station located 52.1m from Kargotich Road. The proposed station will comprise of standard vehicle and truck bowzers including four bowzers servicing up to eight vehicles and three truck fuel bowzers. A convenience store will be attached to the service station and measures 33.42m in length and 11.87m in width which comprises of a sales area, kitchen, office, feed storage areas and associated service yard.

Two rural outlets are proposed as part of the application and are located to the west of the proposed service station. The proposed produce store and veterinary establishment are aimed at providing services to the surrounding rural area in rural supplies and animal health care. The opening hours of both facilities will occur from 5.00am to 9.00pm seven days a week and this has been conditioned accordingly.

Shire of Serpentine Jarrahdale Local Planning Policy 24 – Designing Out Crime

Local Planning Policy 24 – Designing Out Crime aims to encourage development within the Shire to incorporate designing out crime principles which when applied effectively are likely to support the reduction in actual and perceived crime and anti-social behaviour. The Shire's Policy approach to designing out crime includes the following five elements:

- Surveillance;
- Access Control;
- Territorial reinforcement;
- Target hardening (security); and
- Management and maintenance.

The surveillance element is based on people being less likely to engage in anti-social and crime behaviour when they can be seen. A key to providing surveillance is to ensure clear sightlines to public realm areas from adjacent buildings. The relevant public realm is the nearby Thomas Road and Kargotich Road reserves. The proposed development is likely to provide for passive surveillance in the form of vehicle traffic.

Access control refers to using built form to mark borders and transitional zones to deter movement of illegitimate users into a protected space. Shire Officers do not consider this element to be relevant to this development as there is no area which could be considered a protected space.

Territorial reinforcement is the use of physical features designed to express ownership and control of the environment and delineate semi-private and public spaces. Shire Officers consider this element to have little relevance to the proposed development as it is more appropriate for a development which includes residential development with private, communal and public spaces.

The objective of target hardening is to ensure that buildings are secure and access is denied to offenders. Shire Officers do not consider this element to be relevant to the proposed development. Designing out crime principles have been applied to the development and should reduce the need for target hardening to occur.

Management and maintenance seeks to remove indicators of crime and the use of lighting, painting and vegetation management to create a cared-for environment that can reduce the fear of crime and encourage legitimate behaviour. This element is likely to be achieved by tenants of the site as damage or



graffiti would have to be removed for commercial reasons. The site will be required to be well lit to facilitate safe vehicle circulation.

Shire Officers are satisfied that the proposed development addresses the five elements of crime prevention, predominantly due to considerate building design.

Shire of Serpentine Jarrahdale Local Planning Policy 58 – Bicycle Facilities in Urban Developments

This Policy applies to all land use development applications for planning approval including change of use applications, particularly in urban areas. Although the subject site is not within an urban area, as a development application has been submitted, this policy applies.

As the proposed land uses are not listed in Schedule 1 of this Policy, clause 7.8 states that Applicants shall consult with Council in regards to the required provision of Bicycle Facilities.

Shire Officers consider there to be a low demand for bicycle parking facilities generated by the proposed development, due to its isolated location and tendency to be frequented by motor vehicles. For example the service station will be utilised by motorists to refuel, animals are likely to be transported in vehicles to the vet, and the collection of rural supplies is likely to involve motor vehicles due to the predominantly bulky nature of the goods being purchased.

Shire Officers therefore consider the provision of ten short term bicycle facilities to be appropriate, given the significant majority of visitors to the site will be travelling in motor vehicles. The provision of these facilities has been recommended to be added as a condition of approval, should the application be approved.

Access

The site layout has been designed on the basis of traffic circulation required for vehicles entering and exiting the site via two crossovers to Kargotich Road that are adequately setback from the Thomas Road and Kargotich Road intersection.

With regard to the increase in the number of heavy trucks turning southbound off Thomas Road to access the proposed service station, the current intersection does not cater for these turning movements or trucks equal or greater than 19m, especially in peak traffic conditions, this is due to a high voltage transmission pole and insufficient road reserve. This has been conditioned accordingly by engineering services.

The proponent has provided information that the access and egress from the site onto the surrounding road network will be facilitated by the future construction of a large round-a-bout at the Thomas and Kargotich Road intersection. A portion of Lot 801 will be ceded to the Crown, at no cost, in order to facilitate the development of this round-a-bout. Main Roads Western Australia supports the proposed access.

Parking

Parking is to be located around the north and south of the trafficable area and around the edge of the service station. The proposal requires 67 car bays as per the below table. The application proposes 136 car bays, resulting in a 69 car bay surplus.

Development	Requirement	Total Bays Required
Service Station	1.5 per service bay Plus 1 per staff member	$12 \times 1.5 + 3 = 21$
Veterinary	6 per practitioner	$2 \times 6 = 12$
Rural Stock Feeds	1 per 15m ²	$496.23/15 = 33.082$
		67 Bays Required



It is noted that the parking spaces have been provided in excess of the requirements. The proposal also includes a number of trailer, caravan and truck bays, allowing for the potential future growth of the uses.

Landscaping

The revised site plan illustrates revegetation in the form of a garden along the northern and eastern boundaries of the lot with an approximate total length and width of 733m and 5m.

While this landscaping is considered to be appropriate, further specific detail is required, to ensure that landscaping is provided to a satisfactory standard. Therefore Shire Officers have recommended a Landscaping Plan be provided to the satisfaction of the Shire as a condition of approval, should an approval be issued.

Signage

The application documentation did not contain details of proposed signage. Any signage will be subject to a separate development application and in accordance with Local Planning Policy 5 *Advertising Signs* (LPP5). Shire Officers have recommended a Signage Strategy be prepared to the satisfaction of the Shire in accordance with Local Planning Policy 5 as a condition or approval, should an approval be issued.

Servicing

The applicant has undertaken an investigation into the services available to the site. It is proposed that a reticulated water supply will be extended from the nearby rural-residential subdivision development located along Thomas Road approximately 1km to the east of the subject land. The reticulated water supply will service all the buildings within the proposed development and provide supplementary supply for fire management and landscape reticulation.

The site is not currently connected to reticulated sewerage supply and as a result, the proposal is to adopt onsite effluent disposal or methods with the installation of alternative treatment unit systems. The Shire's preference is for an application to construct or install an apparatus of treatment of sewage and liquid wastes to be submitted prior to commencement of building works. This has been conditioned accordingly.

Drainage

It is proposed that drainage from the proposed building within the surrounding landscape garden areas of the proposed buildings will be via a combination of soak well systems and sub-soil drainage shallow swales. It is noted that the system will include inline pollutant traps so that any driveway pollutants will be captured and disposed of appropriately off-site. A requirement of any development approval would be that all stormwater drainage is captured and treated on-site and that prior to the commencement of development a drainage management plan would be required to be submitted for approval. This has been conditioned accordingly.

Amenity

Clause 67 of the Deemed Provisions, specifically N, relates to the amenity of the locality which is required to be assessed.

Noise, Dust and Odour

Dust is only a consideration during the construction phase of this development, as surfaces will be sealed or landscaped as shown on the development plans. A condition of planning approval requiring a dust management plan is an appropriate measure to ensure the development does not impact on visitors to the site or neighbouring properties during its construction.



Local Planning Policy 59 – Public Art Policy

A monetary contribution is requested for the establishment of public art in accordance with Council's Local Planning Policy No.59 - Public Art Policy for Major Developments to the satisfaction of the Shire prior to occupation of the development.

Other Matters

Bushfire

The subject site is located within a Bushfire Prone Area. Part 10A of the Deemed Provisions requires applications which propose buildings where people will be employed to submit a Bushfire Attack Level (BAL) assessment as part of the development application process. The applicant has not provided a BAL, however Officers have assessed to the subject site to have a low bushfire risk. As a result, it is recommended that a BAL be provided to the satisfaction of the Shire as a condition of approval, should the application be approved.

Options and Implications

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

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

Option 2: Council may resolve to refuse the application providing appropriate reasons.

Option 1 is recommended.

Conclusion

The proposed 'Rural Travel Stop' has been assessed against the provision of section 67 of the *Planning and Development (Local Planning Schemes), Regulations 2015*, the Shire's TPS 2, Local Planning Policy 70 and Local Planning Policy 59.

As discussed within the report, the subject site is considered an appropriate location for the proposal, taking into the account the current zoning, amenity impact, design and the compliance with the future round about planned by Main Roads. The proposal satisfies the overall objectives and requires of the Deemed Provisions, TPS2, Local Planning Policies 5, 24, 58, 59 and 70 and is therefore supported subject to appropriate conditions.

Attachments

- [OCM017.1/03/18](#) - Revised Site Plan & Main Roads Plans (E16/3066)
- [OCM017.2/03/18](#) – Deemed Provisions Clause 67 Table (E16/3006)
- [OCM017.3/03/18](#) - Development Application (IN15/17828)
- [OCM017.4/03/18](#) – Schedule of Submissions (IN16/2350)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council approving the development application	Likely (4)	Minor (2)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 8 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM017/03/18 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr McConkey

That Council **APPROVES** the application submitted by Harley Dykstra on behalf of Vincenzo Borrello and Teresa Diana Borrello for a 'Service Station, Veterinary Establishment and Produce Store' as indicated on the approved plans and does not relate to any other development on Lot 801 Thomas Road, Oakford, subject to the following conditions:

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

Plans and Specifications	Plans P1 – P8 received at the Shire's Offices on the 27 August 2015
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2. The developer is responsible for all costs involved in the land acquisition, design and construction of the full movement intersection at Kargotich Road and Thomas Road and the access driveway, and the upgrading of Kargotich Road including, but not limited to, signage, road markings, relocation of services and street lighting prior to commencement of development.
3. Prior to the commencement of works the land owner shall submit and have approved by the Director Planning a Bushfire and Emergency Management Plan, and thereafter implemented.
4. The vehicle parking area, access ways and crossover must:-
 - a) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;
 - b) include a minimum of 67 car parking bays;
 - c) include one (1) car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and
 - d) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter to the satisfaction of the Director Infrastructure.
5. An operational management plan shall be prepared to the satisfaction of the Shire prior to commencement of development and implemented for the duration of the development.
6. All delivery vehicles servicing the site must load and unload within the boundaries of the site. Loading and unloading deliveries is not permitted outside the boundaries of the site.
7. One loading bay with minimum dimensions of 3.5 metres and 7.0 metres must be provided separate to parking areas and access ways prior to occupation of the development.
8. A Lighting Plan is to be submitted to the satisfaction of the Shire prior to the commencement of development. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The approved lighting plan shall thereafter be implemented in its entirety.
9. The storage, use and disposal of all chemicals including, but not limited to, hydrocarbons, pesticides, disinfectants and veterinary products is to comply with the manufacturers recommendations.
10. Bin storage areas must be provided to the satisfaction of the Shire, prior to occupation of the development.
11. Prior to the commencement of development, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under veranda signs and fascia signs, is to be prepared to the satisfaction of the Shire.
12. No signs are permitted to be displayed in the road reserve of Thomas Road or Kargotich Road at any time.
13. A Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads, road verges and areas of open space, shall be submitted and approved by the Director Engineering prior to the commencement of site works. The approved plan shall thereafter be implemented in its entirety.



14. A monetary contribution being paid to Shire for the establishment of public art in accordance with Council's Local Planning Policy No. 59 - Public Art Policy for Major Developments to the satisfaction of the Shire prior to occupation of the development.
15. Operating hours are restricted to 5am to 9pm seven days a week unless otherwise approved by the Shire.
16. No vehicle access shall be permitted onto the Thomas Road reserve.
17. No development or car parking, other than landscaping shall be permitted on Lot 800 and the land as shown required for future road purposes on the enclosed Preliminary Main Roads Drawing R1491-34-LR01.
18. No earthworks shall encroach onto Lot 800 and the land required for future road purposes.
19. No stormwater drainage shall be discharged onto Lot 800 and the land required for future road purposes.
20. The applicant shall make good any damage to the existing verge vegetation within the Thomas Road reservation.
21. The landowner must provide a Bushfire Attack Level Assessment to the satisfaction of the Shire, prior to the commencement of works.

Advice Note:

1. The landowner is advised this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.

CARRIED 6/3

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

**10.2 Infrastructure Services reports**

OCM018/03/18 – Draft Management Plan – Weeds and Pests (SJ333)	
Author:	Penny Hollick – Environmental and Biodiversity Officer
Senior Officer/s:	Pascal Balley – Manager Infrastructure and Assets Ray Davy – Acting Director Infrastructure Services
Date of Report:	7 March 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is to request Council to note and endorse the Draft Management Plan – Weeds and Pests for consideration in the 2018/2019 and subsequent budgets as per attachment OCM018/03/18.

Relevant Previous Decisions of Council

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

Background

The Shire of Serpentine Jarrahdale has a unique beauty and character, based on a rural history and natural areas of regional and local environmental significance. Rapid urban development is altering the character of the area, and management of weeds and pests on the Shire's natural area reserves, road reserves and other Shire controlled land is necessarily becoming more intensive in the face of the impacts and expectations of a rapidly growing population.

Natural areas and biodiversity in the Shire are rated as exceptionally significant and, as in the whole of the Perth region, have been significantly impacted since European settlement, especially on the coastal plain and foothills. Land west of the South West Highway (i.e. the coastal plain section of the Shire) retains less than 10% of the original native vegetation. A significant proportion of the local natural areas (bushland and vegetated wetlands and waterways on private land and local reserves) belong to Threatened Ecological Communities, lie within ecological linkages, impact on (or include) wetlands or waterways, and/or possess rare or priority species of flora or fauna. The level of over-clearing, coupled with the impact of weeds, feral animals, diseases and other degrading processes, has resulted in significant local extinction of mammals and birds and the deterioration of bushland and wetlands. It has also contributed to the pollution of downstream rivers and the Peel Harvey Estuary. Such a high level of loss of natural areas and biodiversity means that the remnants are highly significant on many scales (local, regional, national).

Threats to the local natural areas include weeds, pest animals, diseases and other health issues. Efficient and effective management of these issues is essential to maintaining the significant environmental values of the Shire's natural areas. In addition, land managers (including the Shire for Shire controlled land, and private property owners) are obliged to control organisms (such as weeds, pest animals or diseases) that are Declared Pests under the *Biosecurity and Agriculture Management Act 2007*.



Community / Stakeholder Consultation

Policy Concept Forum

Not Applicable.

Stakeholders consulted during the preparation of this Management Plan included Landcare SJ Inc. and the Peel Harvey Biosecurity Group. No community consultation has been undertaken.

Internal consultation with, for example, Emergency Management personnel will be ongoing in the context of specific implementation actions.

Statutory Environment

<p><u>Legislative Requirements</u></p>	<ul style="list-style-type: none"> • The <i>Biosecurity and Agriculture Management Act 2007</i> – Part 2 – Division 3 – s22, s23, s26, s30, s41 • The <i>Biosecurity and Agriculture Management Act 2007</i> – Part 8 – s193 	<ul style="list-style-type: none"> • S22 allows the Minister to declare organisms as Declared Pests • S23 prohibits the keeping, breeding, cultivation or release of Declared Pests • S26 obliges people to report the presence of Declared Pests • S30 obliges land managers to control Declared Pests • S41 allows local government to assist (financially or otherwise) land managers to control Declared Pests • S193 allows Local Government to make local laws with regards to pest plants (other than Declared Pests) and their control
<p><u>Other Plans, Frameworks, Documents Applicable to Policy</u></p>	<ul style="list-style-type: none"> • Council Policy 2.3.1 – <i>Control of Weeds</i> 	<p>2.3.1 states Council's position with regards to weed control and lists plants which are considered to be significant issues within the Shire, including Declared Pests and other plants</p>
<p><u>Procedures, Processes, Maps, Work Instructions</u></p>		

Comment

Preserving the unique character of the Shire of Serpentine Jarrahdale is increasingly important and challenging. The presence of remnant vegetation forms part of the heritage value of the area and wherever possible should be maintained and enhanced. Management of weeds and pests on the Shire's natural area reserves, road reserves and other Shire controlled land is necessarily becoming more intensive in the face of the impacts and expectations of a rapidly growing population.

Natural areas and biodiversity in the Shire are highly significant on many scales (local, regional, national), but have also suffered great loss from historical and ongoing clearing. The remnant vegetation, being scarce (less than 10% of the original vegetation remains on the coastal plain section of the Shire), frequently belongs to Threatened Ecological Communities, lies within ecological linkages, impacts on (or includes) wetlands or waterways, and/or possesses rare or priority species of flora or fauna. Local natural areas (defined as remnant vegetation on private property or local reserves, i.e. not part of the State conservation estate) are recognised as providing an important contribution to biodiversity and conservation. As such, management of threats to the Shire's natural areas is essential to the maintenance of their environmental values.



Threats to local natural areas include weeds, pest animals, diseases and other health issues. Some of these (as set out in the attached Management Plan) are Declared Pests under the *Biosecurity and Agriculture Management Act 2007*, and as such, the Shire has a legislative obligation to control them on Shire land. The Shire may also assist landowners with the control of Declared Pests on private property. This assistance is most commonly in the form of advice, and often mediated through the Shire's membership of the Peel Harvey Biosecurity Group.

There are numerous weeds and pests, which are not Declared Pests under the *Biosecurity and Agriculture Management Act 2007*, but nevertheless constitute threats to natural areas and require management and control. Some of these are listed in the Council Policy 2.3.1 – *Control of Weeds*, while others have not been previously identified as significant issues.

The attached Management Plan – Weeds and Pests describes the values and threats to each of the Shire's natural area reserves, and sets out recommended control methods for each threat. Previous expenditure (both by the Shire and from grant funding sourced by Landcare SJ Inc.) on management of each reserve and threat is tabulated, along with recommended future expenditure. Finally, an indicative ten-year plan suggests where management and control actions are likely to be required.

A significant proportion (almost 40%) of the funds spent on management and control of weeds and pests on Shire reserves over the previous ten years has been funded (via grants) by Landcare SJ Inc. Without this grant funding and significant contribution of labour by volunteers and Landcare staff, the expenditure required by the Shire for weed and pest control would have been much higher. As grant funding is highly uncertain and becoming more difficult to obtain, this Landcare contribution cannot be counted on in the future to supplement the Shire's reserve management funding. The indicative ten-year plan thus includes the uncertain Landcare grant funding as well as the shortfall between actions that are currently funded and those that are required to adequately control weeds and pests on the Shire's natural area reserves. As noted below current budget allocations totalling \$82,000 have been made for works covered by the Strategy.

As the sums involved are significant and the commitments ongoing, it is appropriate that the implementation of the Strategy be considered progressively in the context of annual budget deliberations. Accordingly, Council is requested to receive and endorse the Strategy as a technical document, but endorsement is not taken to imply authorisation for expenditure on the programme at the levels indicated, without specific approved budget provision.

Initial Proposal

Option One

That Council notes and endorses the Draft Weed and Pest Management Plan for consideration in the 2018/2019 and subsequent Budget discussions.

Option Two

That Council does not note and endorse the Draft Weed and Pest Management Plan for consideration in the 2018/2019 and subsequent Budget discussions.

Options and Implications

Officer recommendation is for Council to note the report and endorse the Draft Weed and Pest Management Plan for consideration in the 2018/2019 and subsequent budget discussions. The endorsement of this Draft Weed and Pest Management Plan will display Council's support for the efficient and effective management and control of significant weeds and pests within natural areas, road reserves and other Council controlled land.



Conclusion

The endorsement of this Draft Weed and Pest Management Plan will display Council's support for the efficient and effective management and control of significant weeds and pests within natural areas, road reserves and other Council controlled land. The endorsement of this Management Plan will also enable forward planning and prioritisation of control measures.

Attachments

[OCM018.1/02/18](#) – Draft Management Plan – Weeds and Pests (E18/1184)

Alignment with our Strategic Community Plan

Outcome 2.2	A sustainable natural environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
Outcome 3.2	A sustainable natural environment

Financial Implications

The endorsement of this Draft Management Plan provides a tool for Council's consideration of future budget allocations for the management of weeds and pests.

If Council endorses the Draft Management Plan for consideration, the financial implication will be \$126,500 per year, commencing from the 2018/2019 Budget, for operational and capital works. This includes:

- \$24,500 for dieback control in Shire Nature Reserves
- \$87,000 for weed control in Shire Nature Reserves
- \$3,500 for feral animal control in Shire Nature Reserves, and
- \$11,500 for revegetation in Shire Nature Reserves

This would represent an increase of approximately 50% in the budget allocations for the 2017/2018 financial year.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not endorse the Management Plan – Weeds and Pests 1. Environmental	Likely (4)	Moderate (3)	High (10-16)	Environment - 5 Catastrophic - Uncontained, irreversible impact	Accept Officer Recommendation
2. Shire's inability to meet legal and moral obligations	Likely (4)	Moderate (3)	High (10-16)	Compliance - 3 Moderate - Non-compliance with significant regulatory	Accept Officer Recommendation



				requirements imposed	
3. Impact on the Shire's reputation for pristine natural environment	Likely (4)	Major (4)	High (10-16)	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions	Accept Officer Recommendation
4. Impact on Shire's financial ability to retrospectively address effect on failure to minimise risk to native flora and fauna increases over time	Likely (4)	Moderate (3)	High (10-16)	Financial Impact - 3 Moderate - \$250,000 - 500,000	Accept Officer Recommendation

Risk Matrix

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 12 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



Continued

Ordinary Council Meeting Minutes
Monday 26 March 2018

Voting Requirements: Simple Majority

OCM018/03/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Coales, seconded Cr Gossage

That Council notes and endorses the Draft Management Plan – Weeds and Pests for consideration in the 2018/2019 and subsequent budgets, as per attachment OCM018.1/03/18.

CARRIED UNANIMOUSLY 9/0



OCM019/03/18 – Lot 55 Beenyup Road, Byford – Request to close Pedestrian Access Way (SJ141)	
Author:	Vanessa Slater – Natural Reserves Coordinator
Senior Officer/s:	Pascal Balley- Manager of Infrastructure and Assets Ray Davy – Acting Director Infrastructure Services
Date of Report:	7 March 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

Council is requested to approve, in principle the closure of Lot 55 Beenyup Road, Byford (area of 184 m²). The owner of Lot 107 (#23) Beenyup Road, Byford formally approached the Shire in December 2015 to request the closure and purchase of this parcel of land, OCM019.1/03/18 – Email from resident requesting closing and purchase of PAW (L55) Beenyup Road, Byford. A final decision on whether to recommend closure to the Minister for Lands will be made after public consultation.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Background

Lot 55 Beenyup Road, Byford was created on 22 June 1987 as a pedestrian access way (PAW) from subdivision under section 20A of the then *Town Planning and Development Act 1928*, to allow pedestrian movement between Beenyup Road and the then Lot 2 Nettleton Road, Byford. Since that time, Lot 2 Nettleton Road, Byford has been developed into the Brook at Byford subdivision. As part of this subdivision, the use of Lot 55 Beenyup Road, Byford as a PAW was made redundant, as a retaining wall was constructed directly behind this lot. Therefore the original use for access is no longer possible. As the lot no longer serves any public purpose, it may be officially closed and sold to adjacent neighbours. A plan showing the subject area is below.



Lot 55, Beenyup Road, Byford



Community / Stakeholder Consultation

Should Council support the permanent closure of Lot 55 Beenyup Road, Byford as a PAW, advertising will be undertaken in accordance with section 87 of the *Land Administration Act 1997 (LAA)*.

In addition to general advertising, the adjoining neighbours will also be consulted with regards to the opportunity to purchase the land as all adjoining landholders should have the same opportunity to purchase the land. The PAW will be checked for any services, and should any be found then the service providers will also be consulted on the matter.

Following that process, the matter will be submitted to Council for a formal decision to recommend permanent closure to the Minister.

Policy Concept Forum

Not applicable

Statutory Environment

Land Administration Act 1997

Section 58 - community consultation required to be undertaken for the procedure for a PAW.

Section 74 - provides the Minister with the powers to sell Crown Land.

Section 87 - deals with 'Minister may convey in fee simple or lease Crown Land for subsequent amalgamation with adjoining land' and states that "if the Minister considers that a parcel of Crown Land is unsuitable for retention based on good land use and planning principles, the Minister may, by order amalgamate that parcel with the adjoining land".

Comment

The closure of the PAW at Lot 55 Beenyup Road, Byford will allow adjoining neighbours to purchase the parcel of land from the State and have it amalgamated into their property. Once this has occurred all responsibilities regarding maintenance on this public portion of land will no longer be the responsibility of the Shire. Removal of public access along the boundary of the adjoining properties will also improve security for those properties.

Proposal

To approve in principle the permanent closure of the PAW at Lot 55 Beenyup Road, Byford, to instigate the process for advertising the closure for a period of 35 days, and to seek comments from the providers of public utilities, the general public and the Western Australian Planning Commission.

Options and Implications

Option 1 – Council resolves to support in principle the closure of the PAW and initiate the required advertising and consultation process with a view to requesting the Minister for Lands to close the PAW and offer it for sale to adjoining owners.

Option 2 – Council resolves not to support in principle the closure of the PAW, in which case the PAW will remain in public ownership and costs associated with the maintenance will remain the responsibility of the Shire.

It is recommended that Council support the closure of the PAW at Lot 55 Beenyup Road, Byford.



Conclusion

As the original purpose of the PAW can no longer be fulfilled due to the adjacent development not providing a connection through to Nettleton Road, there is no benefit for the Shire or public to retain this portion of land as a PAW and it should be permanently closed.

Attachments

[OCM019.1/03/18](#) – Email from resident requesting closing and purchase of PAW (L55) Beenyup Road, Byford (E18/2511)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil – All costs associated with the PAW closure process will be at the expense of the interested landowner(s).

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not support initiating the closure process.	Unlikely (2)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Risk

Risk Matrix

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



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

Voting Requirements: Absolute Majority

OCM019/03/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Atwell, seconded Cr Coales

That Council resolves to support in principle the closure of the Public Access Way (PAW) at Lot 55 Beenyup Road, Byford, and initiate the required advertising and consultation process with a view to requesting the Minister for Lands to close the Public Access Way (PAW) in accordance with the procedures set out in the *Land Administration Act 1997*.

CARRIED BY ABSOLUTE MAJORITY 9/0

**OCM020/03/18 Budget Variation to Facilitate the construction of carpark on Wanliss Street, Jarrahdale at the frontage of the Jarrahdale Primary School in collaboration with the Department of Education (SJ336)**

Author:	Pascal Balley – Manager Infrastructure and Design
Senior Officer/s:	Ray Davy – Acting Director Infrastructure Services
Date of Report:	7 March 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

Jarrahdale Primary School Administration has reported a number of occurrences of children and mothers with prams slipping and falling on the gravel verge of Wanliss Street, Jarrahdale in front of the Jarrahdale Primary School (Attachment OCM020.1/03/18). The lack of adequate car parking was also raised. Shire Officers have sought collaboration from the Department of Education for a co-funding agreement to remedy the unsafe situation and provide safer car parking and footpath by modifying the verge into a sealed car park. The Department of Education has agreed for a co-contribution for 50% of the construction cost for the car park (Attachment OCM020.2/03/18). The total construction cost is estimated at \$79,767.05 of which half would be recoverable from the Department. The Department's offer of co-funding is conditional on the funds being expended before 30 June 2018.

This report is to seek Council approval to re-allocate funds within the 2017 / 18 budget to enable the Shire to co-fund the construction of the car park in collaboration with the Department of Education.

Relevant Previous Decisions of Council

OCM090/07/17 – Adoption of the 2017/18 Annual Budget.

Background

Shire Officers have received a request from the Jarrahdale Primary School to remedy an unsafe situation on Wanliss Street, Jarrahdale in front of the school. The verge at the frontage of the school is graveled and unsafe for pedestrian movement with occurrences of numerous falls observed.

The school's initial request was to seal the verge, however after inspecting the site and becoming aware of the lack of car parking at the school, Officers' opinion was that the situation would be best remedied by converting the verge into a sealed car park to address both issues. Officers then sought collaboration from the Department of Education to progress the project and to co-fund the project with a 50% financial contribution. The Department has agreed, but has stated that their funds must be expended before June 2018 and that funds will not be made available beyond June 2018. Officers are therefore requesting Council approve a budget variation of the 2017/18 capital and maintenance budget to complete the project.



Community / Stakeholder Consultation

Shire Officers, in collaboration with the school, referred the request to the Department of Education and requested the Department of Education co-fund the construction of car park bays on Wanliss Street, Jarrahdale to service the Jarrahdale Primary School and the school community. The Department of Education has agreed to co-fund the project at a 50% financial co-contribution.

Statutory Environment

The *Local Government Act 1995* establishes the requirements for determining budgets and the establishment of the Plans for the Future. In this case, Council has adopted the 2017/18 budget for capital and maintenance works. This request is to seek funding re-allocation from a completed project that was delivered under budget. This will not alter Council's overall adopted budget.

Comment

The proposed budget variation has been developed on the following basis:

- Funded projects;
- A review of completed capital and maintenance works;
- Consideration of yet to complete projects and any current saving;
- Complaints and issues determined where non-action could result in early higher costs or creates an obvious risk of injury;
- Prioritisation based on usage, risk or potential to generate asset users.

Using this methodology, the following budget variation is recommended.

GL Code	Project	Sum Of Original Budget (\$)	Sum of Proposed Current Budget (\$)	Budget Variation (\$)
MOR795	Reduction in budget for Road & Shoulder Maintenance	305,360	265,360	(40,000)
New Capex Code Required	Jarrahdale Primary School Car Park			80,000
CDA108	Contribution from the Department of Education			(40,000)

Conclusion

It is recommended that Council endorse the budget variation for a total of \$40,000 from MOR795 to facilitate co-contribution with the Department of Education for the construction of car park and upgrade of footpath in front of the Jarrahdale Primary School.

Attachments

- [OCM020.1/03/18](#) - Jarrahdale Primary School - Carpark and Footpath Upgrade - Confirmation of Contribution from Department of Education (IN18/5406)
- [OCM020.2/03/18](#) - Jarrahdale Primary School - Concern over Footpath and Car Park Safety (IN18/5407)



Alignment with our Strategic Community Plan

Outcome 3.3	An innovative, commercially diverse and prosperous economy
Strategy 3.3.1.	Maintain, enhance and rationalise the Shire’s transport network in accordance with affordable sound Asset Management Plans

Financial Implications

The endorsement of the budget variation of the capital and maintenance budgets does not modify the 2017/18 budget, so has no financial effect. However, delays in endorsing the budget variation will constrain delivery of project this financial year and the loss of opportunity to secure co-funding from the Department of Education.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Budget Variation Not Approved –	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions	Accept Officer Recommendation

Risk Matrix

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

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



Voting Requirements: Absolute Majority

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

OCM020/03/18 COUNCIL DECISION / Officer Recommendation

Moved Cr McConkey, seconded Cr Byas

That Council endorses the budget variation as follows to facilitate the construction of a car park on Wanliss Street, Jarrahdale in front of Jarrahdale Primary School with financial co-contribution from the Department of Education.

GL Code	Project	Sum Of Original Budget (\$)	Sum of Proposed Current Budget (\$)	Budget Variation (\$)
MOR795	Reduction in budget for Road & Shoulder Maintenance	305,360	265,360	(40,000)
RC907	Jarrahdale Primary School Car Park			80,000
CDA108	Contribution from the Department of Education			(40,000)

CARRIED BY ABSOLUTE MAJORITY 5/4
Councillors Atwell, Byas, Denholm, McConkey and Rich voted FOR the motion.
Councillors Coales, Gossage, Piipponen and See voted AGAINST the motion.



Councillor Coales declared a Proximity Interest in item OCM021/03/18 and left the room at 8.02pm while this item was discussed.

OCM021/03/18 – Speed limiting devices in Old Brickworks Road, Byford – Response to public petition	
Author:	Ray Davy – Acting Director Infrastructure Services
Senior Officer/s:	K R Donohoe – Chief Executive Officer
Date of Report:	9 March 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is to inform Council of proposed measures in response to a petition presented to the OCM on 26 February 2018 concerning the recent installation of speed cushions in Old Brickworks Road, Byford.

Relevant Previous Decisions of Council

Council resolved (OCM4.3/02/18)

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

- 1. Accepts the Petition regarding the removal of speed cushions on Old Brickworks Road and requesting consultation with local residents before any future speed controlling devices are decided upon; and*
- 2. Requests the Chief Executive Officer include the Petition in a report to a subsequent meeting of Council when the effectiveness of the speed cushions has been assessed.*

Background

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

Community / Stakeholder Consultation

There have been several complaints regarding the speed cushions, and some comments in support. A petition signed by 97 residents has now been submitted, requesting removal of the speed cushions and consultation as to any alternative speed limiting measures. Anecdotal evidence suggests that many residents are supportive of some form of speed control on the street, but not the speed cushions.

Numerous suggestions have been received from residents as to alternative speed limiting measures including raised thresholds similar to those on nearby Beenyup Road, roundabouts at intersections along the street, and control signage.



Statutory Environment

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

Comment

Any change to traffic conditions, especially those that limit the uninterrupted movement of traffic, are bound to raise objections from those who travel safely under current conditions and feel unfairly penalized by measures aimed at “others”. The challenge for the Shire is to balance the legitimate rights of such residents with the public safety concerns associated with a minority of speeding drivers, the need to minimise disruption to law-abiding residents and the cost of any remedial action. The speed cushions are not only the cheapest option but also have the advantage of being easy to remove or modify in response to a review of their effectiveness, relative to any other options.

Alternatives available to the Shire include, in escalating order of cost:

- Do nothing (leave the speed cushions as they are)
- Reduce the number of speed cushions from 6 to 3 or 4 over the same distance
- Install raised thresholds at up to 4 locations
- Install “slow points” at 2 or 3 locations
- Install roundabouts at intersections along the street

Each of these needs to be carefully assessed for safety as well as cost. For example, any control structure that required a vehicle to change direction while negotiating a curve on a downhill slope (as is the situation with the most problematic part of Old Brickworks Road) would increase the risk of single vehicle accidents.

It is proposed to monitor the situation over a period of a few months, taking account of road conditions in the wet as well as the current dry season. Potential design options will be developed and costed for Council consideration, before a short list of preferred solutions is presented to local residents at a consultation workshop. It is important for Council to consider these options and the associated costs before public consultation, as it is likely that some of the most expensive options will be rejected at that stage.

Options and Implications

Council is only being asked to note the above information, and so no options are required.

Conclusion

Shire Administration will assess the effectiveness of the speed cushions under a range of weather conditions and present possible alternatives to Council in due course, prior to public consultation.

Attachments

Nil

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with all relevant local and state laws, in the interests of the community
Strategy 1.3.3	Enhance community safety
Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans



Financial Implications

There are no financial implications at this time. Cost estimates for various alternatives will be presented to Council at a future time when the effectiveness of the speed cushions has been assessed.

Risk Implications

Information Report only, risk is not required to be assessed at this time.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Not applicable to this report	Choose an item.	Choose an item.	Choose an item.	Choose an item.	Choose an item.

Risk Matrix

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

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

Voting Requirements: Simple Majority

Councillor Piipponen foreshadowed that as stated in *Local Government (Administration) Regulations 1996*, section 10(1)(b), he would be presenting a revoking motion if this motion is lost.

OCM021/03/18 **Officer Recommendation**

Moved Cr McConkey, seconded Cr Byas

That Council notes the proposed response to the petition and endorses the review process as set out in the report.

MOTION LOST 3/5

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



COUNCIL DECISION

Moved Cr See, seconded Cr McConkey

That in accordance with *Standing Orders Local Law 2002 (as amended)*, clause 16.1, the meeting be adjourned for 15 minutes at 8.29pm to allow Councillor Piipponen to formulate his foreshadowed motion.

CARRIED UNANIMOUSLY 8/0

Councillor Coales returned to the Chambers at 8.30pm.

Councillor Coales left the Chambers at 8.50pm.

COUNCIL DECISION

Moved Cr Denholm, seconded Cr Piipponen

That the Council meeting reconvene at 8.56pm.

CARRIED UNANIMOUSLY 8/0

The Shire President, Councillor Rich advised Council that she had received a letter from Councillor Piipponen to revoke clause 2 of OCM4.3/02/18, Ordinary Council Meeting 26 February 2018.

The notice of a motion to change was signed by one third of members being Councillor Piipponen, Councillor See and Councillor Denholm, in accordance with the *Local Government (Administration) Regulations 1996, Regulation 10*.

Clause 2 of the Council Decision to change appears below:

OCM4.3/02/18 *COUNCIL DECISION / Officers Recommendation*

Moved Cr Denholm, seconded McConkey

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

- 1. Accepts the Petition regarding the removal of speed cushions on Old Brickworks Road and requesting consultation with local residents before any future speed controlling devices are decided upon; and*
- 2. Requests the Chief Executive Officer include the Petition in a report to a subsequent meeting of Council when the effectiveness of the speed cushions has been assessed.*

CARRIED UNANIMOUSLY 8/0

OCM021/03/18 COUNCIL DECISION

Moved Cr Piipponen, Seconded Cr Denholm

That Council

- 1. Changes OCM4.3/02/18, point 2 of the 26 February 2018 by deleting this point in its entirety.**
- 2. Instructs the CEO to remove the speed cushions as soon as practicable.**
- 3. Requests a traffic calming evaluation plan be prepared with appropriate engagement principles with the affected community.**



4. Authorises the CEO to draw funds from the road maintenance account for the purposes of undertaking costing options for traffic calming devices on Old Brickworks Road to a maximum of \$50,000.00.

CARRIED 5/3

Councillors Atwell, Denholm, Gossage, Piipponen and See voted FOR the motion.

Councillor Byas, Rich and McConkey voted AGAINST the motion.

Reason for difference to Officer Recommendation: Revocation and amendments were proposed in response to presentations from some residents requesting removal of speed cushions.

Councillor Coales returned to the Chambers at 9.14pm

The Shire President informed Councillor Coales that the Council Decision was carried 5/3.

**10.3 Corporate Services reports**

OCM022/03/18 - Confirmation of Payment of Creditors (SJ801)	
Author:	Vicki Woods – Finance Officer
Senior Officer/s:	Fraser Sullivan – Director Of Corporate Services
Date of Report:	1 March 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Statutory Environment

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

Comment

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

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

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

A detailed list of invoices for the period 1 February 2018 to 28 February 2018 is provided per attachment OCM022.1/03/18. Transactions made by purchasing cards are detailed in the Purchasing Card Report 8 January 2018 to 5 February 2018 as per attachment OCM022.2/03/18.

Attachments

- [OCM022.1/03/18](#) - Creditors List of Accounts 1 February 2018 to 28 February 2018. (E18/2102)
- [OCM022.2/03/18](#) – Purchasing Card Report 8 January 2018 to 5 February 2018. (E18/2103)



Alignment with our Strategic Community Plan

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

Financial Implications

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

Risk Implications

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

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

Risk Matrix

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

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

Voting Requirements: Simple Majority

OCM022/03/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council records the accounts as paid under delegated authority for February 2018, totalling \$3,246,129.68 as attached, covering:



Continued

Ordinary Council Meeting Minutes
Monday 26 March 2018

1. **EFT Vouchers EFT49990 to EFT50397 including Purchasing Card Payment totalling \$3,131,924.17.**
2. **Municipal Cheque Vouchers CHQ45899 to CHQ45904 totalling \$1,146.65.**
3. **Municipal Direct Debits DD45841.1 to DD45893.32 totalling \$113,058.86.**

CARRIED UNANIMOUSLY 9/0



OCM023/03/18 – 2017/18 Budget Review (SJ801)	
Author:	Megan Hodgson – Strategic Financial Planner
Senior Officer/s:	Frazer Sullivan – Director Corporate Services
Date of Report:	6 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

This report presents the statutory Budget Review of the 2017/18 Budget. A number of budget variations are proposed as part of this review, which results in an overall favourable change in projected net current assets of \$119,000, resulting in a projected net current asset balance (surplus) of \$3,000, as at 30 June 2018.

Supplementary information has been presented to the Council to provide further information regarding the Shire's activities.

Relevant Previous Decisions of Council

The original budget for 2017/18 was adopted at the Ordinary Council Meeting on 24 July 2017 (OCM090/07/17).

A quarterly review of the budget including the reallocation of carried forward surplus from the 2016/17 financial year was adopted at the Ordinary Council Meeting on 27 November 2017 (OCM159/11/17).

Background

The budget review is a statutory review that is undertaken in accordance with the *Local Government Act 1995* and Regulation 33 of the *Local Government (Financial Management) Regulations 1996*. The purpose of this review is to identify significant variations from the Annual Budget and to recommend any amendments that may be necessary.

Changes to the Annual Budget are required during the year as circumstances change from when the Annual Budget was adopted by Council at the beginning of the financial year. Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the Shire's finances.

Community / Stakeholder Consultation

No community consultation was undertaken / required.

Statutory Environment

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires that;

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and



- (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
**Absolute majority required*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Comment

The Budget Review for 2017/18 includes a number of significant variations.

The figures discussed in the comments listed below regarding the variations have been rounded.

Variations to the current budget are summarised below by Nature and Type. Full details of all variances are provided in the attached Budget Review Report:

REVENUE	Current Budget	Budget Review	Variance
Rates	21,967,297	21,732,841	(234,456)
Operating grants, subsidies and contributions	2,074,892	2,091,466	16,574
Fees and charges	6,744,274	6,670,604	(73,670)
Interest earnings	754,000	764,000	10,000
Other revenue	947,089	964,702	17,613
	32,487,552	32,223,613	(263,939)

Rates

A decrease of \$234,456 in rates due to lower than expected interim rates.

Operating grants, subsidies and contributions

- Community funding of \$35,000 received through the Alcoa Huntly partnering agreement. This amount was previously unbudgeted.
- Minor decrease of \$18,000 in the amounts of general purpose grants provided by the government.

Fees and Charges

- Lower than expected fees and charges are now being forecast for Buildings of \$64,000. This includes decreases in building permits, verge permit fees and swimming pool inspections.
- Engineering Subdivision fees and charges have decreased by \$75,000. This includes decreases in supervision fees, early subdivision clearance fees, water sensitive urban design, and landscape design.
- Town Planning is expecting higher fees and charges overall of \$27,000. This is represented by an additional \$50,000 in development application fees, which is offset by decreases in subdivision and structure plan fees.



- Higher Rangers fines and penalties of \$37,000 are expected. This is offset by a downgrade of \$10,000 in expected dog registrations.
- Health fees and charges have increased by \$16,000 overall. This includes increases in eating houses, and septic tank fees.
- Cemetery fees and charges have increased by \$25,000.
- Decrease of \$30,000 expected in Rates instalment administration fees and property search fees in line with year to date actuals.

Interest

Interest income has increased by \$10,000 overall due to higher than budgeted interest on rates, instalment interest and interest on municipal funds. This is partially offset by a downgrade in the expected interest on investments.

Other Income

- Increase of \$38,000 which relates to our share of the 2016/17 Recreation Centre surplus. This is being reinvested back into capital improvements at the Recreation Centre.
- Decrease of \$10,000 in expected recoveries of legal fees related to lease agreements.
- Decrease of \$11,000 in general reimbursements in line with year to date actuals.

EXPENDITURE	Current Budget	Budget Review	Variance
Employee costs	(14,904,524)	(14,473,734)	430,790
Materials and contracts	(14,616,318)	(14,569,109)	47,210
Utility charges	(934,423)	(916,923)	17,500
Depreciation on non-current assets	(5,305,661)	(5,305,661)	0
Interest expenses	(118,161)	(90,542)	27,619
Insurance expenses	(411,915)	(411,915)	0
Other expenditure	(1,257,723)	(1,189,066)	68,657
	(37,548,726)	(36,956,952)	591,776

Employee Costs

Employee costs have decreased by \$430,000 due to an organisation restructure which has seen budget FTE decrease from 155 to 149. Savings have been made in salaries, superannuation, training and uniforms, which have been partially offset by an increase in the contract employee/relief budget. A full re budget of salaries has been performed taking into account redundancy payments which have been incurred, salary increases to existing staff, and contract relief which has been employed throughout the year.



Materials and Contracts

Materials and contracts expenditure has decreased by \$47,000 overall. Some of the significant proposed changes include the following;

- Savings of \$20,000 in consulting fees for IPRF funds no longer required.
- \$30,000 savings in community projects overall, noting that savings on the Equine strategy and Sport and Recreation strategy have been reallocated to a new project with the Arts & Culture Society.
- \$50,000 savings in Corporate Services consulting fees – original budget included \$80,000 for local law reviews, only some of which are able to be completed this financial year.
- \$40,000 in IT consulting fees which are no longer required.
- \$25,000 for a Visitors Centre investigation, which is now being conducted by the Economic Development Committee. Separate budget funds are not required.
- Additional \$25,000 in funds required for the completion of the Development Strategies.
- \$239,000 increase in legal fees and costs awarded against the Shire.
- \$198,000 savings in goods & materials mostly due to savings in materials required in the maintenance of Parks \$24,000, Roads \$20,000, Sports Facilities \$32,000, and Plant \$127,000.
- \$50,000 increase in operating leases due to extra costs incurred in the exiting of existing plant leases as we look to purchase instead.
- Additional \$22,000 required in Road Survey services.
- \$60,000 allocated to a new project to begin development of a new Website for the Shire, to be funded by a reduction in Councillor sitting fees.
- General savings in services required in the maintenance of Parks \$50,000, Roads \$74,000, and Buildings \$12,000.

Utilities

Minor savings have been identified in utility charges.

Depreciation

No changes have been made to depreciation.

Interest Expense

Interest expenses have decreased by \$27,000, due to a delay in the drawdown of the budgeted loan for Abernethy Road, Byford.

Insurance

No changes have been made to insurance.

Other Expenditure

Other expenditure has decreased by \$68,000 overall made up of the following:

- Decrease of \$50,000 in funding for the Economic Development Committee in with year to date actuals and expected work to be completed for the remainder of the year.
- Decrease of \$68,000 in Councillor sitting fees in line with new rates of pay adopted by Council.
- Decrease of \$40,000 in Councillor training in line with year to date actuals and expected training requirements for the remainder of the year.



- Increase of \$35,000 in community group funding as provided by the partnering agreement with Alcoa Huntly.
- Increase of \$15,000 for the Switch your Thinking project.
- Increase of \$30,000 due to higher than anticipated bank fees.

CAPITAL EXPENDITURE	Current Budget	Budget Review	Variance
Profit on asset disposals	(49,686)	(49,686)	0
Loss on asset disposals	27,788	27,788	0
Proceeds from disposal of assets	449,000	449,000	0
Purchase property, plant and equipment	(2,528,051)	(2,595,540)	(67,489)
Purchase and construction of infrastructure	(20,271,040)	(20,256,040)	15,000

Full details of the Capital Expenditure program can be found in the attached report, but major variances include:

- Byford Skate Park - \$78,000 for additional works including a retaining wall, extension of fencing and additional electrical work. Adopted as per council resolution December 2017 OCM.
- Serpentine Jarrahdale Recreation Centre creche playground and office refit - \$35,000 being funded from the Serpentine Jarrahdale share of the Recreation Centre 16/17 surplus.
- Reinstatement of \$20,000 for the upgrade and relocation of the server room. This is to look into possibilities of housing the server in a refrigerated transportable unit.
- Billboard - \$25,000. This is a new project being proposed as part of the December 2017 budget review. It is to be utilised by the Shires Environmental Health Services for promoting healthy choices.
- Building Renewals - \$48,000 savings being returned to Building Asset Management Reserve.
- Savings of \$30,000 in the Civic Centre roof repair to be returned to Building Asset Management Reserve.
- Kalimna Oval Access Path savings of \$15,000, due to project already being completed in the prior year.

RESERVES & RESTRICTED CASH	Current Budget	Budget Review	Variance
Transfers (to)/from cash backed reserves (Restricted assets)	8,962,745	8,627,734	(335,011)

Reserves

A full schedule of reserve movements as at budget review date is included the attachment.



OTHER MATERIAL VARIANCES	Current Budget	Budget Review	Variance
Non-operating grants, subsidies and contributions	7,707,065	7,817,605	110,000
Repayment of debentures	(547,756)	(478,708)	69,048
Proceeds from new debentures	2,761,924	2,761,924	0

- Non-operating grants, subsidies and contributions has increased by \$110,000 to recognise developer contributions received.
- Repayment of debentures is lower than expected as the Shire has not yet drawn down on the budgeted loan for Abernethy Road, Byford yet.

Attachments

[OCM023.1/03/18](#) – 2017/18 Budget Review (E18/2128)

Alignment with our Strategic Community Plan

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

Financial Implications

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

Risk Implications

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

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

**Risk Matrix**

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

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

Voting Requirements: Absolute Majority

OCM023/03/18 COUNCIL DECISION / Officer Recommendation

Moved Cr McConkey, seconded Cr Byas

That Council:

- 1. Receives the 2017/18 budget review report as per attachment OCM023.1/03/18 and adopts the budget adjustments to the 2017/18 statutory budget.**
- 2. Notes that the 2017/18 budget review results in a favourable improvement in the budget position from a deficit of \$115,550 to a surplus of \$3,834 as at 30 June 2018.**

CARRIED BY ABSOLUTE MAJORITY 9/0

**OCM024/03/18 – Monthly Financial Report – February 2018 (SJ801)**

Author:	Megan Hodgson – Strategic Financial Planner
Senior Officer/s:	Les Mainwaring – Manager Finance
Date of Report:	6 March 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

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

This reports is about the financial position of the Shire as at 28 February 2018.

Relevant Previous Decisions of Council

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

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

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

Background

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

Community / Stakeholder Consultation

No community consultation was undertaken / required.

Statutory Environment

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



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

Comment

Monthly Financial Report

The attached report shows our month end position as at the end of February 2018. The municipal surplus for the month ending 28 February 2018 is \$13,489,439, which is favourable, compared to a budgeted surplus for the same period of \$4,360,138. This variance is attributable to the timing of capital and operating expenditure.

Description	YTD Budget	28 February 2018 Actual	Variance (Favourable)
Opening Surplus at 1 July 2017	3,105,535	3,105,535	-
Proceeds from sale of assets	449,000	31,000	(418,000)
Changes to net transfers to and from Reserves	3,834,349	3,781,188	0
Changes to net transfers to and from Restricted Cash	-	(230)	(230)
Loan principal Drawdown (New loans)	-	-	-
Loan principal repayments	(201,459)	(201,459)	-
Capital expenditure	(15,235,349)	(6,968,523)	8,266,826
Capital revenue (cash items)	3,462,467	2,572,602	(889,865)
Operating revenue (cash items)	30,536,871	29,963,195	(573,676)
Operating expenditure (cash items)	(25,128,252)	(22,540,186)	2,588,066
	4,360,138	13,489,439	9,129,301

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

Attachments

[OCM024.1/03/18](#) – Monthly Financial Report February 2018 (E18/2131)

Alignment with our Strategic Community Plan

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



Financial Implications

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

Risk Implications

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

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

Risk Matrix

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

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



Continued

Ordinary Council Meeting Minutes
Monday 26 March 2018

Voting Requirements: Simple Majority

OCM024/03/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council receives the Monthly Financial Report for February 2018, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment OCM024.1/03/18.

CARRIED UNANIMOUSLY 9/0

**10.4 Community Services reports**

OCM025/03/18 – Jarrahdale Community Infrastructure Reserve (SJ2081/RS0015)	
Author:	Helen Sarcich - Deputy CEO \ Director Community Services
Senior Officer/s:	Kenn Donohoe – Chief Executive Officer
Date of Report:	6 March 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report provides Council with an update as requested through resolution OCM158/11/17, for a Business Case to be presented to Council for consideration at the March 2018 OCM outlining how funds quarantined in the Jarrahdale Community Infrastructure Reserve is proposed to be applied.

Relevant Previous Decisions of Council

OCM078/06/17 - Community Events Calendar endorsement and in principal support for sponsorship of community events.

OCM158/11/17 – Perth Symphony Orchestra Concert - Council resolved to establish a Reserve Account – Jarrahdale Community Infrastructure and requested that a Business Case be presented to Council in March 2018 outlining how the \$50,000.00 funds in the Reserve be applied.

Background

At the Ordinary Council Meeting of 26 June 2017, Council endorsed the Perth Symphony Orchestra Concert as a large-scale economic development and tourism event and \$50,000 was carried forward from the 2016 / 2017 committed works reserve.

Following the endorsement of the Community Event calendar, Shire Officers requested an event proposal from the Perth Symphony Orchestra and consulted with an events company to assess event logistics such as infrastructure requirements (lighting, generators, and toilets), site management (rubbish, first aid), traffic management, licenses and approvals, and marketing and promotion. The total estimated budget for the proposed event was \$190,000 ex GST.

One of the contributing factors to the high cost is the need to bring in infrastructure to the Jarrahdale Oval site.

At the Ordinary Council Meeting of 27 November 2017 an item was presented to Council to consider a number of options for delivery of the event and Council resolved the following:

OCM158/11/17 *COUNCIL DECISION / Alternate Recommendation*
Moved Cr Byas, seconded McConkey

That, with respect to the proposed Perth Symphony Orchestra Concert, Council:

- 1. Endorses that the event concept be retained in the Shire's Annual Events Calendar;*



2. *Defers the proposed 2018 event for 12 months to allow corporate sponsorship agreements to be finalised to mitigate financial risks for the Shire in underwriting the event;*
3. *Resolves to establish a Reserve Account pursuant to section 6.11 of the Local Government Act 1995 as follows:*

<i>Reserve Name</i>	<i>Reserve Purpose</i>	<i>Establishment Date</i>
<i>Jarrahdale Community Infrastructure</i>	<i>To provide funds for the upgrade, renewal or replacement of community assets in the Jarrahdale locality</i>	<i>30 November 2017</i>

4. *Approves a budget variation pursuant to section 6.8 of the Local Government Act 1995 as follows:*

<i>Account Description</i>	<i>Account Number</i>	<i>Adopted 2017/18 Budget</i>	<i>Proposed 2017/18 Budget</i>	<i>Net Change</i>
<i>Perth Symphony Orchestra Concert</i>	<i>PSO600</i>	<i>(\$100,000)</i>	<i>\$0</i>	<i>\$100,000</i>
<i>Perth Symphony Orchestra Grant</i>	<i>OTC200</i>	<i>\$50,000</i>	<i>\$0</i>	<i>(\$50,000)</i>
<i>Transfer to Jarrahdale Community Infrastructure Reserve</i>		<i>\$0</i>	<i>(\$50,000)</i>	<i>(\$50,000)</i>

5. *Requests a Business Case to be presented to Council for consideration at the March 2018 OCM outlining how funds quarantined in the Jarrahdale Community Infrastructure Reserve is proposed to be applied.*

CARRIED BY ABSOLUTE MAJORITY 5/3

Councillors Coales, Piipponen and See requested their votes against the alternate recommendation be recorded.

Reason for difference to Officer Recommendation

The alternate recommendation were different to the Officers recommendations 3 and 4. The alternate recommendation restricts funding until such time as a business case is funded.

Community / Stakeholder Consultation

Shire staff have liaised with Executive Director Perth Symphony Orchestra, event management organisations, community groups and internal staff from Infrastructure Services in regards to the immediate infrastructure needs at the Jarrahdale Oval.

Statutory Environment

There are no statutory implications in the outcomes of this item.



Comment

The Shire's Community Infrastructure and Public Open Space Strategy suggests the use of Jarrahdale Oval as a dedicated events space and Officers and the community recognise the potential the site offers for numerous community events and activities.

In the Buildings Asset Management Plan endorsed by Council at OCM179/09/16, the ablutions and kiosk on site are identified to have a current level of service of 5, meaning:

- Does not provide a public focus for the Council, and is not a key area for Council activities.
- The facilities are used occasionally, a few times per month with low peak numbers.
- The assets are not a public focus for the delivery of Council services, although they may be important to the local community and the users.
- They may be facilities that are provided by Council and used by predominantly one community group.
- They do not need to provide an image that reflects and projects the quality of Council Services to the public.

The infrastructure currently on site is ageing and not adequate to meet the needs of the existing events or possible future events to be held at the oval. Issues identified include poor oval surface, lack of power, lack of water, parking and sub-standard ablutions and building structures.

Upgrades are required to create a venue to cater to existing uses and to attract event organisers and patrons and to make the most of the unique setting of the Oval. The limited infrastructure available on site makes it costly for event organisers therefore discourages use of the space.

In order to ensure that funds are spent on appropriate upgrades and renewal works with a coordinated approach it is considered necessary to undertake an assessment of the site, consider possible and current uses and their infrastructure needs, appropriate treatment for these needs and associated costs for undertaking the necessary works. The anticipated cost for undertaking this assessment is approximately \$35,000.

The purpose of the Jarrahdale Infrastructure Reserve created through resolution at the Ordinary Council Meeting of 27 November 2017 is "To provide funds for the upgrade, renewal or replacement of community assets in the Jarrahdale locality".

This purpose does not allow for the use of the \$50,000 set aside in the Reserve to undertake the assessment of the site. It is proposed to submit a Business Case through the 2018/2019 budget process to undertake the assessment work. Once completed this assessment report will allow the development of a Business Case for the expenditure of the funds in the Reserve and guidance as to any additional budget implications.

It is evident that there will need to be works undertaken at the site if the Shire wishes to continue to have the Oval used for events and activities; therefore, it is the Officers preference to retain the \$50,000 in the Reserve as opposed to using it for other upgrade, renewal or replacement works in the Jarrahdale locality.

The concept of an event by the Perth Symphony Orchestra will be retained on the Shire's Annual Event Calendar for the 2018/19 year at an alternate venue in the Shire.

Conclusion

With the provision of infrastructure upgrades the opportunities for use and activation of Jarrahdale Oval will be greatly increased. In turn this has positive flow on benefits to the Jarrahdale community and businesses.



It is necessary to ensure the needs of these various uses are considered and that the infrastructure upgrades and works undertaken are in an organised and strategic manner to realise the full use of the facility.

Attachments

Nil

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 3.2	A vibrant tourist destination experience
Strategy 3.2.1	Actively support tourism growth within the district

Financial Implications

Financial implications associated with undertaking an assessment of the site will be subject to the 2018/2019 budget process.

The balance of the Jarrahdale Community Infrastructure Reserve will remain unchanged.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's Recommendation	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

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



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

Voting Requirements: Simple Majority

OCM025/03/18 COUNCIL DECISION / Officer Recommendation

Moved Cr McConkey, seconded Cr Atwell

That Council:

- 1. Receives the update contained within this report in regards to the previous resolution requesting a Business Case be presented at the 26 March 2018 Ordinary Council Meeting.**
- 2. Considers an allocation of funds through the 2018/19 budget process to produce an assessment report to determine the required upgrade, renewal or replacement of community assets at Jarrahdale Oval and to provide concepts and costings for the potential of the space as an events and activities ground for use by the Shire and community.**

CARRIED 6/3

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

**OCM026/03/18 – Arts, Culture & Heritage Advisory Committee – Dates and Expressions of Interest (SJ2429)**

Author:	Rebecca Steinki – Manager Community Development
Senior Officer/s:	Helen Sarcich – Deputy CEO/ Director Community Services
Date of Report:	5 March 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to consider the appointment of six (6) community delegates to the Arts, Culture and Heritage Advisory Committee, as per the current Terms of Reference (OCM026.3/03/18), and adoption of the meeting dates and location for 2018.

Section 5.10 of the *Local Government Act 1995* allows for the appointment of community members to the Committee.

Relevant Previous Decisions of Council

OCM155/11/17 – The Arts, Culture and Heritage Advisory Committee was established at the Ordinary Meeting of Council on 27 November 2017. Two (2) Councillors and one (1) Deputy was appointed to the Arts, Culture and Heritage Advisory Committee for the period ending in October 2019.

Background

The intent for the Committee is to support outcomes and objectives outlined in the Strategic Community Plan and Corporate Business Plan by:

- Working towards the development of a Shire Public Art Policy and Local Heritage Strategy;
- Development of a Style Guide for signage;
- Providing input and advice towards the Shire's annual budget process related to arts, culture and heritage activities; and
- Engagement with stakeholders.

The Shire of Serpentine Jarrahdale Council, Committees, Community Committees and Working Groups Handbook 2017-2019 suggests that community delegate selections are to be based on the following four areas of interest;

- 1 x delegate with relevant Arts interest.
- 1 x delegate with relevant Heritage interest.
- 1 x delegate with relevant Cultural interest.
- 1 x delegate with a general community interest.

The Terms of Reference for the Committee does not stipulate the number of community delegates.

In line with the Handbook it was advertised that the Shire seek Expressions of Interest (EOI) to fill four positions on the Committee, however after receiving the EOI's it is evident that the breadth of expertise and experience of all candidates would be of benefit to the Committee.



Community / Stakeholder Consultation

The EOI for community representation on the Arts, Culture and Heritage Advisory Committee was advertised via Facebook, website and Public Notice (including the Examiner Newspaper and Public Noticeboards in the Library and Administration Buildings). The EOI was also emailed to relevant community database contacts.

Dates of advertisement were as follows, with submissions closing on 22 February 2018:

- Website – From 5th February 2018.
- Noticeboards/Letter to groups – From 7th February 2018.
- Examiner – 8th February 2018.
- Facebook – From 15th February 2018.

Statutory Environment

In accordance with Section 5.8 of the *Local Government Act 1995*, the appointment of community delegates to the Arts, Culture and Heritage Advisory Committee is to be determined by Council.

In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, by local public notice the 2018 Arts, Culture and Heritage Advisory Committee dates are to be advertised.

Comment

As part of the EOI process, applicants were requested to indicate their interest and relevant experience against the four areas specified. Attached to this report is a confidential summary of EOI's received (OCM026.1/03/18), however the selected areas of interest are demonstrated below:

Applicant	Arts Interest	Heritage Interest	Cultural Interest	Community Interest
Number One	X	X	X	X
Number Two		X	X	
Number Three	X	X	X	X
Number Four	X		X	
Number Five	X	X	X	X
Number Six (late EOI)	X	X	X	

The relevant, localised experience for each of the interest areas has been carefully considered due to the technical and professional advice each delegate will provide to the Committee (and its objectives). In particular, the establishment of a Public Art Policy will require specialised input from arts based representatives knowledgeable in both the vernacular of Public Art and the breadth of technical considerations that may be required in the scoping and commissioning of public art.

Officers are recommending that the late EOI be accepted. The recommended community delegate selections have been based on demonstrated relevant experience, vocational and professional understanding as well as recognised qualifications where applicable.

Options and Implications

Officers Recommendation

It is recommended that Council appoints six (6) community delegates, from the six (6) applications received as contained in the Confidential Attachment OCM026.1/03/18.

The proposed dates for the Arts, Culture and Heritage Advisory Committee meetings as per the draft public notice (OCM026.2/03/18) are as follows:

- Monday, 9 April 2018.



- Monday, 9 July 2018.
- Monday, 8 October 2018.

Meetings will be held for one hour in the Shire's Civic Centre commencing at 4.30pm.

Option One:

Based on information contained within the current EOI's, Council may choose to vary one (1) to all of the recommended community delegates for appointment to the relevant interest area/s. Officers suggest that any variation to the recommendation is not likely to provide the strongest or most robust Committee, given the significant knowledge and experience highlighted in the recommended appointments. The recommendation is anticipated to provide the strongest representation for technical and specialised considerations.

Option Two:

Should Council deem all of the applicants as unsuitable, it may be determined that no appointments be made at this time. Further applications would be requested via readvertising and/or targeted invite. This option would delay the progression of any Arts, Culture and Heritage Advisory Committee outcomes or objectives, until such time as the vacancies are filled and a quorum can be reached.

Conclusion

Council is to consider the appointment of six (6) community delegates to the Arts, Culture and Heritage Advisory Committee, as per the current Terms of Reference. The Officer's recommendation is based on information contained within the six (6) EOI's received, and is suggested in order to provide the most conversant Committee necessary, to provide knowledgeable, practical and reasoned guidance to Council.

Attachments

- **CONFIDENTIAL OCM026.1/03/18** - Summary of EOI's received (E18/1781)
- [OCM026.2/03/18](#) - DRAFT Public Notice of Meeting Dates (E18/1809)
- [OCM026.3/03/18](#) - Terms of Reference - Arts, Culture and Heritage Advisory Committee (E18/1173)

Alignment with our Strategic Community Plan

This item is relevant to the following objectives within the Strategic Community Plan:

Outcome 1.1	A healthy, active, connected and inclusive community.
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure.
Outcome 1.2	A recognised culture and heritage.
Strategy 1.2.1	Recognise local heritage.
Strategy 1.2.2	Encourage and support public art in public areas.

Financial Implications

There are no financial implications relevant to this matter.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Appointments not made to Arts, Culture and Heritage Council Committee.	Unlikely (2)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Risk

Risk Matrix

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

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



Voting Requirements: Absolute Majority

OCM026/03/18 COUNCIL DECISION / Officer Recommendation

Moved Cr McConkey, seconded Cr Atwell

That Council:

1. Pursuant to Section 5.8 of the *Local Government Act 1995* appoints six (6) community delegates from the Expressions of Interest received as contained in confidential attachment OCM026.1/03/18 to the Arts, Culture and Heritage Advisory Committee:

Community Delegate 1: Colleen Rankin

Community Delegate 2: Theresa Jennings

Community Delegate 3: Janette Skillington

Community Delegate 4: Marilyn Harris

Community Delegate 5: Lisa Brazier

Community Delegate 6: Jan Star

2. a) Adopts the Meeting Schedule dates as contained in attachment OCM026.2/03/18 and holds the Arts, Culture and Heritage Committee Meetings for 2018 at 4.30pm in the Civic Centre, Shire of Serpentine Jarrahdale, 6 Paterson Street, Mundijong on:

- Monday, 9 April 2018
- Monday, 9 July 2018
- Monday, 8 October 2018

- b) In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, advertises by local public notice the 2018 Arts, Culture and Heritage Advisory Committee dates.

CARRIED BY ABSOLUTE MAJORITY 9/0

**10.5 Office of the CEO reports**

OCM027/03/18 – Tourism Development Jarrahdale Expression of Interest (SJ2377)	
Author:	Kenn Donohoe – Chief Executive Officer
Date of Report:	8 January 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The Shire has worked in consultation with the community in Jarrahdale for many years investigating these precincts' historical and natural attractions with abundant opportunities to develop tourism precincts.

This agenda item seeks Council's authority to seek expressions of interest from the private sector to seek development opportunities for Lot 814 Jarrahdale Road, Jarrahdale. This portion of land is owned in freehold by the Shire of Serpentine Jarrahdale and has significant tourism potential to kick start a larger tourism opportunity for the town and its surrounds that may create an anchor development to also stimulate other opportunities in the wider area. i.e. Trails, Food Markets, drive in drive out opportunities, adventure tourism.

- By testing the market and inviting opportunity, Council may be able to determine what developments may be crooned towards investing in the Jarrahdale community that meet the community's development ideals.

Relevant Previous Decisions of Council

OCM145/10/17 – Confidential Item – Land Asset management Plan (SJ2081)

Background

The land owned in Freehold by the Shire was acquired by the Shire in 2000.

An ideal use for the land would be for tourism accommodation in the district that caters for overnight or limited stay accommodation together with a conference or event centre to locate a hub for tourists to "Experience SJ".

The above concept could be developed around the "glamping model" that is currently attracting visitors to the Margaret River and Swan Regions of Western Australia. This concept has also has been used for many years in the Kimberley Region of Western Australia.

Importantly, many reports and considerations have been proposed for Jarrahdale over several years. An opportunity exists for the Council to take a leading role and seek expressions of interest in the land with a view to negotiating a development upon the land.

Section 3.58 of the *Local Government Act 1995* allows a Council, subject to its provisions, to enter into private treaty negotiations with a third party to undertake a development. If the size of the development is significant it may come within the scope of the Section 3.59 of the Act (*Functions & General Regulations 7-10*) and the Local Government may be required to put together a business plan.

Alternatively, an opportunity may exist to call expressions of interest as a prelude to a formal tender proposal. A recommendation for this process may be to choose to call Expressions of Interest initially and then determine whether to proceed to a formal tender process with a scope in line with Council's Land Asset Management Plan.



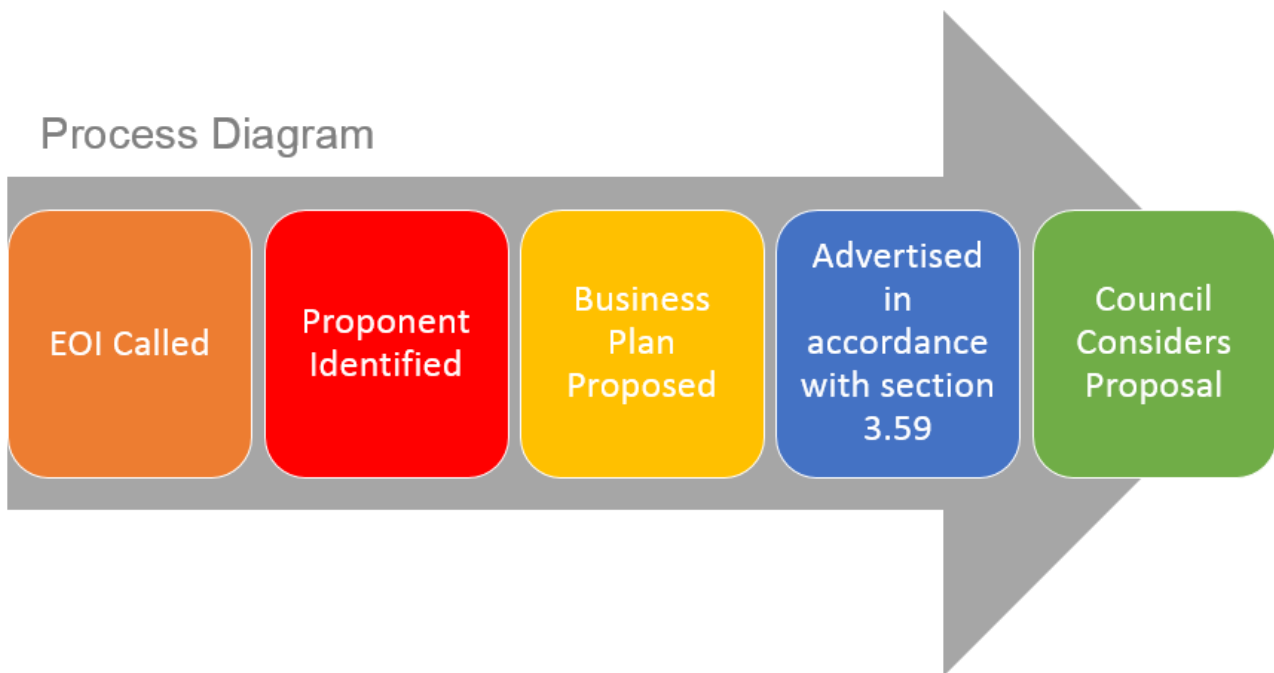
Council has prepared a number of documents in relation to the land parcel. One of the documents is the Land Asset Management Plan (2017) that identifies the land parcel as Freehold Land (Jarrahdale Heritage Park) with a proposed function of Heritage Park, Adventure Tourism and short-term accommodation forms.

From the above provisions, there exists a number of statutory provisions for which to engage with persons who may be interested in developing the site in line with what Council has adopted in the Land Asset Management Plan. These provisions being the advertising of the development in accordance with the disposition provisions under 3.59 of the Local Government Act and a Business Plan having been first prepared. Alternatively, there exists the provisions to call for an Expression of Interest for which Council may then choose to proceed to a further formal tender from persons that submitted an expression of interest after preparations of a Business Plan if the value of the development so warrants.

Considering Council's position in relation to the Land Asset Management Plan the most flexible option may be to call for Expressions of Interest as the broad scoping terms of the Land Asset Management Plan are very open to interpretation and only a Business Plan being prepared firsthand may be able to limit the scope. Council has not budgeted funds to achieve an engaged business plan being prepared in the 2017/18 financial year.

Council could then consider the Expressions of Interest submitted and consider whether to make a choice to invite some or all of the Expressions of Interest received to submit a formal tender following the statutory process.

Process Diagram



Community / Stakeholder Consultation

Significant planning programs have been determined over many years with the Community to develop projects within Jarrahdale. Most of which have not developed or have not been seen as successful developments by the community.

Some feedback from the Jarrahdale Community is for leadership to see projects develop. This anxiety was also recently witnessed at a community forum co-ordinated by the National Trust (WA) to consider uses of the Mill Managers House where the community expressed its anxiousness and frustration at seeing projects proposed and never developed.



A copy of signage erected in Jarrahdale in 2000 (as per below) is used to demonstrate some of the frustrations expressed by the community wanting to see the town progress and develop in challenging economic periods.



Statutory Environment

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and



- (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190;
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.
- 3.59. Commercial enterprises by local governments
- (1) In this section —
- acquire** has a meaning that accords with the meaning of **dispose**;
- dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
- land transaction** means an agreement, or several agreements for a common purpose, under which a local government is to —
- (a) acquire or dispose of an interest in land; or
 - (b) develop land;
- major land transaction** means a land transaction other than an exempt land transaction if the total value of —
- (a) the consideration under the transaction; and
 - (b) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;
- major trading undertaking** means a trading undertaking that —
- (a) in the last completed financial year, involved; or



- (b) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.

- (2) Before it —
- (a) commences a major trading undertaking; or
 - (b) enters into a major land transaction; or
 - (c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.
- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
- (a) its expected effect on the provision of facilities and services by the local government; and
 - (b) its expected effect on other persons providing facilities and services in the district; and
 - (c) its expected financial effect on the local government; and
 - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
- (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;and
 - (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.
- * *Absolute majority required.*
- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.



- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.
- (10) For the purposes of this section, regulations may —
 - (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.

Part 3 — Commercial enterprises by local governments (s. 3.59)

7. Term used: major regional centre

(1) In this Part —

major regional centre means a local government the district of which —

- (a) is not in the metropolitan area; and
 - (b) has more than 20 000 inhabitants.
- (2) Section 2.4(6) of the Act applies to determine the number of inhabitants of a district for the purposes of the definition of **major regional centre**.

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

(1) The amount prescribed for the purposes of the definition of **major land transaction** in section 3.59(1) of the Act is —

(a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —

- (i) \$10 000 000; or
- (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;

or

(b) if the land transaction is entered into by any other local government, the amount that is the lesser of —

- (i) \$2 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.
- (2) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —
- (a) the total value of —



- (i) the consideration under the transaction; and
- (ii) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed under subregulation (1); and

(b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —

- (i) the total value of the transaction; or
- (ii) variations throughout the State in the value of land.

[Regulation 8A inserted in Gazette 27 Sep 2011 p. 3844.]

8. Exempt land transactions prescribed (Act s. 3.59)

(1) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —

(a) without intending to produce profit to itself; and

(b) without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.

(2) For the purposes of subregulation (1)(b) a person is given joint use of land if the land is to be jointly used for a common purpose by the local government and that person (whether or not other persons are also given joint use of the land).

(3) A transaction under which a local government disposes of a leasehold interest in land is an exempt land transaction for the purposes of section 3.59 of the Act if —

(a) all or any of the consideration to be received by the local government under the transaction is by way of an increase in the value of the land due to improvements that are to be made without cost to the local government; and

(b) although the total value referred to in the definition of **major land transaction** in that section is more, or is worth more, than the amount prescribed for the purposes of that definition, it would not be if the consideration were reduced by the amount of the increase in value mentioned in paragraph (a).

9. Amount prescribed for major trading undertakings; exempt trading undertakings prescribed (Act s. 3.59)

(1) The amount prescribed for the purposes of the definition of **major trading undertaking** in section 3.59(1) of the Act is —

(a) if the trading undertaking is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —

- (i) \$5 000 000; or
 - (ii) 10% of the lowest operating expenditure described in subregulation (2);
- or

(b) if the trading undertaking is entered into by any other local government, the amount that is the lesser of —

- (i) \$2 000 000; or
- (ii) 10% of the lowest operating expenditure described in subregulation (2).

(2) The lowest operating expenditure referred to in subregulation (1) is the lowest of —



- (a) the operating expenditure incurred by the local government from its municipal fund in the last completed financial year; and
- (b) the operating expenditure likely to be incurred by the local government from its municipal fund in the current financial year; and
- (c) the operating expenditure likely to be incurred by the local government from its municipal fund in the financial year after the current financial year.
- (3) A trading undertaking is an exempt trading undertaking for the purposes of section 3.59 of the Act if —
- (a) the undertaking —
- (i) in the last completed financial year, involved; or
- (ii) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed under subregulation (1); and
- (b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which expenditure is, or is likely to be, more than the amount prescribed under subregulation (1) is not significant taking into account —
- (i) the total value of the undertaking; or
- (ii) variations throughout the State in the value of land.
- [Regulation 9 amended in Gazette 31 Mar 2005 p. 1054; 27 Sep 2011 p. 3845.]
10. Business plans for major trading undertaking and major land transaction, content of
- (1) If a local government is required to prepare a business plan because of a major trading undertaking or major land transaction that it is to carry on or enter into jointly with another person —
- (a) the business plan is to include details of the whole undertaking or transaction, even though the local government is not the only joint venturer; and
- (b) the business plan is to include details of —
- (i) the identity of each joint venturer other than the local government; and
- (ii) the ownership of, and any other interests in, property that is involved in, or acquired in the course of, the joint venture; and
- (iii) any benefit to which a joint venturer other than the local government may become entitled under or as a result of the joint venture; and
- (iv) anything to which the local government may become liable under or as a result of the joint venture.

- (2) In subregulation (1) —

joint venture means the major trading undertaking or major land transaction that is to be jointly carried on or entered into;

joint venturer means the local government or another person with whom the local government is to carry on or enter into the joint venture.

21. Limiting who can tender, procedure for

- (1) If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.

- [(2) deleted]



- (3) If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.
- (4) The notice is required to include —
- (a) a brief description of the goods or services required; and
 - (b) particulars identifying a person from whom more detailed information may be obtained;
- and
- (c) information as to where and how expressions of interest may be submitted; and
 - (d) the date and time after which expressions of interest cannot be submitted.

[Regulation 21 amended in Gazette 18 Sep 2015 p. 3808.]

22. Minimum time to be allowed for submitting expressions of interest

The time specified in the notice as the time after which expressions of interest cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.

23. Rejecting and accepting expressions of interest to be acceptable tenderer

- (1) An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.
- (2) An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.
- (3) Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.
- (4) The CEO is to list each of those persons as an acceptable tenderer.

Attachments

- [OCM027.1/03/18](#) - Aerial Photograph (E18/1503)

Financial Implications

At this period of the process costs are estimated at between \$3,000-\$5,000 for advertising and material preparation. Acknowledging that a further path, which will be dependent on the development of the land or portions of the land, may trigger other legal requirements and additional costs.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Activating too early considering planning strategy still in development	Possible (3)	Minor (2)	Low (1-4)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact	Accept Risk



				on key stakeholder trust or moderate media profile	
Expressions of Interest versus Business Plan development conflicts of process	Possible (3)	Minor (2)	Low (1-4)	Compliance - 2 Minor - Regular noticeable temporary non-compliances	Treat through managing scope to ensure persons are aware that a Business planning process may be required depending on cost of development..
Partial development request of site received	Possible (3)	Moderate (3)	Low (1-4)	Property - 1 Insignificant - Inconsequential or no damage	Accept Risk

A possible risk remains in relation to the unknown Heritage values on the site. The area known as the Rotunda, the old single man's quarters are in various states of disrepair and there are other antiquities on the site that will need retention and built in inclusion to the site or some other form of retention whether that be by photographic or other means.

Further, it is recommended that the recently formed Arts Culture and Heritage Committee be involved in working with interested parties to retain the Heritage feel of the site should Council receive an Expression of Interest or development of a business plan be required.

Risk Matrix

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

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

Voting Requirements: Simple Majority

OCM027/03/18 COUNCIL DECISION / Officer Recommendation
Moved Cr Coales, seconded Cr Gossage



That Council:

- 1. Calls for Expressions of Interest to develop its land interests on Lot 814, Jarrahdale Road, Jarrahdale for the purpose of developing a Tourism Development with the key objectives of short-term accommodation, adventure tourism, activated tourism spaces, and**
- 2. Requires Expressions of Interest to be submitted to the Economic Development Advisory Committee in the first instance, with a recommendation being presented by the Economic Development Advisory Committee, to Council to partner, lease or otherwise consider economic development opportunities at Lot 814 Jarrahdale Road, Jarrahdale.**

CARRIED UNANIMOUSLY 9/0



Councillor Gossage declared a Financial Interest in item OCM028/03/18 and left the room at 9.28pm while this item was discussed.

OCM028/03/18 – Chief Bushfire Control Officer Recruitment Scope (SJ1375)	
Author:	Andre Schonfeldt - Director Development Services
Senior Officer/s:	Kenn Donohoe, Chief Executive Officer
Date of Report:	15 March 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

In September 2017, Council Officers presented a report to Council in relation to the appointment process of the Chief Bushfire Control Officer. This report outlined that an independent report was commissioned because of concerns by elected members into the appointment process undertaken during the period of late 2016 to early 2017. In particular there were perceived concerns being raised by brigade members as to process and fairness.

To alleviate the concerns and determine the effectiveness of the process the Chief Executive Officer appointed LGIS to undertake an independent review into the appointment process. This review process included interviewing a number of staff and brigade members with the findings identified in the report.

In considering the report Council resolved to require the Chief Executive Officer to work with the Brigade Captains to develop a scope for a recruitment process to be run by an independent firm from March through to June 2018. This report presents Council with the outcomes of the workshop held with the Brigade Captains and a draft outline of the intended scope for an independent firm to undertake the recruitment process, whilst working in with the Captains.

Relevant Previous Decisions of Council

OCM133/09/17 – Confidential - Chief Bushfire Control Officer Appointment Process

Council in September 2017 resolved as follows:

That Council:

- 1. Requests the Chief Executive Officer to prepare a scope of works for the engagement of an independent firm to work with Brigade Captains to recruit an honorary Chief Bushfire Control Officer for a three (3) year term.*
- 2. Requests the scope of works to be provided to Council for its ratification.*
- 3. Requests the recruitment process to commence from March 2018 and be concluded by June 2018 subject to an agreed scope having been first agreed by the Council.*
- 4. Appoints Mr Ken Elliot, Mr Jim Johnson and Mr Dave Gossage as Deputy Chief Bushfire Control Officers to work in support of the incumbent Chief Bushfire Control Officer, Ms Kim Maddern for the 2017/18 Bushfire Season.*

CARRIED 5/2

Councillor Rich requested that her vote against the vote be recorded.

Reason for Difference to Officer Recommendation; An alternative recommendation was tabled at the meeting. This alternative recommendation was moved and seconded and subsequently put. The Officers



Recommendation was changed by adding clause 4, that Council appoints the three (3) Deputy Chief Bushfire Control Officers for the 2017/2018 Fire Season to support the Chief Bushfire Control Officer at this time.

Background

A workshop was held with the Brigade Captains on 14 March 2018 regarding the requirements set out under the Council resolution in relation to the recruitment process for the Chief Bushfire Control Officer. The intent of the workshop was also to establish what level of involvement the Captains would like to have in the process. Council Officers outlined that there were a number of failures in the previous process as identified in the independent review conducted by LGIS.

The Captains agreed that the concerns raised regarding the previous process were valid. With that in mind, Council Officers recommended that in order to move forward, and to learn from the past mistakes, Principles should be established that would guide the development of the Scope of Works and also the process throughout. As such, Council Officers recommended that the Principles identified in the review process by LGIS, be discussed, modified and agreed to as the basis for the Scope of Works and the associated recruitment process.

Principles Agreed

1. Volunteer management essentially reflects the Shire's HRM policies and procedures, but are modified to meet the needs and circumstances of volunteers.
2. The organisation plans its volunteer recruitment and selection strategies based on the collection and analysis of factual data.
3. The process of recruiting is non-discriminatory.
4. Merit based in that a competitive field is established.
5. Develops appropriate procedures to screen applicants and control the selection process.
6. Considers how applicants have carried out any previous employment or occupational duties.
7. The process is controlled in terms of following established procedures.
8. The decisions are to be impartial and free from bias, nepotism and patronage.
9. The process meets the needs of both volunteers and the organisation.
10. Decisions are transparent and capable of review.

There was a lot of discussion regarding the Principles and particularly around the notion of the process needing to be merit base to get the best person for the job. The Brigade Captains agreed to the Principles as Guiding Principles for the process and the development of the Scope of Works.

The next order of business during the meeting was to consider the draft Proposed Scope of Works. The intent was to outline the steps required to be fulfilled by an independent firm that would achieve the level of involvement Brigade Captains would like to have during the process and to determine what requirements the Shire would have in the process. Through the workshop process, the following steps were agreed to by all Brigade Captains as the outline for a Scope of Works that the Shire could use to seek quotations and appoint an independent firm to undertake the recruitment process.

Draft Scope of Works

1. Review the position description and selection criteria for the Chief Bushfire Control Officer.
2. Develop a scoring matrix based on the selection criteria set out in 1.
3. Workshop the Position Description, Selection Criteria and Scoring Matrix with the Brigade Captains and the Current Volunteer 1st Deputy Chief Bushfire Control Officer. It is intended that the Shire's Director Development Services will be in attendance at these workshops.



4. Drafting a Job Advertisement and Information Package.
5. Undertake Preliminary Assessments / Background check of applicants.
6. Develop a shortlist of potential candidates.
7. Hold a workshop with the Brigade Captains, the Current Volunteer 1st Deputy Chief Bushfire Control Officer and the Shire's Director Development Services regarding the shortlist and the upcoming interviews.
8. Coordinate and conduct interviews using selection tools including the scoring matrix set out in 2. Please note at the workshop of 14 March 2018, it was agreed that the Byford Volunteer Bush Fire Brigade's Captain and the Director Development Services along with the independent consultant would form up the interview panel. Should the Byford Bush Fire Brigade's Captain not be available, the Keysbrook Volunteer Bushfire Brigade Captain would stand in.
9. Following the interviews conduct a workshop with the Brigade Captains, the Current Volunteer 1st Deputy Chief Bushfire Control Officer and the Shire's Director Development Services regarding the outcomes of the interviews and the recommendation from the panel.
10. Prepare a recommendation to the Chief Executive Officer for appointment and Council for endorsement based on the outcomes of the process.

As outlined above the Brigade Captains have during the workshop of 14 March 2018 agreed to this as the draft Scope of Works. The proposed timeline was discussed and is set out as follows:

- 26 March – Council requested to adopt the draft Scope of Works;
- April – Independent Firm appointed to conduct recruitment process and Steps 1-3 of scope completed (i.e. position is advertised);
- May – Applications are received, screened by independent firm and interviews undertaken;
- June – Chief Bushfire Control Officer appointed by the Chief Executive Officer and endorsed by Council.

This timeline allows the Shire to achieve the timeframes set out in Council's resolution of September 2017. As such, Officers recommend that Council support the draft Scope of Works and timeline as outlined above in order for Officers to request quotations and appoint an independent firm to undertake the recruitment process accordingly.

Community / Stakeholder Consultation

Workshop held with Brigade Captains - 14 March 2018



Statutory Environment

The following delegation outlines the authorisation given by Council to the Chief Executive Officer to appoint the Chief Bushfire Control Officer in accordance with the *Bush Fires Act 1954 section 38*:

3.1.8. Appoint Bush Fire Control Officer/s

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Delegate:	Chief Executive Officer
Function: <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. The Chief Executive Officer is delegated authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a) Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officers; and b) Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. The Chief Executive Officer is delegated authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire [s.38(5A)] 3. The Chief Executive Officer is delegated authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> a) Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. An appointment made under s.38(1) shall cause a local public notice to be published [s.38(2A)]. 2. Records of names, addresses and usual occupations are to be maintained for all Bush Fire Control Officers appointed. [s.50(1)(b)].
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Delegations (HPRM file E17/8721), in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	The Register of Delegations is to be reported monthly in the Councillor Information Bulletin.



Authority
	Chief Executive Officer	Date

Version Control:

1	SCM163/12/17 – 19 December 2017
2	
3	

Please note whilst this delegation exists, it is the intention that the appointment be endorsed by Council prior to the appointment occurring as is outlined in the Scope of Works above.

Options and Implications

Option 1 is for Council to support the Officer’s recommendation to endorse the Scope of Works and timeline as outlined in the body of this report in order for the staff to conduct a procurement process for an independent firm to undertake the recruitment process for a Chief Bushfire Control Officer.

Option 2 is for Council to consider whether or not Council requires modifications to the proposed Scope of Works or process and to give direction to staff as to what modifications are required.

Conclusion

Council Officers have workshopped the proposed Scope of Works for the recruitment of a Chief Bushfire Control Officer with the Brigade Captains in accordance with Council’s resolution of September 2017. This report outlines the ten principles and ten steps agreed to by the Brigade Captains to ensure the process is conducted in an appropriate manner and allows the Brigade Captains the level of involvement requested. Council Officers recommend that Council support the proposed Scope of Works and request the Chief Executive Officer to undertake the necessary associated processes to achieve the intended outcomes.

Attachments

Nil

Alignment with our Strategic Community Plan

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

Financial Implications

The recruitment process will be undertaken within the existing operational budget.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council amending or not supporting the recommendation.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Manage by providing reasons for the change or additional steps required.

Risk Matrix

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

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



Voting Requirements: Simple Majority

OCM028/03/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council:

- 1. Notes the outcomes of the workshop conducted on 14 March 2018 with the Bushfire Brigade Captains.**
- 2. Endorses the following Scope of Works for the recruitment of the Chief Bushfire Control Officer:**
 - a. Reviews the position description and selection criteria for the Chief Bushfire Control Officer.**
 - b. Develops a scoring matrix based on the selection criteria.**
 - c. Workshops the Position Description, Selection Criteria and Scoring Matrix with the Brigade Captains and the Current Volunteer 1st Deputy Chief Bushfire Control Officer. The Shire's Director Development Services (or his Delegate) will be in attendance at these workshops.**
 - d. Drafts a Job Advertisement and Information Package.**
 - e. Undertakes Preliminary Assessments / Background check of applicants**
 - f. Develops a shortlist of potential candidates.**
 - g. Holds a workshop with the Brigade Captains, the Current Volunteer 1st Deputy Chief Bushfire Control Officer and the Shire's Director Development Services regarding the shortlist and the upcoming interviews.**
 - h. Coordinates and conduct interviews using selection tools including the scoring matrix. (Note: At the 14 March 2018 workshop it was agreed that the Byford Volunteer Bush Fire Brigade's Captain and the Director Development Services along with the independent consultant would form up the interview panel. Should the Byford Bushfire Brigade's Captain not be available, the Keysbrook Volunteer Bushfire Brigade Captain would stand in.)**
 - i. Following the interviews conduct a workshop with the Brigade Captains, the Current Volunteer 1st Deputy Chief Bushfire Control Officer and the Shire's Director Development Services regarding the outcomes of the interviews and the recommendation from the panel.**
 - j. Prepares a recommendation to the Chief Executive Officer for appointment and Council for endorsement based on the outcomes of the process.**
- 3. Requests the Chief Executive Officer to undertake the necessary procurement process to appoint an independent firm to deliver the services outlined in the Scope of Works.**
- 4. Be presented with the recommendation from the independent firm and the interview panel in order for Council to appoint the Chief Bushfire Control Officer in accordance with s38 of the *Bush Fires Act 1954*.**

CARRIED 5/3

Councillor Gossage returned to the Chambers at 9.31pm.

The Shire President informed Councillor Gossage that the Officer Recommendation was carried 5/3.



10.6 Confidential reports

COUNCIL DECISION

Moved Cr McConkey, seconded Cr Atwell

The meeting is to be closed to members of the public at 9.31pm whilst item OCM029/03/18 is discussed pursuant to section 5.23(2)(c) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 9/0

Local Government Act 1995

5.23 Meetings generally open to the public

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

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



OCM029/03/18 – CONFIDENTIAL - Rivers Regional Council – Request to execute various documents related to proposed Waste to Energy project (SJ514-08)	
Author:	Ray Davy – Acting Director Infrastructure Services
Senior Officer/s:	K R Donohoe – Chief Executive Officer
Date of Report:	13 March 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

OCM029/03/18 Officer Recommendation:

That Council:

1. Authorises the Shire President and the Chief Executive Officer to engross the documents attached in CONFIDENTIAL OCM029.1/03/18 and CONFIDENTIAL OCM029.2/03/18.
2. Declines to endorse the signing of the Supplemental Deed as in CONFIDENTIAL attachment OCM029.3/03/18.
3. Advises the Rivers Regional Council of the Shire's wish to enter into discussions aimed at the potential withdrawal of the Shire from the project.

OCM029/03/18 COUNCIL DECISION / Amended Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council:

1. Notes and approves in principle the variations to existing agreements as detailed in attached documents CONFIDENTIAL OCM029.1/03/18 and CONFIDENTIAL OCM029.2/03/18, but reserves its formal legal position pending receipt of final versions of these documents for execution.
2. Declines to endorse the signing of the Supplemental Deed as attached in CONFIDENTIAL attachment OCM029.3/03/18.
3. Advises the Rivers Regional Council of the Shire's wish to enter into discussions aimed at varying the terms of the Shire's obligations or the potential withdrawal of the Shire from the project.

CARRIED UNANIMOUSLY 9/0

Reason for amended Officer Recommendation: Deferral of financial close as advised by the Rivers Regional Council Chief Executive Officer meant that there is no longer an urgency to execute documents as presented.



COUNCIL DECISION

Moved Cr Atwell, seconded Cr Piipponen

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

CARRIED UNANIMOUSLY 9/0

The Shire President informed Members of the public that the Amended Officer Recommendation for OCM029/03/18 was carried unanimously 9/0.

11. Urgent business:

Nil

12. Councillor questions of which notice has not been given:

12.1 Councillor Coales

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

1. Why wasn't the question by Mr Erskine answered in relation to the dates that the traffic was monitored on Old Brickworks Road?

The Acting Director Infrastructure responded that Mr Erskine did not ask the dates that the traffic was monitored.

2. What were the dates that the traffic was monitored on Old Brick Works Road? eg the 16 day period that was mentioned by the Acting Director Infrastructure during Public Question time.

The Shire President advised Councillor Coales that the question would be taken on notice and a response provided.

13. Closure

There being no further business, the Presiding Member declared the meeting closed at 9.43pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 22 April 2018.

.....
Presiding Member

.....
Date