



Shire of  
Serpentine  
Jarrahdale

# Ordinary Council Meeting Minutes

## Tuesday 26 September 2017

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#### In Person

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



[www.sjshire.wa.gov.au](http://www.sjshire.wa.gov.au)



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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Tuesday 26 September 2017. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid his respects to their Elders past and present.

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## Minutes

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

#### In Attendance:

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

**Officers:** Mr K Donohoe ..... Chief Executive Officer  
Mr A Schonfeldt ..... Director Planning  
Mr P Kocian ..... Acting Director Corporate and Community  
Mr P Balley ..... Manager Infrastructure and Design  
Ms A Liersch ..... Minutes and Governance Officer (Minute Taker)

#### Leave of Absence:

**Apologies:** Mr D Elkins, Director Engineering

#### Observers:

Members of the Public – 30  
Members of the Press – 1  
Shire Officers - 1

### 2. Public question time:

#### 2.1 Response to previous public questions taken on notice:

There were no questions taken on notice at the Ordinary Council Meeting held on 28 August 2017.



## 2.2 Public questions:

Public question time commenced at 7.01pm.

### **Mrs L Bond, Box 44, Armadale WA 6112**

#### Question 1

Which officer is responsible for checking that mileage claims have not been duplicated for the same month?

Response

*This question was answered in part at the August OCM with the response as follows:  
The Shire has established a template on which Councillors are to document their claims relating to Council Policy G003 – Councillor Entitlements. Claims for mileage are reconciled against appointments and meeting attendances in the Councillor's diary.*

*Claims are checked by the Executive Support Officer and then submitted to the Acting Director Corporate and Community for payment authorisation.*

#### Question 2

Why is there such opposition to the ratepayer knowing which councillors attend paid meetings, if they attend and what they get paid?

Response

*Councillor attendance to all Council and Committee Meetings is recorded in the minutes of those meetings.*

*Councillor entitlements are resolved as part of the annual Budget process and the amount of fees and allowances are disclosed in the Budget, as well as in the Annual Report. Payments to individual councillors also feature in the monthly list of payments presented to each Council meeting. This information is publicly available.*

#### Question 3

Why is there \$169.10 paid for lollies/water and tea bags? Why are tea bags claimed again when they would normally be claimed under consumables?

Response

*Further information is requested so this question can be researched – does this relate to a payment made in the monthly list of payments?*

### **Mr J Kirkpatrick, 77 Mead Street, Byford WA 6122**

In reply to Question 1 by Mr WJ Kirkpatrick on the 25 May 2016 that a date has not been set yet to comply with Policies G003 Clauses 13.1 and 13.2 Question 1:

#### Question 1

When is this date going to be set as it is now some 16 months later and this has not happened and the relevant people notified?

Response

*Clause 13.1 and 13.2 of Policy G003 Councillor Entitlements states:*

*13.1 Retiring Councillors are recognised at the last Ordinary meeting of Council before the election or at an official function recognising past Councillors.*

*13.2 Retiring Councillors are presented with:*

- their name badge*
- their name plaque*



- a certificate of service
- a gift up to the value of \$100 per year of service to a maximum of \$1000 (provided that at least one full 4 year term of office has been served)

*The definition of a retired Councillor is when they no longer hold office, irrespective of circumstances. The Shire will hold a civic ceremony before the end of the 2017 calendar year recognising retired Councillors since the 2015 election.*

Question 2

How much money did Mr Stephen White pay in lieu of public open space and shortfall of parking bays for his shopping centre at the intersection of Pitman Way, Southwest Highway and George Street? As in reply to question 3 on 7 December 2015, it stated that there were no records of any funds being received or in reserve for this purpose and has this been clarified?

Response

*This question will be taken on notice as it requires research through old records and liaising with the Finance Department.*

Question 3

Could I have a direct answer to question 1 as asked at the OCM Monday 28 August 2017 as the reply given is just general information about the issue and not a reply to the specific question as asked?

Response

*The Shire does not disclose publicly whether a complaint of this nature has been lodged with the Standards Panel or another Agency for confidentiality reasons, unless there is a requirement to do so pursuant to Section 5.121 of the Local Government Act 1995 which is publicly accessible pursuant to 5.94(ab). No minor breach was recorded in the Complaints Register aforementioned by the Complaints Officer of the time.*

**Mr C Moulton, 160 Comic Court Circuit, Darling Downs WA 6122**

Question 1

The development of the Kardan Boulevard intersection has had a significant effect on the life styles of Special Rural residents on the northern side of Thomas Rd and it has decreased property values by up to \$200,000. The approval of a McDonalds Franchise will significantly increase traffic and antisocial behaviour through this intersection. As a representative of those residents in Darling Downs, I would like to know what the Council and the Shire propose, as part of the development application, by the way of sound / light pollution barriers and traffic pacification, to address the impact this development will have?

Response

*Shire Officers acknowledge that the Redgum Brook residential area has been subject to substantial growth in population as new lots have been created and residents have moved into newly constructed dwellings.*

*However, Shire Officers note that the growth in population and its flow-on effects such as additional vehicle traffic was planned for through the Structure Planning processes completed in 2005. In addition, the Structure Planning processes identified the subject site for mixed use development which includes commercial businesses. Working within this current planning framework the proposal Officers have recommended that a condition be placed on the planning approval to ensure that lighting from the site will comply with the relevant Australian Standards. The applicant also proposed to construct a two metre high wall on the eastern boundary of the site to reduce impacts on nearby residential properties.*



*In addition landscaping is proposed on all sides of the proposed development, including at the end of the drive through, where tall shrubs are proposed to interrupt headlight beams of vehicles moving through the drive-through and decrease light impacts towards Thomas Road.*

*The Applicant provided a Noise Assessment as part of the application which indicates that the proposed development is predicted to comply with the Environmental Health (Noise) Regulations. On this basis, Officers have not recommended imposing any additional conditions on the proposed development.*

*The Applicant provided a Traffic Impact Assessment which indicates that the proposed development will not have an undue traffic impact on nearby intersections. As noted in the Council Report, the Thomas Road and Kardan Boulevard intersection will need to be re-designed in the longer term (2031). However, the requirement for upgrading the intersection is not directly related to the proposed development and is also being considered through the Byford Development Contribution Plan No. 4 as the overall growth of the area is considered to be the main contributor to the need for an intersection upgrade in the future, rather than being required as a result of the proposed development.*

Question 2

I would like to ask the proponent of the MacDonald's franchise if, as a good corporate citizen and to demonstrate some care for the community it is going to profit from, will it fund and manage the planting of trees and shrubs along the bridal path on the northern side of Thomas Rd, to reduce the impact of noise and light from their development?

Response

*The proposal aims to address the issues raised on the site as responded to in Question 1. Additional treatment to the north of Thomas road is not seen as being required as a result of this application.*

Question 3

As part of the future redevelopment of either Thomas Rd or Kardan Boulevard, a permanent sound barrier needs to be constructed along the northern side of Thomas Rd. Will the Council commit to ensuring that this will be included in any future development works along this road?

Response

*At this stage there are no finalised plans for an upgrade of Thomas Road. This road may also be handed over to Main Roads that will need to look at the upgrades required. As part of a future project there may be an opportunity for community input into the design.*

**Public question concluded at 7.13pm.**

**3. Public statement time:**

**Public statement time commenced at 7.13pm.**

**Mrs L Bond, Box 44, Armadale, WA 6112**

Once again we have an election coming up and many of us will be happy to see particular councillors lose their positions. It is disappointing to see that many who are running have never come to a council meeting until recently and they come now just to get themselves known. Political interference will be the cause of more people being elected to council who will do nothing for the ratepayer. Already we are seeing the bully behaviour of some candidates, not a good look when you claim you want to serve the ratepayer. There are those who think so little of the intellect of the



voting ratepayer they will promise you anything and it appears by their rhetoric that they believe they will be controlling the council. This may come as a shock to some of you but there is more than one councillor, but often we can be excused from thinking there isn't because of their behaviour. Candidates interested in running for this election should be aware that lies told now will come back to haunt you should you get on council. The ratepayer is not interested in your posturing to build your own ego. They don't want to hear how honest & transparent you will be because they know this has been said many times before and many of us have become used to the same old words with no meaning. Using the same old carrot to get votes by claiming you will freeze rates for two years, get fairer rates, stop rate increases because you know the mention of rates resonates with people because they are hurting. This election has a new breed who will raise your rates really high with all the stupid promises they are making. Show them you are more intelligent than they are giving you credit for. Throw out the mouldy bread and sweep away the crumbs.

**Mr J Kirkpatrick, 77 Mead Street, Byford WA 6122**

I read the minutes of the Council meetings for the past two years to see what the Shire had achieved under the stewardship of Councillor Erren as President. Taking in to consideration that we are the fastest growing local government in Western Australia and the fourth fastest in Australia, I expected to see a number of improvements to Community infrastructure.

What did I find? An upgrading of the lights at Mundijong and Byford ovals and very little else. A token start to the skateboard facility at Byford about as big as the one in Jarrahdale. We did build a doggy park so that the dogs could run free.

No new or upgraded roads to cater for the increase in traffic, still the traffic jams in Abernethy Road and the dangerous intersection at George Street. No extra sporting facilities. The footpath removed along Abernethy Road from Thatcher to Kardan Boulevard causing pedestrians and disabled to have to walk on the roadway in amongst the traffic.

I did find that we had paid the CEO and Director of Finance to leave the Shire employ so they went off with their pockets full of ratepayer's money.

I did find that we had made a contribution to an exclusive private members only private club of over \$2,000,000.00 in cash and kind. I did find that a number of ratepayers had been refused membership of this exclusive club. It would appear that the entire available grant funding for the district had gone into this club and licensed restaurant so there was none available for anything else.

It was noticeable that the Shire was selective in who it would prosecute for land clearing without a permit, although the Shire has been in the local paper stating that a permit is required for all vegetation removal notwithstanding that it has been drawn to the attention of the Presiding member in public question time on more than one occasion, including clearing along a creek line in George Street. It seems to help if a local Councillor is involved.

The Councillors voted themselves a substantial pay rise. I believe the President may have got about an extra \$750.00 a week, beats having a real job. I did notice a couple of Councillors declined the extra money, thank you Councillors Rich and Atwell.

I could go on but just read the minutes of Council meetings and see what happens and who has voted for what.

**Public statement time concluded at 7.19pm.**





## **4. Petitions and deputations:**

### **4.1 Peter Simpson, PTS Town Planning**

Our deputation relates to Agenda Item OCM132/09/17 relating to the proposed signage at Lot 77 (17) Abernethy Road, Byford.

In General terms, the purpose of our deputation is to request that the Council delete Condition 5 of the Approval that states *'no signage be placed on the southern portion of the building as it faces residential lots'* on the basis that:

- The signs are setback 13.5 metres from the property boundary and 29 metres to the nearest residential window (noting the window cannot view the signage).
- The illumination of the signage is not directional and therefore will not impact the residential dwellings.
- The Approved Local Development Plan for the residential properties to the south requires the provision of a double carport from the laneway, which faces the KFC store.
- The sections submitted for each of the signs shows that there is no direct line of sight from the signs to any residential windows.

## **5. President's report:**

Hello and welcome to the September Ordinary Council Meeting.

This month the Shire completed stage one of the Byford Skate Park, a project that aims to see local youth engaged within our community. This project links to the work already done in opening the Byford Youth Room at the SJ Community Recreation Centre, with both forming integral parts of the Briggs Park Recreation Precinct.

Council continues to lobby the State and Federal Governments for funding to continue with these kinds of projects, and we are pleased to announce that last week the Mundijong Serpentine Little Athletics Club and the Mundijong Centrals Football and Sportsman's Club were granted \$20,000 through the State Government's Local Projects, Local Jobs initiative. It's wonderful to see long-standing, local clubs receiving this kind of support.

The annual Jarrahdale Log Chop and SJ Lions Fair is on this coming Sunday, 1 October, from 10am. The event is WA's biggest wood chop and country fair event, with attractions including world class wood chopping, children's rides, variety charities, a licensed bar and live entertainment. I'll look forward to seeing many of you there.

Congratulations to the Mundijong Volunteer Bushfire Brigade which has won first place in the Heavy Hose and Rural Urban Interface in the State Bushfire Championships.

We are lucky to have many passionate, dedicated people in Serpentine Jarrahdale. They volunteer their time and expertise in bettering our community, and often are the unsung heroes among us. We have the opportunity to acknowledge these people through nominating them for the Australia Day WA Citizen of the Year Award. The awards are presented across five categories:

- Citizen of the Year
- Citizen of the Year (Youth – under 25 years)
- Citizen of the Year (Senior – over 65 years)
- Active Citizenship for a Community Group of Event and



- Clem Kentish Community Service Award – 20 years minimum length of service to the community.

You can nominate online through the awards website [www.citizenshipawards.com.au](http://www.citizenshipawards.com.au) or visit the Shire Administration office to pick up a hard copy form. Nominations close on 31 October 2017.

Lastly, the Local Government Ordinary Election will take place on 21 October 2017, which is before our next Council meeting which is currently scheduled on 23 October 2017. Please encourage everyone you know to vote, because their voice does make a difference to the community. Information regarding voting packs is available on the Shire's website. I would like to take this opportunity to offer all candidates my very best wishes for an exciting election day. I have enjoyed the challenges of leading Council through a difficult journey post Local Government reform, and would like to thank everyone for their support. I look forward to seeing what the bright future holds for Serpentine Jarrahdale.

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

Councillor Gossage declared a Financial interest in Confidential item OCM133/09/17 as he applied for the position of volunteer Chief Bushfire Control Officer. Councillor Gossage will leave the chambers when this item is discussed.

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

### **7.1 Ordinary Council Meeting – 28 August 2017**

#### **COUNCIL DECISION**

**Moved Cr Piipponen, seconded Cr Ellis**

**That the minutes of the Ordinary Council Meeting held on 28 August 2017 be confirmed (E17/8350).**

**CARRIED UNANIMOUSLY 8/0**



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

### 8.1 Planning reports

<b>OCM124/09/17 - Local Planning Policy No. 81 – Minor Development (SJ2008)</b>	
<b>Author:</b>	Robert Casella – Senior Strategic Planner
<b>Senior Officer/s:</b>	Deon van der Linde – Executive Manager Strategic Planning Andre Schonfeldt – Director of Planning
<b>Date of Report:</b>	5 September 2017
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Introduction

The purpose of this report is for Council to adopt Local Planning Policy No. 81 – Minor Development (LPP 81) following the closure of the formal advertising period.

As part of the advertising process, the Shire received no external submissions, however additional internal comments were received during this period. The internal comments resulted in minor amendments to the policy to improve clarity and policy intent. No new provision have been included.

Officers recommend Council adopt LPP 81 subject to the modifications identified in the report and reflected in the attachments.

#### Relevant Previous Decisions of Council

OCM108/06/16 – Council resolved to adopt Local Planning Policy No.81 with the provision for rainwater tanks being amended.

#### Background

The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) set out a range of development works and uses where development approval is not required by the local government. It also provides for local governments to exempt development through local planning policies.

The Shire, in line with the Regulations, proposed LPP 81 for the following reasons:

- Exempting minor development from requiring development approval;
- Reduce the waiting time and costs associated with the development assessment process; and
- Development being identified as generally associated with a permitted use in the corresponding zone.

Council, at its Ordinary Council Meeting held on 27 June 2016 resolved to adopt a draft LPP 81 for advertising.



## Community / Stakeholder Consultation

Community Consultation was carried out in accordance with Clause 4, Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertising included a notice published in a local newspaper and on the Shire's website. Submissions were required to be submitted between 22 July 2016 and 12 August 2016, therefore giving a total of 21 days.

No submissions were received from the Community in relation to the policy. Officers however, have provided additional comments to improve the clarity of the policy intent. This is discussed in further detail below.

## Statutory Environment

### Legislation

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

## Planning Assessment

During the public consultation period, officers provided additional internal comments against the context of the Building Code of Australia and State Planning Policy 3.7 - Planning in Bushfire Prone Areas. The Shire's Officers recommended the following changes to clarify the policy intent and to ensure there are no conflicting provisions:

Recommended Changes	Officer Comment
<p>Including the following note for the development of a Garden Shed:</p> <p><i>Note: a building permit is not required if it is less than 10sqm and no more than 2.4m in ridge height.</i></p>	<p>Under the Building Code of Australia (BCA) the placement of a freestanding class 10a building less than 10m<sup>2</sup> and no more than 2.4m high does not require a building permit.</p> <p>As such, this is confirmed in the Policy for ease of reference for the user.</p>
<p>Include the following addition to the definition of garden shed:</p> <p>"Garden Shed" means an <b><u>outbuilding (shed)</u></b> used for storage of landscaping equipment associated with the up keep of a property.</p> <p>Include the following provision within Table 1 relating to Garden Shed:</p> <ul style="list-style-type: none"> <li>• Maximum of 16sqm;</li> <li>• <b><u>One garden shed per lot; and</u></b></li> <li>• Wall height of 2.4m and roof ridge of 3m.</li> </ul>	<p>The definition was amended to ensure consistency in the terminology contained within the Building Code of Australia and the Residential Design Codes.</p> <p>Confirming that only one garden shed is permitted per lot to avoid confusion with landowners. Where an additional garden shed is required or proposed, a development application will be required for the Shire to apply its discretion.</p>



<p>Amend the conditions for outbuildings under Table 1 to reflect:</p> <ol style="list-style-type: none"> <li>1. Reference to the floor area being measured on an accumulative basis, permitting one lot to have a maximum floor area of outbuildings as identified in the table with the corresponding zone.</li> <li>2. Outbuildings setback 6m or greater from a habitable building will not be required to submit a bushfire attack level assessment.</li> </ol> <p><i>Note: this aligns with the state planning framework for planning in bushfire prone areas.</i></p>	<ol style="list-style-type: none"> <li>1. Provisions included to prevent a single landowner constructing multiple outbuildings above the maximum size permitted. This will allow landowners to build the maximum outbuilding area on their property, without a development application, providing they comply with all other relevant provisions specified in LPP81.</li> <li>2. Provision clearly specifies outbuildings sited 6m or greater from a habitable building will not require a Bushfire Attack Level (BAL) assessment when applying for a building permit, Provision is consistent with provision P2.3.4 of the Building Code of Australia and State Planning Policy 3.7 – Planning in Bushfire Prone Areas.</li> </ol> <p>Anything less than 6m will not be exempt from planning approval.</p>
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It is considered the changes made are minor in the context of development controls, aimed at providing consistency with existing state legislation.

As part of the preparation of LPP81, the Shire consulted with the Officers at the then, Department of Planning (now Department of Planning, Lands and Heritage). Preliminary discussions indicated support for the policy, however a number of matters still required clarification and formal approval to vary provisions of State Planning Policy 3.1 - Residential Design Codes (R-Codes), specifically, outbuildings.

Once Council resolve to proceed with LPP81, Shire Officers will request the Western Australian Planning Commission (WAPC) to consider variations to the R-Codes. Until then, development applications will be processed as usual, until the WAPC provide its comments and/or modifications to LPP81 and a notice is published in a local paper advising of the adoption of LPP81.

### Options and Implications

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

Option 1: Council may resolve to proceed with the policy with modifications.

Proceeding with the Policy with the suggested modifications will ensure the Shire has a clear and effective policy to reduce the frustration with obtaining relevant Development Approvals for development considered to have nil to minor impacts on the amenity of the locality where appropriately referenced.

Option 2: Council may resolve to proceed with the Policy without modifications

Proceeding with the policy without the suggested modifications, the Council risks adopting a policy that has provisions contradictory to current legislation which could result in undesired development outcomes.



Option 3: Council may resolve not to proceed with the policy.

By not proceeding with the Policy, Council inadvertently increase the timeframe in which development applications are dealt with, no matter what the variance in complexity are given the potential volume of applications the Shire would receive.

Option 1 is recommended.

### Conclusion

As discussed within the report, the Shire proposed the policy to exempt a number of minor development applications from not requiring development approval.

Following the public advertising period for LPP 81 no submission from the community were received. Subsequently, the Policy remains unchanged with the exception of minor changes made following internal review and comments.

Shire Officers recommend Council adopt LPP 81 as contained in OCM124.1/09/17, in accordance with cl.4(3) Part 2, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to modifications contained in attachment OCM124.1/09/17 and subject to any changes required by the WAPC.

### Attachments

- [OCM124.1/09/17](#) – Local Planning Policy No.81 – Minor Development Policy (E17/8523)
- [OCM124.2/09/17](#) – Local Planning Policy No. 81 – Minor Development Policy (Final) (OC17/18258)

### Alignment with our Strategic Community Plan

<b>Outcome 2.1</b>	A diverse, well planned built environment
<b>Strategy 2.1.1</b>	Actively engage in the development and promotion of an effective planning framework
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### Financial Implications

Currently, the Shire has 50 development applications which require planning approval, which may be exempt following adoption of LPP81 by Council and the Department of Planning, Lands and Heritage. Shire Officers propose that a refund of development application fees be processed, following a notice being published in the local paper, advising of the adoption of LPP81.



### 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)
Local Planning Policy 81 is not approved	Unlikely (2)	Moderate (3)	Moderate (5-9)	Compliance - 2 Minor - Regular noticeable temporary non-compliances	Manage by appointing additional Planning officers to assist with the assessments

### Risk Matrix

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

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

**Voting Requirements: Absolute Majority**

OCM124/09/17

Officer Recommendation:

That Council

- Pursuant to Clause 4(3)(b)(ii) of Part 2 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to proceed with Local Planning Policy No.81 – Minor Development with modifications, as contained in Attachment OCM124.1/09/17, subject to any changes required by the Western Australian Planning Commission.
- Pursuant to clause 4(4) of Schedule 2 Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, publish a notice of the adoption of Local Planning Policy No.81 – Minor Development in a newspaper circulating in the Scheme Area.



3. Authorises the Chief Executive Officer to refund all development application fees currently lodged with the Shire, which have become exempt following a public notice being published.

**OCM124/09/17 COUNCIL DECISION / Alternate Officer Recommendation:**

**Moved Cr See, seconded Cr Hawkins**

**That Council:**

1. Pursuant to Clause 4(3)(b)(ii) of Part 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to proceed with Local Planning Policy No.81 – Minor Development as contained in Attachment OCM124.2/09/17, a modified version of OCM124.1/09/2017.
2. Pursuant to clause 4(4) of Schedule 2 Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, publish a notice of the adoption of Local Planning Policy No.81 – Minor Development in a newspaper circulating the Scheme area.
3. Authorises the Chief Executive Officer to refund all development application fees currently lodged with the Shire, which have become exempt resulting from the adoption of the policy, following the public notice being published.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Council Note:**

An alternative Officer recommendation was tabled at the meeting. This alternative recommendation was moved and seconded and subsequently put.





<b>OCM125/09/17 – Proposed Fast Food/Take Away Shop – Lot 906 Kardan Boulevard (PA17/554)</b>	
<b>Author:</b>	Regan Travers – Senior Planning Officer
<b>Senior Officer/s:</b>	Andre Schonfeldt – Director Planning
<b>Date of Report:</b>	5 September 2017
<b>Disclosure of Officers Interest:</b>	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: Planning Solutions  
Owner: Thomas Road Developments Ltd  
Date of Receipt: 7 July 2017  
Lot Area: 4607m<sup>2</sup>  
Town Planning Scheme No 2 Zoning: 'Urban Development'  
Metropolitan Region Scheme Zoning: 'Urban'

### Introduction

The report is presented to Council to consider a Responsible Authority Report (RAR) prepared for an application for a Fast Food/Take Away Shop at Lot 906 Kardan Boulevard, Byford.

The proposed development was submitted to the Shire as a Development Assessment Panel (DAP) application. The DAP will replace Council as the decision making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The attached RAR (OCM125.7/09/17) prepared by Shire Officers recommends that the proposed development be approved subject to appropriate conditions. The proposal is presented to Council as Shire Officers do not have delegated authority to provide a recommendation to DAP.

It is recommended that Council endorse the RAR to be presented to DAP.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

### Background

#### Site Description

The subject site is located within the 'Redgum Brook' residential estate. Recently subdivided, there is no history of development or Planning Application decisions for the site.

The site is flat and features a retaining wall on its Thomas Road and Kardan Boulevard boundaries.

The site is in close proximity to residential premises to the south, with future residences planned to the east. The site is bound to the west by Kardan Boulevard and to the north by Thomas Road. There is existing commercial development on the western side of Kardan Boulevard consisting of a Health Studio and Service Station which have both been approved for 24 hour, seven day per week operation.



Existing Development

Nil.

Proposed Development

The proposed development includes:

- 547m<sup>2</sup> (GLA) Fast Food / Take Away Shop;
- Single storey building;
- 24 hour, seven day per week operation;
- dual-lane drive-through (single lane pickup);
- signage;
- car parking; and
- landscaping.

The Development Plans have been included as an attachment to this report (OCM125.1/09/17)

**Community / Stakeholder Consultation**

Public Consultation

The application was advertised to surrounding landowners for a period of 21 days in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). This process is also consistent with the requirements of Local Planning Policy 27 – Stakeholder Engagement. During advertising 43 submissions were received. Six submissions supported the proposed development, while 37 raised concerns.

A summary of submissions and Shire Officers response to the concerns raised are attached to this report (OCM125.3/09/17).

Consultation with other Agencies or Consultants

*Department of Planning, Lands and Heritage*

The proposed development was referred to the Department of Planning, Lands and Heritage in accordance with the Western Australian Planning Commission's (WAPC) Instrument of Delegation DEL 2017/02 dated 30 May 2017 due to the subject site abutting Thomas Road, which is reserved as a Category 2 Other Regional Road (ORR) under the Metropolitan Region Scheme (MRS). The comments of the Department of Planning, Lands and Heritage are binding for the purposes of this planning application.

The Department of Planning, Lands and Heritage raised no objections to the proposal on regional transport planning grounds.

*Main Roads WA*

Shire Officers also referred the application to Main Roads WA for comment pursuant to Clause 66 (1) of the Regulations, as Thomas Road is an identified freight route and the Shire is engaging with Main Roads WA regarding future intersection treatment options.

Shire Officers reiterate that Main Roads WA is not a binding referral authority and that due regard can be given to Main Roads WA comments in accordance with Clause 67(za) of the Regulations.

Main Roads advised that a revised Traffic Impact Assessment (TIA) is required before it could offer its support of the proposed development.



Shire Officers acknowledge Main Roads WA's concerns, however, they are not concerns shared by Shire Officers or the Department of Planning, Lands and Heritage. The focus of Main Roads WA's comments is the Thomas Road and Kardan Boulevard intersection. Whilst traffic accessing the proposed development site will undoubtedly enter the site via Thomas Road and Kardan Boulevard, the development does not propose any direct access with either of those roads, nor does it propose any access points which were not anticipated through the Structure Plan design process. In any event, due to the numerous traffic contributors to the Thomas Road and Kardan Boulevard intersection, there is not a sufficient nexus between the proposed development and any intersection issues due to the regional growth of the surrounding area.

## **Statutory Environment**

### Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Development Assessment Panel) Regulations 2011*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS 2).*

### State Government Policies

- Directions 2031
- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 1 – State Planning Framework
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)
- State Planning Policy 4.2 – Activity Centres

### Local Policies

- Local Planning Policy 5 - Advertising Signs
- Local Planning Policy 24 – Designing Out Crime
- Local Planning Policy 27 – Stakeholder Engagement
- Local Planning Policy 56 – Fast Food Premises
- Local Planning Policy 58 – Bicycle Facilities in Urban Developments
- Local Planning Policy 59 – Public Art Policy for Major Developments
- Local Planning Policy 67 – Landscape and Vegetation
- Local Planning Policy 68 – Sustainability Assessment

### Local Strategic Plans

- Byford District Structure Plan
- Redgum Brook Local Structure Plan
- Redgum Brook Local Development Plan 21

## **Planning Assessment**

### **Land Use**

### Definitions

The proposal is consistent with the definition of 'Fast Food/Take Away Shop' in TPS2:

*“means a shop wherein food is prepared and offered for sale for consumption principally off the premises”.*



The proposed development is not considered to fall within the definition of 'Restaurant'. This is due to the definition of 'Restaurant' excluding scenarios where the sale of food for consumption outside the building is a principal part of the business. Due to the building being designed to accommodate a dual-lane drive-through Shire Officers consider the sale of food for consumption outside the building is a principal part of the business, therefore the proposed development must be considered as 'Fast Food/Takeaway Shop' rather than 'Restaurant'.

#### Permissibility of Proposed Land Use

The subject lot is zoned 'Urban Development' under TPS2. A 'Fast Food/Take Away Shop' development is capable of approval in the 'Urban Development' zone under Clause 5.18.6.3 of TPS2.

#### Due Regard to Structure Plans

It should also be noted that Clause 27 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions) states:

*"(1) A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application."*

#### DAP Discretion

The DAP needs to exercise its discretion before granting planning approval in accordance with Clause 27 (above). In giving 'due regard' to the Redgum Brook LSP and the Redgum Brook Local Development Plan 21 (LDP21), the DAP must consider State and Local Planning Policies which are relevant to the proposed development. In this case, the overall development proposes minor variations to Local Planning Policies and more significant variations to the LDP which are discussed in detail below. In considering if the DAP uses its discretion and approves the application, the DAP is required to consider Schedule 2, Part 9, Clause 67 of the Deemed Provisions.

Attachment OCM125.5/09/17 details a comprehensive assessment of each of the 27 matters contained within Clause 67. For the purposes of this report, topics of concern or where variations are sought are discussed within this report including 1) Orderly and Proper Planning 2) Form of Development and 3) Amenity.

#### **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 5.17 of TPS2 states the objectives of the 'Urban Development' zone, as follows:

*"to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances".*



It is considered that the proposed land use is consistent with the objectives of the 'Urban Development' zone because the development services the needs of the community and is integrated with surrounding services to maximise convenience.

### Policy Framework

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

#### *Directions 2031 and Beyond*

Officers consider that the proposed development is consistent with the broad vision of the Directions 2031 strategic document.

#### *Draft Perth and Peel @ 3.5 Million*

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.

#### *State Planning Policy No.1 (SPP1)*

This Policy provides general principles for land use planning in the areas of environment, community, economy, infrastructure and regional development. Part A No.2 refers to planning taking account of and giving effect to these principles and related policies to ensure integrated decision-making throughout government.

#### *Environment*

This principle encourages the protection and enhancement of key natural and cultural assets of the State and deliver to all West Australians a high quality of life based on environmentally sustainable principles. Shire Officers note that the site is vacant and does not feature any remnant vegetation, so no opportunity is available for the development to protect any natural assets. Shire Officers consider that appropriate landscaping of the site as part of the development will positively contribute to the natural assets of the area.

#### *Community*

This principle encourages land use planning to respond to social changes and facilitate the creation of vibrant, safe and self-reliant communities. Shire Officers note that the population of the Byford area has increased dramatically over the past ten years. As a result of the substantial growth there is perceived to be a lack of local employment opportunities within the Shire. The Applicant has advised that the proposed development will employ between 10 to 15 staff at a time once operational. Shire Officers note that jobs will also be created during the construction phase of the development. Although only a small part of the development, Shire Officers acknowledge that the McDonald's development includes a play room facility for its patrons. Shire Officers consider that the development is consistent with the community principle of SPP1.

#### *Economy*

This principle encourages land use planning to actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles. This principle refers to avoiding land use conflicts by separating incompatible economic activities and land uses. Shire Officers acknowledge that development for Fast Food/Take Away businesses does not represent the development of a new industry. Subject to regulatory compliance, Shire Officers consider that the proposed development is unlikely to result in land use conflict. Shire Officers note that the site has been identified in the Redgum Brook LSP for 'Mixed Use' development, therefore the intention was for the subject site to be developed for commercial purposes rather than residential purposes. Development of a Fast Food/Take Away business is therefore more consistent with SPP1 and the Redgum Brook LSP than development for residential purposes.



### *Infrastructure*

This principle encourages land use planning to facilitate strategic development by making provision for efficient and equitable transport and public utilities. The proposed development is a result of strategic planning which has identified the site as being suitable for development for 'Mixed Use' purposes. Being located near Thomas Road and within close proximity to Tonkin Highway means that the site is well serviced by vehicle based transport infrastructure. In addition, as the site has recently been created through subdivision of a larger balance lot it is fully serviced by public utilities. Shire Officers consider the proposed development to be consistent with the infrastructure principle of SPP1.

### *Regional Development*

This principle encourages land use planning to assist the development of regional Western Australia by taking account of the special assets and accommodating individual requirements of each region. This principle does not directly relate to the proposed development.

The proposal is consistent with the State Planning Framework, Local Planning Framework being TPS 2 and the objectives of the zone. As a result, the development is considered to be in accordance with orderly and proper planning.

### **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.

### Visual Amenity

#### *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. Byford is identified in this policy as a District Centre.

Officers consider the built form of the amended development to be consistent with the broad urban design objectives of SPP 4.2.

### Redgum Brook LDP21

The built form and layout of the proposed development vary the LDP for the site, which has been included as an attachment to this report (OCM125.6/09/17).

### *Building Setbacks*

LDP21 requires a minimum three metre setback to Thomas Road and Pindipini Loop, while nil setbacks are allowed to Kardan Boulevard and Pingaring Court. There is no maximum setback requirement. The development proposes a 8.16m building setback to Thomas Road and a 12m loading bay setback from Kardan Boulevard. Shire Officers also note that the drive-through facility features a screen wall which adds a visually permeable area on the side of the building. The proposed development is therefore compliant with the building setback requirements of LDP 21 and does not require modification.

### *Orientation, Access and Facades*

LDP 21 requires ground floor elevations fronting Kardan Boulevard and Pingaring Court to be glazed for a minimum 50% of the building frontage. The development proposes no glazing to Kardan Boulevard and only 27% to Pingaring Court.

The Applicant has justified this LDP variation due to the lack of opportunity for pedestrian interaction with Kardan Boulevard due to the significant retaining wall. Shire Officers acknowledge that encouraging



pedestrian interaction at street level is a good outcome, provided that there is a safe environment for pedestrians and there are no site constraints.

In this scenario there is a significant height difference between the subject site and the Kardan Boulevard footpath which means that even if the development included 50% glazing, it would not achieve a high level of interaction given that the footpath is located between two car based land uses in the form of Fast Food/Take Away and a Service Station. Shire Officers consider that the Applicant has given due regard to the glazing requirements of the LDP where appropriate.

#### *Landscaping*

LDP 21 requires setback areas to be landscaped to the satisfaction of the Shire and that signage may be approved within setback areas. The Applicant has incorporated landscaping into all setback areas, particularly to Pindipindi Loop and Pingaring Court. Across the site the Applicant proposes 891m<sup>2</sup> of soft landscaping. Shire Officers consider the development to be consistent with the LDP requirements for landscaping.

#### *Service Areas and Equipment*

LDP 21 requires servicing equipment which is attached to the exterior of the building to be screened from view and painted a similar colour to the roof of the building and for servicing areas being incorporated into the design of the building, appropriately screened and located away from residential dwellings.

The development plans do not show servicing equipment on the exterior of the building. The Applicant has confirmed that it will accept a condition of approval requiring externally located servicing equipment to be consistent with LDP 21.

Shire Officers note that the drive-through and loading dock are situated with a substantial setback from nearby residential dwellings and therefore the development is considered to be consistent with LDP 21 in this regard.

Shire Officers are satisfied that the built form requirements of LDP 21 have been achieved to a satisfactory level. This development is expected to result in a built form outcome which is of high quality and thus representative of commercial development standards within the Byford area

#### **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 would be an appropriate measure to ensure the development does not impact on visitors to the site or neighbouring properties during its construction.

The Fast Food/Take Away operator will be required to operate in accordance with the *Environmental Protection (Noise) Regulations 1997*. This is not recommended to be addressed as part of this application, as a condition of approval would be referring to legislation outside the *Planning and Development Act 2005* which may require the approval of a third party. Shire Officers note that the loading dock and drive-through facility for the Fast Food/Take Away is located as far away from nearby residences as possible. This is a good design as it is likely to minimise the exposure of nearby residents to waiting vehicles. Shire Officers consider the design of the proposed development to sufficiently address potential noise impacts due to the appropriate location of potential noise creating activities as identified in the Acoustic Assessment attached to this report (OCM125.4/09/17).



The applicant has provided information which indicates that odour from the proposed development will meet regulatory requirements. Shire Officers consider that the development is able to manage the odour impact of the Fast Food/Take Away business. Shire Officers do not recommend a condition of Planning Approval about odour.

### Lighting

Shire Officers acknowledge that the site involves various lit elements, varying from carpark lighting to illuminated signage. Due to the 24 hour, seven day per week operation of the business lighting has potential to have an amenity impact on nearby residential properties as a result of light spill.

The Applicant has provided a plan which shows the location of light sources. The Applicant has noted that light sources will be oriented to direct light to internal areas of the site and that light sources will be fitted with glare shields. The Applicant also notes that a masonry wall is proposed to be constructed on the eastern side of the site which will restrict light impacts to the east of the site.

Shire Officers acknowledge the additional information provided by the Applicant. To ensure that lighting does not adversely impact the amenity of nearby residents Shire Officers recommend a condition of approval for all illumination being confined to the land and being provided in accordance with the requirements of Australian Standard AS 4282—1997, which controls the obtrusive effects of outdoor lighting, at all times, for the duration of the development.

Signage is discussed later in this report.

### **Other Matters**

#### Retail Floor Space

Shire Officers acknowledge that the Redgum Brook LSP and LDP 21 set a maximum allowance of 150m<sup>2</sup> of retail Net Leasable Area (NLA) to encourage a mix of land uses on the subject site and to reduce the likelihood of de-centralising retail land uses from the Byford Town Centre and thus maintaining the retail primacy of the Byford Town Centre.

In defining the land uses considered as “retail” NLA, Shire Officers have applied the West Australian Standard Land Use Code (WASLUC), which considers both ‘Fast Food / Take Away Shops’ and ‘Restaurants’ as “retail”.

Shire Officers note that the Applicant proposes an additional 37m<sup>2</sup> of retail NLA. This is a 24.6% increase of the maximum allowance, resulting in a total retail NLA of 187m<sup>2</sup>.

While Shire Officers acknowledge that a 24.6% increase in retail NLA is significant when looking at Lot 906 Kardan Boulevard in isolation, Shire Officers consider the additional 37m<sup>2</sup> of retail NLA will have no impact on the retail primacy of the Byford Town Centre. The proposed development would not impact on the retail primacy of the Byford Town Centre because even if the development was reduced in size by 37m<sup>2</sup> and was therefore compliant with the LSP and LDP retail NLA maximum, Shire Officers would still be considering the same land use, albeit with a slightly reduced building footprint (approximately 6.7% reduction).

Shire Officers are satisfied that the variation to the permitted retail NLA would not impact on the hierarchy of the subject site in the context of the Byford Town Centre. As demonstrated with Hungry Jacks on Beenyup Road (South Western Highway) and the recently approved Kentucky Fried Chicken on Abernethy Road, the Byford Town Centre is suitably serviced with Fast Food/Take Away Shop premises and is likely to continue to be serviced for the near future.





### Car Parking

TPS2 requires two car spaces for every ten square metres of gross leasable area (GLA). With a GLA of 547m<sup>2</sup>, the proposed development generates a requirement for 109 car spaces. The proposal provides 74 bays, including 58 marked bays, two waiting bays and 14 drive-through bays. Therefore, under TPS2, the proposed development has a car parking shortfall of 35 bays.

However, Clause 5.2.1 of TPS2 provides Council with the discretion to vary development standards of TPS2 for non-residential development. In the case of Fast Food/Take Away premises a variation to car parking rates is provided for in Local Planning Policy 56 – Fast Food Premises (LPP56).

LPP56 requires one car parking space for every five seats and one car parking space per five square metres of waiting area. With 110 seats and 13m<sup>2</sup> of counter waiting area the proposed development generates a requirement for 25 car parking spaces under LPP56. Excluding drive-through bays, the proposed development provides for 60 car parking bays. Therefore under LPP56 the proposed development has a car parking surplus of 35 bays.

Shire Officers are satisfied that the proposed development provides car parking in accordance with LPP56.

### Bicycle Facilities

Local Planning Policy 58 – Bicycle Parking Facilities (LPP58) provides development standards for commercial development, dividing the requirement into short-term bays (for customers) and long-term bays (for employees).

LPP58 requires one space for every 100m<sup>2</sup> NLA for long-term parking and one space for every 50m<sup>2</sup> NLA for short-term parking. The proposed development therefore generates demand for 1.9 long-term bays and 3.7 short-term bays.

The development proposes only four short-term facilities and no long-term facilities. The Applicant has provided justification for not providing long-term facilities based on limited need for long-term facilities due to a large number of young and part-time employees. Shire Officers do not agree with the Applicant's justification to not provide long-term facilities. Shire Officers believe that employing a large number of young staff is likely to increase the use of long-term bicycle facilities due to an increase in the number of staff which will not be old enough to have a car licence.

While Shire Officers acknowledge the Applicant's justification for not providing long-term bicycle facilities, Officers also note that the requirement for Fast Food/Take Away facilities in accordance with LPP58 has been applied as a condition to similar developments such as Hungry Jacks (Lot 101 Beenyup Road, Byford) and Kentucky Fried Chicken (Lot 77 Abernethy Road, Byford). The proposed development is of a similar form to those developments, including fast food and drive-through facilities. Shire Officers are not satisfied that the proposed development meets the requirements of LPP58 and therefore recommend a condition of approval requiring both short and long-term bicycle parking be provided in accordance with LPP58.

### Traffic

Shire Officers acknowledge that the Applicant has provided a traffic assessment of the proposed development (OCM125.2/09/17) which indicates that the internal vehicle circulation, as well as traffic entering and exiting from the site will comply with engineering standards. Shire Officers have assessed the traffic information and agree that the proposed development has been designed in an appropriate manner. While the development would increase the traffic visiting the localised area, it is traffic that was anticipated to be generated by commercial uses on the subject site. Shire Officers acknowledge that community consultation submissions have raised concerns with the safety of the Thomas Road and



Kardan Boulevard intersection, however Shire Officers note that accidents at this intersection are related to the high traffic numbers on Thomas Road. Shire Officers note that in scenarios where perceived problems are existing prior to development occurring, there is insufficient relationship with a proposed development to use perceived traffic issues as a reason to object to the development.

Shire Officers note that the Traffic Assessment also identifies that the Kardan Boulevard and Thomas Road intersection is projected to be congested by 2031, however this is not directly attributed to the proposed development, instead it is due to the overall growth of the residential population in the nearby area.

Shire Officers are satisfied that the Applicant has sufficiently demonstrated that traffic impacts of the proposed development are at an acceptable level.

### Bushfire

The subject site is located within a Bushfire Prone Area.

The Applicant has provided a Bushfire Management Plan and a Bushfire Attack Level Assessment (BAL). The BAL for the site is 12.5 and is therefore the proposed development is capable of being approved in accordance with Part 10A of the Regulations.

### Signage

Signage associated with the proposed development can be summarised as follows:

1. A range of wall signs provided above, below and on the awning along all elevations of the building, including:
  - Two 4.99m x 0.61m "McDonald's" signs.
  - Four 1.37m x 1.2m "M" logo signs.
  - One 1.9m x 0.23m "McDonald's" entry signs.
  - Two 2.4m x 0.69m "PlayPlace" signs.
  - One 1.2m high "McCafe" wall button signs.
  - One 1.41 x 0.7m high "McCafe" wall sign.
2. Two 1.86m high single digital menu boards and two 1.84m high double digital menu boards at the drive-through entrance and ordering point.
3. Two 8.5m high flag poles with the McDonald's logo and Australian flag on the Thomas Road Street frontage of the site, with a 0.9m wide McDonald's banner situated between the flag poles at a height of 1.95m above ground level.
4. Various directional and information signs in various locations throughout the subject site.
5. One ten metre high internally illuminated pylon sign fronting Thomas Road.

Shire Officers acknowledge that Local Planning Policy 5 – Advertising Signs (LPP5) does not apply to the proposed development due to the development being proposed on land zoned 'Urban Development'. However, as Shire Officers are giving due regard to the LSP which designates the subject site as 'Mixed Use', in turn Shire Officers are giving due regard to Planning Policies which would apply to 'Mixed Use' zoned land.

The proposed signage is a mix of sign types as defined by LPP5, including projecting signs, a pylon sign and wall signs.

#### *Projecting Signs*



The projecting signs are consistent with LPP5 and are considered appropriate by Shire Officers.

#### *Wall Signs*

LPP5 allows for two wall signs per façade. The Applicant proposes four signs facing Pingaring Court and three signs facing Pindipindi Loop. The Applicant has justified the wall signage variations based on the different services available – such as the traditional store, the McCafe and the Play Place area.

While Shire Officers acknowledge the various components of the proposed development, as far as TPS 2 considers land uses, they all form part of the Fast Food/Take Away Shop. However, the proposed signage is appropriate for the scale of the development and is considered to be consistent with the objectives of LPP5 as it is not superfluous and is commensurate to the realistic commercial need for advertising.

#### *Pylon Sign*

LPP5 allows pylon signs to be a maximum of six metres height from ground level, not exceeding 2.5m measured either horizontally or vertically across the face of the sign and no greater than four square metres in area.

The Applicant proposes a pylon sign facing Thomas Road which is ten metres in height, has a horizontal width of 4.343m and a sign face area of 13m<sup>2</sup>. Shire Officers do not raise concerns regarding the width of face of the proposed pylon sign as it is not a solid area of sign and due to its shape is visually permeable.

Shire Officers raise significant concerns regarding the height of the proposed pylon sign. While Shire Officers acknowledge that a nine metre high pylon sign was proposed for the Service Station development located on Lot 857 Kardan Boulevard to the west of the subject site, the finished level of the subject site is up to 1.8m higher. Thus a ten metre high pylon sign on the subject site would be approximately 2.8m higher than the pylon sign located on Lot 857 Kardan Boulevard.

Shire Officers consider that the proposed pylon sign is over height and that it should be reduced to a height which results in a similar finished height as the pylon sign on Lot 857 Kardan Boulevard. To be of a similar finished height, the pylon sign on Lot 906 Kardan Boulevard would need to be reduced to 7.2m in height. Shire Officers note that a height of 7.2m is still a 1.2m variation to LPP5, however it represents a better planning outcome for the area.

Therefore Shire Officers recommend a condition of approval which requires the pylon sign to be a maximum of 7.2m in height.

Shire Officers are also concerned that the proposed pylon sign will be in a location which has an adverse impact on the visual amenity of nearby residents. In its proposed location, there is minimal setback to residential lots and no opportunity to screen the sign as it is in close proximity to the boundary of the property. Shire Officers consider there to be an opportunity for the pylon sign to be relocated to provide a greater setback to nearby residential properties and thus an increased possibility that trees within the car park and landscaping areas will provide a visual separation and partial screen.

Shire Officers recommend a condition of approval to amend the location of the pylon sign to be 50m west of the current proposed location. In this location the proposed building would provide a visual screen between the illuminated sign and residential lots on Pindipindi Loop.

### **Options and Implications**

Nil



## Conclusion

The proposed development will provide commercial services to the growing population of the Shire of Serpentine Jarrahdale and visitors to the local area of Byford. The proposed development will provide these services in a form which is consistent with the aspirations and objectives of TPS2 and Local Planning Policies which apply to the site.

Shire Officers acknowledge the overall positive contribution of the development to the Shire and its residents, and recommend that the application be approved subject to conditions.

## Attachments

- [OCM125.1/09/17](#) – Development Plans (IN17/18250)
- [OCM125.2/09/17](#) – Traffic Assessment (IN17/17671)
- [OCM125.3/09/17](#) – Schedule of Submissions (E17/6841)
- [OCM125.4/09/17](#) – Acoustic Report (IN17/17670)
- [OCM125.5/09/17](#) – Clause 67 Assessment (E17/8172)
- [OCM125.6/09/17](#) – Local Development Plan 21 (IN17/18252)
- [OCM125.7/09/17](#) – RAR Report (OC17/14757)

## Alignment with our Strategic Community Plan

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

## 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)
Refusal	Unlikely (2)	Minor (2)	Low (1-4)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation

**Risk Matrix**

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item.

**Voting Requirements:** Simple Majority

**OCM125/09/17 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr See, seconded Cr Hawkins**

**That Council endorses the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Assessment Panel approve the application seeking approval for the proposed Fast Food/Take Away Shop at Lot 906 Kardan Boulevard, Byford, subject to the following conditions:**

- 1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.**
- 2. A monetary contribution being paid to Council for the establishment of public art or, alternatively, the provision of public art being provided on-site in accordance with Council's Local Planning Policy No. 59 - Public Art Policy for Major Developments to the satisfaction of the Shire.**
- 3. A Dust Management Plan must be prepared in accordance with the Department of Environment and Conservation's DRAFT - A guideline for the development and implementation of a dust management program to the satisfaction of the Shire, prior to applying for a Building Permit.**

**All works must be carried out in accordance with the Dust Management Plan, for the duration of development.**

- 4. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire and certified by a Hydraulic Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to applying for a Building Permit.**



**5. A Landscape Plan must be prepared and include the following detail to the satisfaction of the Shire, prior to applying for a Building Permit:**

- a. The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
- b. Any lawns to be established;
- c. Any natural landscape areas to be retained;
- d. Those areas to be reticulated or irrigated; and
- e. Verge treatments.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the Shire.

**6. The carpark 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 60 car parking bays;
- c. include two (2) car parking spaces 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;
- d. be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- e. have lighting installed, prior to the occupation of the development; and
- f. construct a footpath link from the car park to the existing footpath within the Pingaring Court road reserve.

The car park must comply with the above requirements for the duration of the development.

7. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
8. A minimum of four (4) short-term bicycle parking facilities must be designed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, prior to applying for a Building Permit. The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.
9. A minimum of two long-term bicycle parking facilities must be provided in accordance with Local Planning Policy 58 – Bicycle Facilities in Urban Developments. The bicycle facilities



must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

10. The pylon sign must be modified to have a maximum height of 7.2m. The signage plan must be modified to depict the pylon sign 50m further west.
11. Servicing equipment located on external areas of the building must be designed and constructed in accordance with Provision 5.1 of Redgum Brook Local Development Plan 21.

**CARRIED 4/4**

**The Shire President, Councillor Erren used his casting vote.  
Councillors Ellis and Rich requested their votes against the motion be recorded.**

**OCM126/09/17 - Tender RFT08/2017: Appointment of Consultant to Produce Individual Development Strategies for the Four Locales of Byford, Mundijong, Serpentine and Darling Range / Jarrahdale (E17/8634)**

<b>Author:</b>	Deon van der Linde - Executive Manager Strategic Planning
<b>Senior Officer/s:</b>	Andre Schonfeldt – Director Planning
<b>Date of Report:</b>	5 September 2017
<b>Disclosure of Officers Interest:</b>	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 issued a Request for Tender to deliver Development Strategies for the four Locales of Byford, Mundijong, Serpentine and Darling Range/Jarrahdale. The tender was advertised nation-wide and closed on Monday, 11 September 2017. Senior officers undertook an assessment of the tenders received and included in the confidential attachment makes a recommendation for Council. (The confidential attachment will be supplied to Council on the 18 September 2017).

**Relevant Previous Decisions of Council**

OCM087/07/17 - Adoption of the Shire of Serpentine Jarrahdale Strategic Community Plan 2017-2027 and Corporate Business Plan 2017-2021 (E17/5579) - The Corporate Business Plan, included two Development Strategy projects to be competed in the 2017/2018 Financial year.

CEC001/07/17 – CONFIDENTIAL – Chief Executive Officer Employment Contract – Performance Criteria (SJ2071) – As part of this resolution Council required two additional development strategies to be prepared.

**Background**

A tender was called as indicated per OCM126.2/09/17 that invited suitably qualified and experienced consultants for the preparation and delivery of individual Development Strategies for the four locales of Byford, Mundijong, Serpentine and Darling Range/Jarrahdale. Each Development Strategy will primarily consist of a District Structure Plan, a Development Contribution Scheme and a Development Contribution Plan. It will also contain concept plans and precinct plans that will allow for the implementation of the Development Strategies.

The project can be divided into four components based on the geographical locales:

- Byford Development Strategy;
- Mundijong Development Strategy;
- Serpentine Development Strategy; and
- Darling Range/ Jarrahdale Development Strategy.

The scope of work for the project will require the review all current structure plans, development contribution plans and other supporting documents for the four locales; and to provide a suite of Development Strategies that align with the SJ2050 vision, Strategic Community Plan and Corporate





Business Plan within the State Planning Framework and the Shire's own local planning framework. The Development Strategies will therefore comprise of the following documentation:

- a) Literature Review Report
- b) District Structure Plan Report & Map
- c) Development Contribution Scheme Report
- d) Development Contribution Plan Report
- e) Concept plans, including precinct plans
- f) Stakeholder engagement outcomes report.

### **Community / Stakeholder Consultation**

Tender RFT08/2017 was advertised in the West Australian newspaper on Saturday 19 August and Saturday 26 August 2017, The Australian on 26 August 2017 and the Examiner on 24 August 2017. The tender closed at 2:00pm on Monday 11 September 2017. Notice was also placed on public notice board at the Administration building and the Mundijong Library.

Details regarding the proposed Community / Stakeholder Consultation is incorporated into the proposals received and will be finalised during the initial phases of the project. The Tender Specification required community consultation practices to be in line with the IAP2 framework.

### **Statutory Environment**

The *Local Government Act 1995, Section 3.57 (1) (2)* and the *Local Government (Functions and General) Regulations 1996, Part 4*, provide for the calling of tenders and the award of contract.

*Council Policy G002 - Procurement of Goods or Services through Public Tendering*, provides guidance in terms of the internal processes when procuring services through a tender.

### **Tender evaluation**

In accordance with Delegation C005D the Chief Executive Officer has delegated authority to invite tenders for works and services in the relevant financial year adopted budget, where required in accordance with s3.57 of the Local Government Act 1995. The Chief Executive Officer exercised this delegation with respect to RTF08/2017 Development Strategies for Byford, Mundijong, Serpentine and Darling Range/Jarrahdale and called for tenders with advertising for a period of three weeks. The tender closed on 11 September 2017.

Seven tender submissions were received. An Evaluation Panel was set up of senior officer to make recommendations based on the strategic corporate outcomes and provides an interdisciplinary assessment of the tenders to ensure all aspects of the project are managed appropriately.

The evaluation was be undertaken based on section 1.16 Compliance Criteria of the Tender brief in the first instance and then more specifically based on section 1.17 Qualitative Criteria and 1.18 Value Considerations. The assessments of the submissions are included in the Evaluation Panel Report which forms a confidential attachment to this report. Each member of the panel assessed the tenders independently.

In determining the most advantageous Tender, the Evaluation Panel scored each Consultant against the qualitative criteria as detailed below. Each criterion is weighted to indicate the relative degree of importance that the Shire placed on the technical aspects of the services being delivered. These include:

- a) Key personnel and Experience 35%
- b) Capacity & Methodology 45%



c) Demonstrated Understanding 20%

The non-weighted cost method was used where functional considerations such as capacity, quality and experience are seen to be crucial to the outcome of the contract. The members of the Evaluation Panel made a series of value judgements based on the capability of the Consultants to complete the requirements and a number of factors will be considered including:

- a) the qualitative ranking of each Consultant; and
- b) the pricing submitted by each Consultant.

Once the Tenders were ranked, the Evaluation Panel made a value judgement as to the cost affordability, qualitative ranking and risk of each Tender, in order to determine the which Tender is considered to be the most advantageous to the Shire. The price was considered along with related factors affecting the total cost to the Shire. The successful Tender is included as a confidential attachment for Council's consideration.

### Attachments

- OCM126.1/09/17 – **Confidential** Tender Evaluation (E17/9236)
- [OCM126.2/09/17](#) – Tender Documents (E17/8633)
- OCM126.3/09/17 – **Confidential** Recommended Tender Submission(IN17/19225)

### Alignment with our Strategic Community Plan

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

### Financial Implications

Depending on the final outcome of the tender the final cost is likely to be around the original budget of \$400,000 and this could be accommodated in the current Annual Budget accounts CEO802 and STP525.

### Risk Implications

An important aspect that needs consideration with any large project are the risks associated with the project.

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)
<b>Project management</b>	Possible (3)	Major (4)	High (10-16)	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions	Manage by following Project management principles through consistent reporting, detailed scope and tender provisions



<b>Financial management</b>	Possible (3)	Major (4)	High (10-16)	Financial Impact - 4 Major - \$500,000 - \$2M	Manage by providing a Detailed scope, with Flexibility and Value for money
<b>Procurement process</b>	Possible (3)	Moderate (3)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Manage by progressing an open and transparent public tender process
<b>Consultants</b>	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 progressing a tender process considering conflicts of interest, experience of consultants and a detailed scope
<b>Community Engagement</b>	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 requiring Community Engagement Plans to be drafted and implemented
<b>Project Outcomes</b>	Possible (3)	Moderate (3)	Moderate (5-9)	Service Interruption - 3 Moderate - Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources	Manage by good project and financial management, community engagement process and a public tender process

The risks in the Risk Matrix can be mitigated with the risk management methodologies indicated and they allow the project to continue with a relatively low risk. Continued reporting on the progress of the project and following project management protocols will be required. Officers are satisfied that the risks presented can be mitigated through the outlined project management procedures. Whilst the Reputational risks and Financial risk may be considered High for the lifetime of the project, the mitigation measures will reduce these risks to medium and as a result the risks are not required to be included in the Risk Register.

**Risk Matrix**

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic	
		1	2	3	4	5	
Likelihood	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)	

**Conclusion**

The Shire has issued a Request for Tender to deliver Development Strategies for the four locales of Byford, Mundijong, Serpentine and Darling Range/Jarrahdale. Seven tenders were received and evaluated by senior officers based on the qualitative and quantitative criteria set out in the tender documents and a recommendation by the Evaluation Panel is included in the Confidential Attachment OCM126.1/09/17.

**Voting Requirements:** Simple Majority

**COUNCIL DECISION**

**Moved Cr Gossage, seconded Cr Piipponen**

That the meeting be closed to members of the public at 7.44pm, whilst item OCM126/09/17 is discussed, pursuant to *section 5.23 (2)(c) and (e) of the Local Government Act 1995* as the item relates to awarding a tender.

**CARRIED UNANIMOUSLY 8/0**

**OCM126/09/17 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr See, seconded Cr Gossage**

That Council awards contract RFT08/2017, for the Request for Tender to deliver Development Strategies for the four Locales of Byford, Mundijong, Serpentine and Darling Range/Jarrahdale, to Hames Sharley for \$398,152.80 (ex GST) in accordance with the tender submitted and Confidential Attachment OCM126.3/06/17.

**CARRIED UNANIMOUSLY 8/0**

**Council Note:**

The Officers Recommendation was updated with the name of the successful tenderer and price.

**COUNCIL DECISION**

**Moved Cr Piipponen, seconded Cr Ellis**

That the meeting be reopened to the public at 7.48pm.

**CARRIED UNANIMOUSLY 8/0**

The Shire President advised Members of the Public that the Officers Recommendation for OCM126/09/17 was carried unanimously 8/0 with the Tender being awarded to Hames Sharley for \$398,152.80 (ex GST).

**OCM134/09/17 - Local Emergency Management Committee Information Report (SJ716-02)**

<b>Author:</b>	Gillian French – Emergency Services Technical Officer
<b>Senior Officer/s:</b>	Andre Schonfeldt – Director Planning
<b>Date of Report:</b>	15 September 2017
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Introduction**

The purpose of this report is to provide Council with the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held on 14 September 2017.

**Background**

Minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting are tabled at an Ordinary Council Meeting. A formally constituted meeting was held on 14 September 2017 and the minutes are hereby presented for your information.

**Relevant Previous Decisions of Council**

OCM086/07/17 – Minutes of Meeting 8 June 2017  
OCM035/04/17 - Minutes of Meeting 24 April 2017  
OCM153/08/16 - Minutes of Meeting 28 June 2016  
OCM002/02/17 - Minutes of Meeting 13 December 2016

**Community Consultation**

No formal community consultation is required.

**Comment**

At the meeting of 11 September 2017 one motion was put forward by the Committee that require Council's consideration.

*Shire of Serpentine Jarrahdale's Local Recovery Plan*

In accordance with Section 41(4) of the *Emergency Management Act 2005*, Officers have prepared a Local Recovery Plan which forms part of the Local Emergency Management Arrangements for the Shire of Serpentine Jarrahdale.

The purpose of the Local Recovery Plan is to describe the arrangements for effectively managing recovery at a local level, including accountability and responsibility. It details the local recovery arrangements for the community.

This plan has been endorsed by the Shire of Serpentine Jarrahdale Local Emergency Management Committee and is now required to be tabled for information and comment with the East Metropolitan District Emergency Management Committee. Prior to being tabled, the plan must be received by Council.



The Local Emergency Management Committee resolved as follows:

*“That the Local Recovery Plan be adopted and forwarded to the District Emergency Management Committee for approval.”*

Officers support the above resolution and recommend that it is noted by Council.

### Conclusion

One motion from the minutes of the Committee is presented to Council for information and consideration. Officers recommend that Council notes the above recommendation and receives the minutes of the meeting held 14 September 2017.

### Attachments

- [OCM134.1/09/17](#) Local Emergency Management Committee Minutes (E17/8979)
- [OCM134.2/09/17](#) Local Recovery Plan (E14/2634)

### Alignment with our Strategic Community Plan

Outcome 1.3	A Safe Place to Live
Key Action 1.3.1	Comply with relevant local and state laws, in the interest of the community
Key Action 1.3.3	Enhance community safety

### 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)
	Possible (3)	Moderate (3)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation



### Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic	
		1	2	3	4	5	
Likelihood	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.

### Statutory Environment

Emergency Management Act 2005, Section 38

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

### Financial Implications

There are no direct financial implications regarding this matter.

**Voting Requirements:** Simple Majority

### OCM134/09/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Gossage, seconded Cr Piipponen

**That Council:**

1. **Receives the Local Emergency Management Committee Minutes of 14 September 2017 as per attachment OCM134.1/09/17.**
2. **That Council adopts the Shire of Serpentine Jarrahdale Local Recovery Plan as per attachment OCM134.2/09/17 and forward it to the District Emergency Management Committee for information and comment.**

**CARRIED UNANIMOUSLY 8/0**



## 8.2 Engineering reports

<b>OCM127/09/17 – Approval of Private Structure in Road Reserve – Alcoa Haulage Bridge Over Kingsbury Drive (SJ215; SJ1067-02)</b>	
<b>Author:</b>	Doug Elkins – Director Engineering
<b>Senior Officer/s:</b>	Kenn Donohoe – Chief Executive Officer
<b>Date of Report:</b>	6 September 2017
<b>Disclosure of Officers Interest:</b>	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 asked to approve the construction of a private bridge, by Alcoa of Australia, over Kingsbury Drive. The purpose of the bridge is to provide a safe crossing of Kingsbury Drive by mine vehicles. It is recommended that Council approve the bridge, with conditions.

### Relevant Previous Decisions of Council

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

### Background

Alcoa of Australia ('Alcoa') holds a mining lease for a significant area (originally 1.23 M hectares – approximately 15% of the original lease has been relinquished, to protect environmental values) of the Darling Scarp in the Perth Hills area. The mining lease was established as part of a State Agreement Act (*Alumina Refinery Agreement Act 1961*). Active mining for Bauxite originated in the Jarrahdale area. Current operations are at two active mine sites, being the Huntley Mine and the Willowdale Mine. The Huntley Mine is located near Dwellingup, and the Willowdale Mine is located near Waroona.

As part of the expansion of the Huntley Mine, mining operations have resumed within the Shire of Serpentine Jarrahdale, with operations extending to immediately south of Kingsbury Drive. Current expansion plans, for the Huntley Mine, include accessing resources to the north of Kingsbury Drive. To safely facilitate this expansion, Alcoa is seeking the Shire's permission to install a bridge over Kingsbury Drive. A plan showing the approximate location of the proposed bridge is included at attachment OCM127.1/09/17, and a plan showing the proposed bridge concept, is included at **confidential** attachment OCM127.2/09/17.

Although the *Mining Act 1978* and the *Alumina Refinery Agreement Act 1961 (ARAA)* give Alcoa significant rights, they have requested permission to construct the bridge as private infrastructure in a road reserve, as allowed for by Regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996 (LG Regs)*. It is recommended that Council grant the requested permission.

### Community / Stakeholder Consultation

The Shire has not undertaken consultation. Alcoa has a community engagement program, which includes meetings with individual landowners and community forums.

### Statutory Environment

The Alcoa mining operations are provided for by the *ARAA* and the *Mining Act 1978*. Under the *ARAA*, providing ALCOA pay an appropriate fee (the fee itself is unknown, as the legislation is old, and is in





reference to the Board constituted under the *State Transport Co-ordination Act 1933* – this is likely now Main Roads Western Australia), they will be issued a license to transport any of its goods or materials by road, within 40 miles (64 km) of their work site. The *ARAA* also provides for the State to provide and maintain sufficient public roads reasonably required to enable the transport of ore to the railhead. Accordingly, aside from general use of public roads, Alcoa are likely to have the right to traverse public roads with specialised ore transport vehicles, after the issuance of a permit (which is required to be issued, on payment of the fee).

Under the *Mining Act 1978*, there are no special provisions for utilisation of public roads.

Section 33 of the *Road Traffic (Vehicles) Act 2012* provides a power to the Commissioner of Main Roads to modify the allowable dimensions of a vehicle. As a public road, Alcoa are entitled to cross the road with an as-of-right vehicle (trucks up to a semi-trailer); with a permit, Alcoa can cross Kingsbury Drive with oversize and over-mass vehicles.

Under the *ARAA* (after paying a fee) and separately through a permit issued under the *Road Traffic (Vehicles) Act 2012*, Alcoa can cross Kingsbury Drive using mining vehicles.

Regulation 17 of the *LG Regs* provides a power for a local government to provide permission, with conditions, for the construction of private infrastructure. A required condition of private infrastructure is insurance. A failure to provide permission and the conditions on permission, are appealable to the State Administrative Tribunal.

## **Comment**

The request to construct a bridge over Kingsbury Drive, by Alcoa, is a sensible solution to a conflict between mining operations and the general public. An alternative, available to Alcoa, is to seek access to the actual road, which is required to be granted on payment of a fee. Alcoa also have the right to insist the State Government provide access to and maintain public roads, to support their mining operations.

By constructing a bridge, and seeking a permission from the Shire, Alcoa are recognising the risks associated with the conflict that would otherwise be created, if mining vehicles were to cross Kingsbury Drive. Alcoa are also actively engaging with the local authority, and working with the Shire to create a safe solution to the conflict.

The proposed bridge is similar in design to other bridges used in similar situations by Alcoa. It has been designed by a practicing engineer, and will be constructed and maintained at the cost of Alcoa. The actual bridge location is remote from private property, with the closest occupied land, to the proposed bridge location, being the State Government's Karnet Prison Farm, approximately 1,500m to the west. The aesthetics of the bridge, particularly on a tourist route, is a personal consideration. The bridge design is unusual, and in the author's opinion, the novelty of the design adds to the tourist experience. The bridge itself, being a mining bridge, also provides the opportunity to tell the story of mining within the Shire of Serpentine Jarrahdale, particularly as the original bauxite mine, under the *ARAA*, was Jarrahdale.

Noted above, in issuing permission to construct private infrastructure over the road, Council can determine appropriate conditions. Under Regulation 17 of the *LG Regs*, where permission is granted for the construction of private works, the person who constructs the private infrastructure is required to maintain the private infrastructure and they are required to obtain and maintain insurance indemnifying the local authority against claims for damages. Other than the legislated conditions, it is recommended that Council require the bridge to be removed at the end of the permitted period, or when it is no longer required, unless otherwise agreed by Council. It is also recommended that Council permit the retention of the bridge for a period of 50 years, after which time new permission will need to be attained, or the bridge will need to be removed.



### Options and Implications

*Option One* Provide permission to install the bridge.

*Option Two:* Do not provide permission to install the bridge.

As Option One addresses the significant safety risks created by crossing Kingsbury Road, by mining vehicles, this is recommended.

### Conclusion

Alcoa have a large mining right over land on the Darling Scarp within the Shire. As their mining interests extend north, there has developed a need to cross Kingsbury Drive. Under the *ARAA* Alcoa have substantial rights to access the road, for the purpose of crossing the road, in addition to having an 'as-of-right' to cross the road in 'as-of-right' vehicles, and the ability to seek a permit to cross the road in larger vehicles. Alcoa propose to construct a bridge to separate the public from the mining operations, which is located 1,500m from the closest occupied land. Alcoa are seeking permission under Regulation 17 of the *LG Regs*, for the installation of the bridge. It is recommended that the Council grant this permission.

### Attachments

- [OCM127.1/09/17](#) - Plan (E17/8638) Alcoa Approximate Bridge Location
- **Confidential OCM127.2/09/17** - Plan (E17/8637) Alcoa Bridge Concept

### Alignment with our Strategic Community Plan

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

### 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)
<b>Collision between mining vehicle and the public</b>	Possible (3)	Catastrophic (5)	High (10-16)	Health - 5 Catastrophic - Fatality, permanent disability	Accept Officer Recommendation

**Risk Matrix**

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

**Voting Requirements:** Simple Majority

**OCM127/09/17 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Gossage, seconded Cr Hawkins**

**That Council grant permission to Alcoa of Australia, or its successor, to construct a bridge on Kingsbury Road at the approximate location shown in attachment OCM127.1/09/17, on the following conditions:**

- 1. Permission to construct the bridge is for a period of up to 50 years, after which the bridge will need to be removed, or a new permit will be required, unless otherwise agreed by the local government;**
- 2. In the case that the need for the bridge terminates prior to 50 years, the bridge is to be removed, unless otherwise agreed by the local government;**
- 3. Alcoa of Australia, or its successor, will obtain and maintain, from an insurance company, approved by the local government, an insurance policy in the joint names of the local government (and successors) and Alcoa of Australia (and successors), indemnifying the local government (and successors) against any claims for damages, which may arise in, or out of, the construction, maintenance or use of the bridge; and**
- 4. All costs associated with the installation, retention and removal of the bridge, including damage to the Shire's road, and maintenance of the bridge, will be met by Alcoa of Australia, or its successor.**

**CARRIED UNANIMOUSLY 8/0**



### 8.3 Corporate and Community reports

<b>OCM128/09/17 – Change October 2017 Ordinary Council Meeting Date (SJ2326)</b>	
<b>Author:</b>	Kellie Bartley – Manager Corporate Services
<b>Senior Officer/s:</b>	Peter Kocian – Acting Director Corporate and Community
<b>Date of Report:</b>	7 September 2017
<b>Disclosure of Officers Interest:</b>	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 advise a change of date to the Ordinary Council Meeting on the 23 October 2017 to 16 October 2017 due to the 2017 Elections being held on 21 October 2017. The 23 October 2017 will be a Special Council Meeting – Swearing in Ceremony.

#### Relevant Previous Decisions of Council

OCM165/08/16 – Schedule of 2017 Council meetings dates.

#### Background

At the Ordinary Council Meeting (OCM) held on the 22 August 2016 Council resolved to approve the Ordinary Council Meeting dates for 2017. OCM's are held on the fourth Monday of each month, the exception being where public holidays fall on those dates, whereby the meeting would occur on the following Tuesday.

#### Community / Stakeholder Consultation

No consultation is required prior to making this decision. It is a requirement for Council to give local public notice of any change to the date, time or place of a meeting. This public notice will be displayed at the Administration Centre, Mundijong Library and published in the local newspaper, The Examiner. A notice will also be placed on the Shire website.

#### Statutory Environment

Regulation 12 of the *Local Government (Administration) Regulations 1996* requires local public notice be given of the dates, time and place of Council meetings and those Committee meetings that are required under the Act to be open to members of the public at least once a year.

**Comment**

It is recommended to move the OCM to 16 October 2017 as this will give an opportunity for any newly appointed councillors to consider the agenda items ahead of the November OCM and understand the process that will be required for the first meeting.

By amending the current date of the scheduled October OCM by one week, it is considered to add value to Council's decision making process with any new councillor's to be appointed at a proposed Special Council Meeting – Swearing in of Council to be conducted on the 23 October 2017.

Proposed Change to 2017 dates

Date	Current	Proposed
9 October 2017		Q & A
16 October 2017		Ordinary Council Meeting
21 October 2017	Local Government Elections	
23 October 2017	Ordinary Council Meeting	Special Council Meeting – Swearing in of New Council

**Attachments**

Nil.

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

There are no financial implications.

**Risk Implications**

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>That Council not accept the Officers Recommendation</b>	Unlikely (2)	Minor (2)	Low (1-4)	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
<b>Almost Certain</b>	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely</b>	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
<b>Possible</b>	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
<b>Unlikely</b>	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
<b>Rare</b>	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item.

**Voting Requirements:** Simple Majority

**OCM128/09/17 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr See, seconded Cr Hawkins**

**That Council:**

1. **Endorses the change of date to the Ordinary Council Meeting from 23 October 2017 to 16 October 2017 commencing at 7pm.**
2. **Endorses the Special Council Meeting – Swearing in Ceremony to be held 23 October 2017 commencing at 6pm.**
3. **Advertises by local Public Notice the change in dates as specified in recommendations 1 and 2 and display the change of date at the Administration Centre, Mundijong Public Library and The Examiner newspaper.**

**CARRIED UNANIMOUSLY 8/0**

**OCM129/09/17 - Confirmation of Payment of Creditors (SJ801)**

<b>Author:</b>	Vicki Woods – Finance Officer
<b>Senior Officer/s:</b>	Peter Kocian – Acting Director Corporate and Community
<b>Date of Report:</b>	1 September 2017
<b>Disclosure of Officers Interest:</b>	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 CG07 - 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 record the payments under delegated authority.

A detailed list of invoices for the period 1 August 2017 to 31 August 2017 is provided per attachment OCM129.1/09/17. Transactions made by purchasing cards are detailed in the Purchasing Card Report 6 July 2017 to 5 August 2017 as per attachment OCM129.2/09/17.

**Attachments**

- [OCM129.1/09/17](#) - Creditors List of Accounts 1 August 2017 to 31 August 2017 (E17/8426)
- [OCM129.2/09/17](#) – Purchasing Card Report 6 July 2017 to 5 August 2017 (E17/8422)



**Alignment with our Strategic Community Plan**

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

**Financial Implications**

All payments have been made 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)
<b>That Council does not accept the payments.</b>	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
<b>Almost Certain</b>	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely</b>	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
<b>Possible</b>	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
<b>Unlikely</b>	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
<b>Rare</b>	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

**OCM129/09/17 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Piipponen**

**That Council records the accounts as paid under delegated authority for August 2017, totalling \$2,537,716.31 as attached, covering:**

- 1. EFT Vouchers EFT47966 to EFT48368 including Purchasing Card Payment totalling \$1,894,442.42.**
- 2. Municipal Cheque Vouchers CHQ45868 to CHQ45872 totalling \$7,058.20.**
- 3. Municipal Direct Debits DD45235.1 to DD45288.34 totalling \$636,215.69.**

**CARRIED UNANIMOUSLY 8/0**

**OCM130/09/17 – Monthly Financial Report – July & August 2017 (SJ801)**

<b>Author:</b>	Stacey Hobbins – Management Accountant
<b>Senior Officer/s:</b>	Peter Kocian – Acting Director Corporate & Community
<b>Date of Report:</b>	5 September 2017
<b>Disclosure of Officers Interest:</b>	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*.

The month end reports for 31 July 2017 and 31 August 2017 are presented to Council.

**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 reports show our month end positions as at the end of July and August 2017. The municipal surplus for the month ending 31 August 2017 is \$25,202,690, which is favourable, compared to a budgeted surplus for the same period of \$23,566,840.

Description	YTD Budget	31 August 2017 Actual	Variance (Favourable)
Opening Surplus at 1 July 2017	2,735,736	3,177,179	(441,443)
Proceeds from sale of assets	-	-	-
Changes to net transfers to and from Reserves	-	(9,211)	9,211
Changes to net transfers to and from Restricted Cash	-	(115)	115
Loan Principal Drawdown (New loans)	-	-	-
Loan principal repayments	-	-	-
Capital expenditure	(274,055)	(215,717)	(58,338)
Capital revenue (cash items)	4,000	93,998	(89,998)
Operating revenue (cash items)	26,458,370	26,190,167	268,203
Operating expenditure (cash items)	(5,357,210)	(4,033,610)	(1,323,600)
	<b>23,566,840</b>	<b>25,202,690</b>	<b>(1,635,850)</b>

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

## Attachments

- [OCM130.1/09/17](#) – Monthly Financial Report July 2017 (E17/8572)
- [OCM130.2/09/17](#) – Monthly Financial Report August 2017 (E17/8573)

## Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	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		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.

**Voting Requirements:** Simple Majority

**OCM130/09/17 COUNCIL DECISION / Officer Recommendation:**

Moved Cr See, seconded Cr Hawkins

That Council:

1. Receives the Monthly Financial Report for July 2017, 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 OCM130.1/09/17.
2. Receives the Monthly Financial Report for August 2017, 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 OCM130.2/09/17.

**CARRIED UNANIMOUSLY 8/0**

**OCM131/09/17 – Community Sport and Recreation Facility Fund - Briggs Park Recreation Precinct Redevelopment Stage 1 (SJ1213)**

<b>Author:</b>	Marlene Renton – Senior Recreation Development Officer
<b>Senior Officer/s:</b>	Peter Kocian – Acting Director Corporate and Community
<b>Date of Report:</b>	1 September 2017
<b>Disclosure of Officers Interest:</b>	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 endorse the Shires funding application to the Department of Local Government, Sport and Cultural Industries through the Community Sport and Recreation Facility Fund for the Briggs Park Recreation Precinct Redevelopment Stage 1.

Stage 1 includes the upgrade of the lower oval, installation of sports lighting and new sporting infrastructure. The Shire is requesting \$1,295,481 from a total estimated project cost of \$3,948,000 (ex GST).

**Relevant Previous Decisions of Council**

OCM048/04/17 – At the April 2017 Ordinary Meeting of Council, Council endorsed Stage One of the Briggs Park Master Plan as the number one priority for recreation sporting facilities funding applications.

**Background**

The Briggs Park Recreation Precinct Master Plan (BPRPMP) was developed by CCS Strategic Management and endorsed by Council in September 2014. The Master Plan includes a condition assessment of existing facilities, their function and level of utilisation, extensive consultation with the community and user groups together with an analysis of population growth. This formed the basis for recommendations on future infrastructure requirements and the development of a master plan.

The BPRPMP identified and prioritised the demand for facilities at Briggs Park. These facilities were divided into six Elements.

- Element 1: Lower Oval Upgrade
- Element 2: Carpark Extension and Recreation Centre Expansion
- Element 3: New BMX Precinct
- Element 4: New Sports Pavilion
- Element 5: Youth Precinct
- Element 6: Ancillary Items

The Lower Oval Upgrade, including the installation of sports lighting, was identified as being required immediately and a high priority.

The Briggs Park Recreation Precinct Redevelopment Stage 1 includes:

- (a) Redevelopment of the Lower Oval
  - Installation of a sub-surface drainage system, new reticulation and turf
  - Sports Lighting to 150 lux



- Sports infrastructure to accommodate AFL, cricket, and diamond sports

(b) Upgrade to Upper Oval Lighting to 150 lux

The total estimated cost of Stage 1 is \$3,948,000 (ex GST). The CSRFF guidelines state that up to one third of the total cost of eligible items can be requested. The Shire will be applying for \$1,295,481, being approximately one third of the total estimated cost as some of the items are ineligible for funding being the living stream components and the demountable soccer goals as detailed in the cost estimate.

### **Community / Stakeholder Consultation**

Consultation regarding the project and the grant application has been undertaken with the Department of Local Government, Sport and Cultural Industries through the Manager Peel, the CSRFF Officer, and Director Facilities and Camps.

### **Statutory Environment**

The Shire's financial contribution to this project is required to be confirmed at the time of submitting the CSRFF application. Council will need to include in its resolution confirmation of own-source funding as per the Long Term Financial Plan.

### **Comment**

The 2016 census found the Shire of Serpentine Jarrahdale to be the fastest growing Local Government in Australia. The population of the Shire grew from 18,501 in 2011 to 27,634 in 2016 and is predicted to grow to 46,764 by 2026. This represents an annual average growth rate of 6.38% compared to Peel at 4.4% and WA at 2.6%. During this time, Byford doubled in size and currently represents over half of the Shire's population. In 2016 young families dominated the Shire's demographic profile making it clear that the Shire needs to focus on delivering services and facilities to meet the needs of young families and youth.

Briggs Park is the only non-equestrian district sporting space in the Shire. It has been the focal point for sport in the Shire for over 90 years with the Upper Oval tracing its origins back to 1926. Over this time it has undergone a number of improvements to the surface with the most recent in 2000. The Lower Oval was constructed around 1980 and the Briggs Park Pavilion in 1983. All infrastructure is aging and requires upgrade, renewal, or replacement.

### Community Infrastructure and Public Open Space Strategy (2017)

The Community Infrastructure and Public Open Space Strategy (CIPOSS) states that Byford will require seven senior ovals by 2031 and requires 4 ovals to meet existing demand. However there are only two fully functioning ovals (ovals that can be used all year round) which include Briggs Park Upper Oval and Kalimna Oval. Briggs Park Upper Oval is fully utilised by AFL in winter and cricket in summer. Kalimna Oval was completed in 2015 and is under a Shared Use Agreement with the West Byford Primary School. In summer, it is home to Byford Little Athletics Club and used for training by the Serpentine Jarrahdale Cricket Club. The newly formed Byford Soccer Club is aiming to be operating from Kalimna by winter 2018.

The Byford area is currently deficient by two fully functional sports ovals. The CIPOSS identifies the redevelopment of the Lower Oval as a priority and allocates development for the year 2018/19.

### Sporting Groups



There are three sports clubs using the ovals at Briggs Park. Each club is increasing in numbers and have indicated a desire to access the Lower Oval or increase access once it is redeveloped. This will result in the Lower Oval being fully utilised for summer and winter sports all year round.

Club	Current Use	Future Use	Season	Membership
Mundijong Centrals Junior Football Club	Upper Oval	Upper Oval Lower Oval	Winter	666
Serpentine Blues Cricket Club	Upper Oval	Upper Oval Lower Oval	Summer	198
Byford Bushrangers (teeball)	Lower Oval	Lower Oval	Summer	141

- The Byford Bushrangers teeball club have increased in numbers over the last three years from 126 to 141. The Lower Oval redevelopment will enable the club to attract new members and broaden participation options into baseball and softball for youth and adults.
- The Serpentine Jarrahdale Cricket Club have grown by 25% or 48 members over the past three years. The Club cannot use the Lower Oval at Briggs Park as it has no cricket pitch or nets and the undulating surface is not safe. When the redevelopment is complete they will access the oval for training and Sunday matches thus making full use of their historical home ground.
- At 666 members the Mundijong Centrals Junior Football Club are the largest junior sporting club in the Shire. Due to the Lower Oval being unusable in winter they play club matches at both Briggs Upper Oval and Mundijong Oval. This results in volunteer resources being stretched over two venues. Once the Lower Oval is upgraded to a quality playing surface with lighting, the club will use it for training on most week nights and matches on Saturday and Sunday for girls and boys. This will allow them to make more effective use of their volunteers by consolidating match day resources. It will firmly establish Briggs Park as the home for Mundijong Centrals Junior Football Club.

### Conclusion

The Briggs Park Lower Oval Redevelopment was first identified as a priority in 2008 in the 'Community Facilities and Services Plan 2020'. Nine years on the need for the Lower Oval to be fully functional has become critical due to the rapid population growth in Byford. Once completed it will fill an existing demand and be at capacity within the first year. The CIPOSS places the project as the number one priority across the Shire and this is reflected in the Long Term Financial Plan allocation of funds for 2018/19. The project funding strategy identifies the CSRFF as the only confirmed opportunity to source funds from State or Federal government in the immediate future.

### Attachments

- [OCM131.1/09/17](#) – CSRFF Grant Application
- [OCM131.2/09/17](#) – Peer Review - RBB Consultants - Schematic Design Estimate (E17/8990)

### Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 1.1.2</b>	Provide a healthy community environment



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## Financial Implications

As part of the grant application, the Shire is to demonstrate financial viability including the following:

- Assessment of lifecycle costs
- Funding of operational deficit
- Establishment of Asset Replacement Fund
- Confirmation of capital funding

The Shire has drafted a Cash Reserves Policy that is soon to be considered by Council. The draft Policy endorses the retention of asset management reserves, to provide for asset renewal requirements to reduce the risk of a sudden loss of service potential and to assist with peak renewal demand. Reserve balance targets are 1% to 2.5% of the current replacement cost of the depreciable component of each asset group. These thresholds have been achieved in the Long Term Financial Plan; with the Shire holding specific Reserve accounts for Parks and Gardens, Briggs Park and Community Facilities.

Capital funding and lifecycle costs have also been fully captured in the Long Term Financial Plan. The 2018/19 Capital Program includes a total project cost of \$3,827,802 (ex GST) for the Briggs Park Recreation Precinct Redevelopment Stage 1. The budgeted funding sources are:

- \$355,241 from Reserve (\$288,684 from the Community Facilities Reserve and \$66,557 from the Briggs Park Reserve).
- \$2,652,561 from new loan borrowings.
- \$820,000 from grants (CSRFF).

The amount of funding being requested is one third, \$1,295,481 (ex GST), leaving a Shire contribution of \$2,652,519 (ex GST). Therefore, there is adequate own source funding included in the Long Term Financial Plan to cover the Shire's contribution.

The Shire has sourced a cost estimate from RBB (OCM131.2/09/17) which estimates the project cost at \$3,948,000 (ex GST). This is comparative to the amount included in the Long Term Financial Plan. A summary of capital costs (ex GST) is as follows:

1. Preliminaries	\$177,000
2. Turf and Retic	\$861,000
3. Lighting/Electrical	\$687,000
4. Drainage/Earthworks/Retaining Walls	\$1,425,000
5. Sporting Infrastructure	\$109,000

A design and construction contingency of 15% has been applied.

A significant portion of the project cost is drainage and earthworks. This includes large quantities of fill material to raise the height of the lower oval, which are listed as items 42, 43 and 44 in the cost estimate. The total estimated cost of these earthworks and materials is \$787,161 (ex GST). Shire staff are investigating alternative solutions for the fill material, which may reduce the cost of the project.

## 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)
Project does not proceed due to lack of funding, leading to a loss of serviceability of public open space.	Possible (3)	Major (4)	High (10-16)	Service Interruption - 4 Major - Prolonged interruption of critical core service deliverables – additional resources; performance affected	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 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.

**Voting Requirements:** Simple Majority

**OCM131/09/17 Officer Recommendation:**

**Moved Cr Ellis, seconded Cr Piipponen**

**That, with respect to Stage 1 of the Briggs Park Recreation Precinct Redevelopment, Council:**

- Endorses the Community Sport and Recreation Facilities Fund application to the Department of Local Government, Sport and Cultural Industries for a funding request of \$1,295,481 (ex GST) from a total estimated project cost of \$3,948,000 (ex GST).**
- Ranks the project Priority One from One for funding through the Community Sport and Recreation Facilities Fund.**

**3. Reaffirms funding for this project as included in Long Term Financial Plan as follows:**

Description	2018/19 Budget as per LTFP
<b>Briggs Park Recreation Precinct Redevelopment Stage 1 Project Cost</b>	<b>(\$3,827,802)</b>
<b>Transfer from Briggs Park Reserve</b>	<b>\$66,557</b>
<b>Transfer from Community Facilities Reserve</b>	<b>\$288,684</b>
<b>Proceeds from New Loan Borrowings</b>	<b>\$2,652,561</b>
<b>Grant Funding - CSRFF</b>	<b>\$820,000</b>

**CARRIED UNANIMOUSLY 8/0**



## 8.4 Audit, Risk and Governance Committee reports

<b>ARG007/09/17 – Audit Regulation 17 Improvement Plan Progress Report (SJ2247)</b>	
<b>Author:</b>	Kellie Bartley – Manager Corporate Services
<b>Senior Officer/s:</b>	Peter Kocian – Acting Director Corporate and Community
<b>Date of Report:</b>	24 August 2017
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Introduction

The purpose of this report is to provide Council with a progress report on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal controls and legislative compliance (*Local Government (Audit) Regulations 1996*).

### Relevant Previous Decisions of Council

AC003/03/17 – Review of Risk Management, Legislative Compliance & Internal Controls presented to Council 27 March 2017.

ARG001/06/17 – Audit Regulation 17 Improvement Plan Progress Report presented to Council 26 June 2017.

### Background

On 8 February 2013, amendments to the *Local Government (Audit) Regulations 1996* extended the functions of the Local Government Audit Committees. The inclusion of Regulation 17 requires the Chief Executive Officer to review the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal controls and legislative compliance every two calendar years. The results are then reported to the ARG Committee.

At the Ordinary Council Meeting, 19 December 2016, Council considered the review of Risk Management, Internal Controls and Legislative Compliance pursuant to Regulation 17 of the *Local Government (Audit) Regulations 1996*, and resolved as follows:

OCM234/12/16 *COUNCIL DECISION / Officer Recommendation*

*Moved Cr Rich, seconded Cr Gossage*

*That with respect to the review on the appropriateness and effectiveness of the Shire's systems in regard to Risk Management, Internal Control and Legislative Compliance, as required under Regulation 17 of the Local Government (Audit) Regulations 1996, Council:*

1. *Receive the results of the review provided by the CEO under section 17 (3) of the Local Government (Audit) Regulations 1996 being the Improvement Plan contained in OCM234.1/12/16;*
2. *Note that the Shire will present to the Audit Committee a quarterly management review of the Improvement Plan as a standing item;*
3. *Note that the Shire will develop an audit work plan and internal audit charter to be considered by the Audit Committee at a later date.*

**CARRIED UNANIMOUSLY**



The Regulation 17 review audit produced a comprehensive “Improvement Plan” sanctioned into the following main compliance areas:

- Risk Management (RM)
- Legislative Compliance (LC)
- Internal Controls (IC)

A cumulative total of 61 framework components and actions items were identified to increase procedural and system effectiveness in accordance with legislative requirements.

The initial status report was presented to the Audit Committee on 20 March 2017. The Improvement Plan Progress report was presented to the Audit, Risk and Governance Committee on 6 June 2017. The items reported against identified issues with respect to risk management, legislative compliance and internal controls.

### **Community / Stakeholder Consultation**

Internal stakeholder consultation has occurred with Responsible Officers as designated in the status report attached to this item (ARG007.1/09/17).

### **Statutory Environment**

#### **Local Government (Audit) Regulations 1996**

##### *16. Audit committee, functions of*

*An audit committee —*

- (a) is to provide guidance and assistance to the local government —*
  - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
  - (ii) as to the development of a process to be used to select and appoint a person to be an auditor; and*
- (b) may provide guidance and assistance to the local government as to —*
  - (i) matters to be audited; and*
  - (ii) the scope of audits; and*
  - (iii) its functions under Part 6 of the Act; and*
  - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; and*
- (c) is to review a report given to it by the CEO under regulation 17(3) (the CEO’s report) and is to —*
  - (i) report to the council the results of that review; and*
  - (ii) give a copy of the CEO’s report to the council.*

##### *17. CEO to review certain systems and procedures*

- (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —*
  - (a) risk management; and*
  - (b) internal control; and*



(c) *legislative compliance.*

- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review*

Section 17 of the *Local Government (Audit) Regulations 1996* requires the Chief Executive Officer to review the appropriateness and effectiveness of the local government's systems and procedures in relation to Risk Management, Internal Control and Legislative Compliance separately or all at the one time, on the provision that each matter is reviewed at least once every two years.

Section 16(c) of the *Local Government (Audit) Regulations 1996* requires the Chief Executive Officer to report to Council the results of that review and give a copy to the Chief Executive Officer's report to Council.

### Comment

The Improvement Plan provides the organisation with a comprehensive overview of business practices and continuous improvement methodologies that work towards increasing best practice standards across all Shire business units.

The internal Technical Advisory Group (TAG) will continually perform a vital role in the Shire's ability to fulfil its governance responsibilities in relation to reporting, internal control and structure, risk management systems, legislative requirements and ethics. The TAG will be meeting in the month of October 2017 to identify all relevant Officers requirements to effectively communicate and implement the objectives outlined in the Regulation 17 "The Improvement Plan" throughout the organisation.

There are a number of actions that are partially completed or in progress. Full details are contained in attachment ARG007.1/09/17.

The following action items have been completed in accordance with the Regulation 17 Review:

No.	Framework Component Improvements (Completed)
RM1.10	Insurance – Fair Value completed building & Land
RM1.16	Council Agendas & Minutes – Organisational Risk Implications to agenda template completed August 2017
IC2.3	Staff Training – completed with performance appraisals process
IC2.5	Council Policy G003 Councillor Entitlements – reviewed by Council May 2017
IC2.8	Council Policy PC102 Financial Assistance to Community – review completed June 2017
IC2.9	Council Policy G006 Investment of Surplus Funds – review completed June 2017
IC2.14	Council Policy G917 Corporate Purchasing Cards – review completed August 2017

The following action items have been progressed in accordance with the Regulation 17 review pending Council consideration:

No.	Framework Component Improvements (In Progress)
RM1.1	Council Policy – Risk Management Policy
RM1.2	Risk Management Framework
RM1.3	Management Procedure – Occupational Health and Safety Procedures
RM1.4	Management Plan – Emergency Evacuation Plan



No.	Framework Component Improvements (In Progress)
RM1.5	Business Continuity Plan/Disaster Recovery Plan
RM1.6	LEMA – Draft Local Emergency Management Arrangements
RM1.7	Staff Knowledge – Staff Inductions
RM1.8	Entity Risk Register
RM1.12	Workforce Risk Assessment
RM1.15	Executive Management Group – Organisational Risk Register
RM1.19	Ongoing Improvement Plan – Risk Management Framework
LC2.3	Management Procedure – Staff Inductions
LC2.8	Council Policy – G009 - Depreciation
LC2.10	Communications – Code of Conduct
LC4.2	Complaints Handling
IC2.2	Experienced Staff – refer to LC4.2
IC2.10	Council Policy – G903 – Rates Collection and General Debtors Policy
IC2.12	Council Policy – G001 – Purchasing Amounts Under \$150,000
IC2.13	Council Policy – G002 – Procurement of goods or services through Public Tendering

The Risk Management Framework working group have commenced the review of the Risk Management Framework for the organisation. The outcomes have been presented to the Executive Management Group (EMG), and it is anticipated to be presented to the ARG by December 2017.

All relevant policies identified will be completed through the process with EMG and relevant Responsible Officers and is proposed to be presented to Council by November 2017.

Items RM1.12 and IC2.2 relating to Workforce and experienced staff are a work in progress now that Council has endorsed the Organisation Structural Review which was presented at the Ordinary Council meeting on 28 August 2017.

In summary, 61 areas have been assessed to date. The majority of areas audited have substantial effective systems and procedures in place. More specifically, 17 controls have been assessed as being high priority with 4 items completed.

Of the 28 controls identified as being medium priority, 7 items are now completed and of the 16 controls being low priority, 3 have now been finalised.

Therefore 14 items have now been completed of the 61 items. It is envisaged that the majority of items will be completed by the end of the 2017/2018 financial year.

The report in ARG007.1/09/17 outlines recommendations for improvements to increase all identified partially effective and ineffective controls to completion status.



### Attachments

- [ARG007.1/09/17](#) – Regulation 17 Improvement Plan (E17/8383)

### Alignment with our Strategic Community Plan

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

### Financial Implications

There are no financial implications arising from the recommendations contained within this report. However, additional resources may be required for the implementation of the Improvement Plan and associated process and systems in a timely manner.

### 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)
<b>That Council does not accept this report</b>	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
<b>Almost Certain</b>	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely</b>	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
<b>Possible</b>	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
<b>Unlikely</b>	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
<b>Rare</b>	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)



Risk Ratings have been determined with respect to probability and or consequences of adverse outcomes if action is not taken. Potential adverse outcomes may be quantitative impact (for example financial loss) or qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

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 over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

**ARG007/09/17 COUNCIL DECISION / ARG Committee Recommendation / Officer Recommendation:**

**Moved Cr See, seconded Cr Piipponen**

**That Council receives the Audit Regulation 17 status report as contained in attachment ARG007.1/09/17 on the risk management, legislative compliance and internal controls.**

**CARRIED UNANIMOUSLY 8/0**



**ARG008/09/17 – Status Reports on Statutory Compliance Calendar, Financial Management Review and Governance Health Review (SJ2196)**

<b>Author:</b>	Kellie Bartley – Manager Corporate Services
<b>Senior Officer/s:</b>	Peter Kocian – Acting Director Corporate and Community
<b>Date of Report:</b>	30 August 2017
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Introduction**

The purpose of this report is to provide Council with a progress status report on the appropriateness and effectiveness of the Shire's systems and procedures in relation to the Statutory Compliance Calendar (SCC), Financial Management Review (FMR) and the Governance Health Review (GHR).

**Relevant Previous Decisions of Council**

Statutory Compliance Calendar - There is no previous Council decision relating to this issue.

ARG002/06/17 - Financial Management Review – reviews status report.

ARG004/07/17 - Governance Health Review – accepts and actions key recommendations of report.

**Background**Statutory Compliance Calendar

The SCC has been provided to the Shire from the Western Australia Local Government Association (WALGA) as a tool to assist Council identify compliance activities throughout the calendar year. The objective is to assist Responsible Officers to review compliance and accountability activities on a monthly basis, across various legislative components.

Financial Management Review

Moore Stephens (WA) Pty Ltd was engaged to conduct a limited assurance review of the appropriateness and effectiveness of the Shire of Serpentine Jarrahdale's financial management systems and procedures. The objective of the review is to assist the Chief Executive Officer discharge responsibilities in respect to Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

Governance Health Review

The GHR intends to capture the recommendations and actions that were received by Council at the Ordinary Council meeting on the Monday 28 August 2017 (ARG004/07/17). Presenting the GHR to Council, and consequently the wider community having access to the report, endorses transparency and accountability.

**Community / Stakeholder Consultation**Policy Concept Forum

The GHC was presented at Policy Concept Forum.



<b>Meeting Date</b>	10 July 2017
<b>Councillors in Attendance</b>	Cr Atwell, Cr Ellis, Cr Erren, Cr Gossage, Cr Hawkins, Cr Piipponen, Cr Rich, Cr See

There has been no community consultation in the undertaking of these reports. Internal stakeholder consultation has occurred with Responsible Officers as designated in the status reports attached to this item.

## **Statutory Environment**

### Statutory Compliance Calendar & Governance Health Review

Whilst there are many provisions in the *Local Government Act 1995* and associated regulations regarding the auditing of financial records, assessment of risk management, internal control and legislative compliance, the undertaking of the SCC and GHR is not bound by legislative requirements. The legislative imperative for each action is noted in the SCC.

### Financial Management Review

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* requires the Chief Executive Officer of the Local Government to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the Local Government regularly (and not less than once in every 4 financial years) and report to the Local Government the results of those reviews.

## **Comment**

### Statutory Compliance Calendar

The SCC is based on the template from WALGA and is presented for consideration by the ARG Committee. It aims to provide a corporate calendar for all compliance requirements over the course of a year, including the next due date where an item is not carried out at least once per year. The calendar will commence reporting in the December 2017 ARG Committee meeting with Responsible Officers populating the relevant details as outlined in attachment ARG008.1/09/17.

### Financial Management Review

A FMR was undertaken by Moore Stephens (WA) Pty Ltd in April 2017. The review included a number of findings that were noted for improvement. The findings and status of progress is outlined in attachment ARG008.2/09/17.

### Governance Health Review

The scope of the GHR concentrated on governance, financial and compliance aspects of the Shire's operations, including: local laws, delegations, disclosure of interests, credit card control, risk management, tendering, procurement, compliance and internal control, policies, financial management systems, primary and annual returns.

The actions taken to implement the key recommendations of the GHR is to be recorded and reported to the ARG Committee. The key recommendations and status of progress is outlined in attachment ARG008.3/09/17.



## Conclusion

In summary, the status reports provide the organisation with a comprehensive overview of business practices and continuous improvement methodologies that work towards increasing best practice standards across all Shire business units.

## Attachments

- [ARG008.1/09/17](#) – Statutory Compliance Calendar Template (E17/8386)
- [ARG008.2/09/17](#) – Financial Management Review Status Report – September 2017 (E17/8477)
- [ARG008.3/09/17](#) – Governance Health Review Status Report – September 2017 (E17/8387)

## Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver best outcomes for the community within allocated resources
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

## Financial Implications

There are financial implications associated with some of the key recommendations in the GHR. These costs have been identified and are part of the 2017/18 budget.

There are no financial implications associated with the status reports for SCC & FMR.

## 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)
<b>Not proceeding with key recommendations for the individual status reports</b>	Unlikely (2)	Minor (2)	Low (1-4)	Compliance - 2 Minor - Regular noticeable temporary non-compliances	Control through improvements as identified in each status report

**Risk Matrix**

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

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

**ARG008/09/17 COUNCIL DECISION / ARG Committee Recommendation / Officer Recommendation:**

**Moved Cr See, seconded Cr Gossage**

**That Council:**

1. **Accepts the Statutory Compliance Calendar as contained in attachment ARG008.1/09/17.**
2. **Requests that actions be taken to implement the Statutory Compliance Calendar be presented at the December 2017 Audit, Risk and Governance Committee.**
3. **Receives the Financial Management Review Status report as contained in attachment ARG008.2/09/17.**
4. **Receives the Governance Health Review Status report as contained in attachment ARG008.3/09/17.**

**CARRIED UNANIMOUSLY 8/0**

**ARG009/09/17 – Reporting on Corporate Business Plan Quarter 3 and 4 of 2016/2017 and Final Review (SJ940)**

<b>Author:</b>	Kellie Bartley – Manager Corporate Services
<b>Senior Officer/s:</b>	Peter Kocian – Acting Director Corporate and Community
<b>Date of Report:</b>	23 August 2017
<b>Disclosure of Officers Interest:</b>	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 receive the status and outcomes achieved on the objectives and actions of the Shire's Corporate Business Plan during the second half of 2016/2017 (January – June 2017). It will also provide an overview of the final outcomes achieved in the Corporate Business Plan 2013-2017 which has been superseded with Corporate Business Plan 2017-2021.

**Relevant Previous Decisions of Council**

OCM046/04/17 – report Quarter 1 & 2 of 2016/17 Corporate Business Plan.

**Background**

The Shire's Corporate Business Plan 2013/2017 demonstrates how the objectives of the Shire's Strategic Community Plan will be achieved. The *Local Government Act 1995* requires Local Government to plan for the future of their district. The *Local Government (Administration) Regulations 1996* stipulates that a Local Government is to ensure a Corporate Business Plan is made for its district and covers at least four financial years. Local Government is required to review their Corporate Business Plan every year.

**Community / Stakeholder Consultation**

No community consultation is required in this instance. Responsible Officers have reviewed the Corporate Business Plan and provided a status against responsible activities.

**Statutory Environment**

- Local Government Act 1995
- Local Government (Administration) Regulations 1996

Regulation 19DA of the *Local Government (Administration) Regulations 1996* refers:

**19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.



- (3) *A corporate business plan for a district is to —*
- (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
  - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
  - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

*\*Absolute majority required.*

## Comment

The Corporate Business Plan report for quarters 3 and 4 provides information on progress against milestones for the 2016/2017 projects and programs within the Corporate Business Plan.

A commentary is provided against each quarterly milestone on the actions completed and project status reported as per attachment (ARG009.1/09/17). As this is the final report for the Corporate Business Plan 2013-2017, the following provides an overall summary of significant achievements for the period and the overall plan.

### Governance and Leadership

- Major review of the implemented workforce plan, communicate and inform staff, finalised with a report to be presented to Council in 2017-2018.
- A significant number of policies reviewed and new policies developed.
- Staff training and personal development implemented through Human Resources better practices including the support from Premah, Performance Management, EEO training & discrimination, harassment and bullying and individual Officer training.
- Improved Reporting for monthly and annual project delivery through monthly financial reporting introduced.
- The 2016 Compliance Audit Return was adopted by Council and submitted to the Department of Local Government and Communities.
- Implementation of the Public Health Plan, Development Compliance Policy and Record Keeping Plan.
- Implementation of Customer Service Statistic reporting in the Councillor Information Bulletin.
- Councillor information pack and induction training to be finalised during the October 2017 elections process.



- The Shire has become part of the Peel Regional Leadership Group through the WALGA Peel Zone.
- Operations EBA discussions are currently occurring and will be finalised in 2017/2018.

#### Financial Sustainability

- Review of the 10 Year Long Term Financial Plan and Capital Works Program commenced. Scheduled to be finalised in early 2017-2018.
- Review and adoption of Buildings Asset Management Plan.
- Review Project Management Framework for the organisation to be completed by 2017-2018.
- A significant number of policies reviewed and new policies developed.
- Complete and implement the Strategic Community Plan 2017-2027 and Corporate Business Plan 2017-2021.
- Business Continuity Plan currently under review with the Risk Management Framework.
- Economic Development Advisory Committee formed.
- Business Champions group implemented to undertake IT systems review.
- Byford Traditional Infrastructure Development Contribution Number 4 completed.
- Capital Works Projects completed:
  - Byford District Country Club
  - Replaced Byford Fire Station Roof
  - Kalimna Oval Club Facility
  - Upgrade Serpentine Ambulance Building
  - Dump master site in Jarrahdale (RV Site)
  - Upgrade Animal Pound
  - Hopelands Community Hall Water Tank
  - New flooring Serpentine Jarrahdale Community Recreation Centre
  - Serpentine Primary School crossing completed
  - Richardson, Tonkin & Hardey Roads intersection completed
  - Kingsbury Drive upgrade completed
  - Gossage Road Rehabilitation
  - Elliot Road Rehab shoulder & resurface completed
  - Kargotich Road completion
  - Hopkinson Road improvements on cross sectional width of bridge
  - Hopeland Road, Rowley Road, Wright Road, Masters & Kargotich Road upgrades
  - Footpaths renewal program completed
  - Drainage maintenance program completed

#### Built Environment

- Review of Rural Land Strategy and outcomes on the Western Australian Planning Commission's final decisions.



- Review of Development Applications policy and statutory requirements completed.
- Business Development engagement with Local and economic landholders occurred through the Business workshops.
- Endorsement of the SJ2050 as The Vision.
- Implemented STEMS program for risk management and hazard identification systems.

#### Local Economy

- Economic Advisor employed.
- Economic Development Advisory Committee established.
- Continued progress on the proposal of development within the West Mundijong Industrial Area.
- Implemented and install signs within the Peel Region, promoting the Peel Region for various locations.
- Engage with the “Switch your thinking” program.
- Memorandum in place for the Peel Harvey Biosecurity Group with regards to control of cotton bush within the region.

#### Natural Environment

- Actions from the Better Urban Water Management is accepted by WAPC’s for best practice of Water Management
- Review and implement a new Waste Disposal option.
- Actions from Briggs Park and Brickwood Reserve Management Plan implemented.
- Actions from Parks and Reserves Asset Management Plan implemented.
- Actions from Natural Assets Management Plan implemented.

#### Community Wellbeing

- Actions from Serpentine Cemetery Reserve Management Plan implemented.
- Actions from Community Grants Program implemented.
- Actions from Community Events implemented and new events calendar completed and adopted by Council.
- Community Safety and Crime Prevention Survey recently completed.
- Delivery services through YMCA for Youth Services within the region.
- Activated the Youth Advisory Council and engaged with the community through the YTime Youth Engagement Program.
- Delivery of comprehensive program of Library Services:
  - Better Beginnings Kindy Program
  - Baby Yoga and Massage sessions
  - Book Bugs and Bookworm programs
  - SJ Library Friends Events
  - Library Lovers Day





- Hug the Library incentive for YouTube
- Popup Library days
- Seed saving workshops
- Oral History

#### Attachments

- [ARG009.1/09/17](#) – Report on Corporate Business Quarters 3 & 4 2016/2017 (E17/8430)

#### Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

#### Financial Implications

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

The Corporate Business Plan 2017-2021 will guide the allocation of resources in the annual budget and ensure Council's Strategic Community Plan can be implemented and budgeted for over the future years.

#### 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)
<b>That Council does not accept the report.</b>	Unlikely (2)	Minor (2)	Low (1-4)	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
<b>Almost Certain</b>	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely</b>	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
<b>Possible</b>	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
<b>Unlikely</b>	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
<b>Rare</b>	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements: Absolute Majority**

**ARG009/09/17 COUNCIL DECISION / ARG Committee Recommendation / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr See**

**That Council receives the report on the status actions on the Corporate Business Plan for the period January to June 2017 as per attachment ARG009.1/09/17.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**



## 8.5 Confidential reports

### COUNCIL DECISION

#### Moved Cr Ellis, seconded Cr Gossage

That the meeting be closed to members of the public at 8.01pm, whilst item OCM132/09/17 is discussed pursuant to section 5.23(2)(f) of the *Local Government Act 1995* and item OCM133/09/17 is discussed pursuant to section 5.23(2)(a)(b)(d) of the *Local Government Act 1995*.

Item OCM132/09/17 is a matter currently subject to mediation through a State Administrative Tribunal appeal process; and item OCM133/09/17 deals with a matter affecting the local government and its employees.

**CARRIED UNANIMOUSLY 8/0**

#### *Local Government Act 1995*

#### *5.23 Meetings generally open to the public*

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



<b>OCM132/09/17 – Confidential - Proposed Signage – Lot 27, 17 Abernethy Road, Byford (SJ2282)</b>	
<b>Author:</b>	Heather Coles-Bayes – Planning Officer
<b>Senior Officer/s:</b>	Andre Schonfeldt – Director Planning
<b>Date of Report:</b>	16 August 2017
<b>Disclosure of Officers Interest:</b>	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

**OCM132/09/17 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr See, seconded Cr Piipponen**

That Council approves the application submitted by M and S Architects on behalf of Kentucky Fried Chicken Pty Ltd on Lot 77, 17 Abernethy Road, Byford as contained in attachment OCM132.4/09/17 in accordance with section 31 of the State Administrative Tribunal Act 2004 subject to the following conditions:

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

<b>Plans and Specifications</b>	<b>Plans P1 – P10 received at the Shire's Offices on the 27 April 2017 and 11 August 2017.</b>
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2. The signage hereby permitted shall not contain any flashing, moving or pulsating lighting, nor contain lighting that is distracting to road users, or interferes with traffic signals, to the satisfaction of the Shire of Serpentine Jarrahdale.
3. The signs shall be securely fixed to the structures by which they are supported, and maintained in a safe condition at all times.
4. The signs shall be kept clean and free from unsightly matter and graffiti and shall be maintained by the landowner in good order free of dilapidation at all times to the satisfaction of the Shire of Serpentine Jarrahdale.

**CARRIED UNANIMOUSLY 8/0**



**Councillor Gossage declared a financial interest in OCM133/09/17 and left the chambers at 8.03pm while this item was discussed.**

<b>OCM133/09/17 – Confidential - Chief Bushfire Control Officer Appointment Process</b>	
<b>Author:</b>	Kenneth Donohoe
<b>Senior Officer/s:</b>	Kenneth Donohoe – Chief Executive Officer
<b>Date of Report:</b>	7 September 2017
<b>Disclosure of Officers Interest:</b>	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

**OCM133/09/17 COUNCIL DECISION / Alternate Recommendation**

**Moved Cr Piipponen, seconded Cr Ellis**

**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.**

**Councillor Gossage returned to the meeting at 8.10pm.**

**COUNCIL DECISION**

**Moved Cr Ellis, seconded Cr Hawkins**

**That the meeting to be reopened to the public at 8.11pm.**

**CARRIED UNANIMOUSLY 8/0**



Continued

## Ordinary Council Meeting Minutes Tuesday 26 September 2017

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The Shire President informed Councillor Gossage and the public that the Officers Recommendation for OCM132/09/17 was carried unanimously 8/0 and that for OCM133/09/17 an alternate recommendation with the addition of clause 4 to the Officers Recommendation, which appoints three Deputy Chief Bushfire Control Officers for 2017/18 was carried 5/2.

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

Nil

**10. Chief Executive Officer reports:****COUNCIL DECISION**

Moved Cr Hawkins, seconded Cr Piipponen

That Council consider late item OCM135/09/17 Peel Regional Leadership Forum.

**CARRIED UNANIMOUSLY 8/0**

<b>OCM135/09/17 – Late Item - Peel Regional Leadership Forum</b>	
<b>Author:</b>	Kenneth Donohoe – Chief Executive Officer
<b>Senior Officer/s:</b>	Kenneth Donohoe - Chief Executive Officer
<b>Date of Report:</b>	15 September 2017
<b>Disclosure of Officers Interest:</b>	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 Peel Regional Leadership Forum (PRLF) was established in 2010 to look at funding across the Peel Region, which included the Shires of Boddington, Mandurah, Murray, Serpentine Jarrahdale and Waroona local governments. Additionally, the membership includes Regional Development Australia, Peel Community Development Group and the Peel Harvey Catchment Council.

The group has terms of reference. It is identified in the Peel Development Commission's Blueprint as a significant stakeholder in influencing where Regional projects are developed in the Peel Region.

The PRLF recently reviewed its strategic objectives and has developed a new plan based on projects and aspirations for the Region.

From the generic projects or concepts identified within the report, participating members will prepare business plans for consideration with a regional focus on project development that identifies the competitive advantage to achieve Regional outcomes.

**Relevant Previous Decisions of Council**

There is no previous Council decision relating to this specific issue.

**Background**

The Shire of Serpentine Jarrahdale undertook a request for quote on behalf of the group and appointed Mr Bevan Bessen of Tunablue to facilitate the workshop and preparation of an outcomes document.

The workshop was undertaken on 20 July 2017 with representatives of all members present.



While wanting to see more specific project definition around projects that business plans could be founded upon, the majority of participants approached the workshop with a broader spectrum of concepts. It was subsequently agreed to take this broad strategic approach and for a proposed Executive Director to be appointed and for this person to drive business plans for the group on a case-by-case basis. This replacing the part-time Secretary position who recently resigned.

Members of the PRLF have endorsed a position that is key to achieving Regional outcomes through the resourcing of this position. It is also recommended that this position be resourced for a three (3) year term and that this investment be reviewed after three (3) years to determine its success or otherwise.

While the Shire of Serpentine Jarrahdale has financially supported the Peel Region for a number of years, it was felt that should the Peel want to drive economic, social and environmental projects with a higher level of success then there was a need for the group to share costs and employ a dedicated resource. While previous investments had kept the region functional, the measurement of the achievements was not as successful as other regions in Western Australia or investment potential had been lost, as the group had focused on lobbying.

It is important to note that the objectives as identified in the attached report are not just those from Serpentine Jarrahdale but also those of the Region. The draft report is a culmination of inputs from five (5) local governments, two (2) Regional funding bodies and two (2) Non-government agencies. It is a starting point and the Chief Executive Officer believes that with a regional approach to the Peel rather than a perception of a single entity receiving all regional benefits, the group will mature over a period of time with the right leadership and assessments of Regional priorities on a business case basis.

Furthermore, the importance of working collaboratively with the Peel Development Commission and Regional Development Australia are core to the functionality objectives of the region as both these groups have a major influence in funding applications in the Peel.

The PRLF members Executive Summary and objectives from the workshop are listed below;

- *The current PRLF needs to evolve from its current form. There is a need for a group that includes all of the Peel Region and can act on behalf of the region;*
- *Our vision is that the Peel is worth fighting for and that as a region, it stands strong and firm;*
- *It has a strong regional identity that attracts resources and support. Operating as a whole, the PRLF is stronger than the sum of the individual groups;*
- *Our purpose is to be a regional group that is representative, unifying, independent and strategic, acting through advocacy;*
- *Membership remains as is, consisting of the peak groups (including PDC), with secondment of others as needed;*
- *It is agreed that the Peel Regional Blueprint should be used as a guiding source for regional planning and priorities, with the caveat that there is input to the upcoming review of the Regional Blueprint;*
- *Need an empowered executive officer function in place, operating as an Executive Director, strategic, experienced and a voice for the PRLF;*
- *Elected Chair from the membership, in accordance with the Constitution;*
- *Governance sub-committee established to recommend KPIs for the Executive Director, plus monitor Executive Director performance on a regular basis;*
- *Hosting of the Executive Director according to the successful applicant's situation (or taking advantage of in-kind offers from members);*
- *To attract the type of Executive Director required, a package of \$175,000 per annum may be required, involving a three-year tenure, \$50,000 per annum for marketing, \$63,000 for operational expenses, and leveraged project funding;*





- *An agreed process for determining regional priorities and associated project or advocacy work needs to be further developed and documented;*
- *As an overall structure, it is agreed to use the Peel Regional Blueprint themes as the starting point for identifying regional priorities according to the PRLF i.e.*
  - *Thriving Industry;*
  - *Agriculture and Food Innovation;*
  - *Tourism Excellence;*
  - *Capable People;*
  - *Strong and Resilient Communities;*
  - *Environment*

### **Community / Stakeholder Consultation**

All members of the PRLF were present at the Workshop on 20 July 2017.

Discussions held at an officer level subsequent to the meeting and at a meeting of the PRLF Board in Mandurah on 8 September saw the group endorse progressing this pathway to all member groups recommending this report and its objectives be forwarded to members associations as a united way forward for the Peel.

### **Statutory Environment**

The PRLF runs as an independent group for the Peel region. Council allocates members to the PRLF as an external body after its Council election cycle.

Any financial commitments beyond that which Council has budgeted are required to be presented to member Councils for further consideration.

### **Comment**

Council could resolve not to support the PRLF and remove itself from the group however its representative body through the Regional Development Commissions Act is the Peel Development Commission. The Peel Development Commission identifies itself as seeking input from the PRLF for Regional Projects and withdrawal from the group may hamper future projects that require funding support from the Peel Development Commission. While this could be challenged in a judicial process or through Parliamentary Commissioners complaint this would affect relationships and may be at a prolonged financial cost.

Alternatively, collective lobbying as a Region with a common voice on projects supported through the PRLF could see succinct collective bargaining. Key to this achievement would be the appropriate resourcing of the PRLF to achieve its ambitions for the Peel with the Shire of Serpentine Jarrahdale pressing Regional projects as an equal partner provided this representation does not conflict with the Shire's policy positions.

### **Conclusion**

Council has now directed the Chief Executive Officer to participate in providing leadership with other local government Chief Executive Officers in the Region to achieve Peel Region objectives.

The receiving of the PRLF workshop outcomes and support for the appointment of an Executive Director to develop and deliver on Regional aspirations is supported on the above basis.

Should Council receive the report and agree to participate in the joint appointment and funding of the Executive Director, which is a priority objective of the report, then what outcomes and deliverables based



on a return on investment for the Peel and Shire should be carefully evaluated at the conclusion of a three (3) year term.

The PRLF Chief Executive Officer group have acknowledged that a review of the Governance and Financial reporting mechanism of the PRLF needs to be undertaken. This may lead to future opportunities for Regional Subsidiary models to be developed, resource sharing and a definition around what constitutes a Peel project. The Governance Agreement would detail terms of office for leadership of the group on a rotational basis, holding of regional funds (currently hosted by one of the member local governments) and how membership is controlled inclusive of new membership or withdrawal of membership.

### Attachments

[OCM135.1/09/17](#) - Workshop Outcomes PRLF 20 July 2017

### Alignment with our Strategic Community Plan

Development of the Peel Region may see specific projects developed collectively or individually based on a competitive and comparative basis. As such, membership of the Peel Regional Leadership Forum sees opportunities for development of economic, social and environmental investment across all pillars of the Shires objectives, People Place and Prosperity.

### Financial Implications

Council has budgeted \$50,000 in the budget for the 2017/2018 financial year.

Employment of the Executive Director this financial year would be as per the table below. The ratios of financial contribution is based on population in this period.

**PEEL REGIONAL LEADERS FORUM  
DRAFT BUDGET 2017/18 TO 2019/20**

Budget	17/18 \$	18/19 \$	19/20 \$
Surplus B/F	50,000	52,000	25,260
City of Mandurah	72,808	83,771	88,873
Shire of Serpentine Jarrahdale	44,249	51,900	54,933
Shire of Murray	38,798	45,818	48,455
Shire of Waroona	17,180	20,433	21,591
Shire of Boddington	15,965	19,078	20,148
Peel Harvey Catchment Council	500	500	500
Peel Development Commission	500	500	500
<b>Grants</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>
	<b>290,000</b>	<b>324,000</b>	<b>310,260</b>
Staff Costs	130,000	190,740	194,560
Grant Projects	100,000	100,000	100,000
Office Costs	7,000	7,000	7,000
Audit Costs	1,000	1,000	1,000
Surplus C/F	52,000	25,260	7,700
	<b>290,000</b>	<b>324,000</b>	<b>310,260</b>



**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)
<b>Council withdraw from the PRLF and not support recommendations of the Outcomes report.</b>	Unlikely (2)	Moderate (3)	Moderate (5-9)	Service Interruption - 2 Minor - Temporary interruption to an activity – backlog cleared with existing resources	Accept Risk
<b>Council does not fund the Executive Director Position</b>	Possible (3)	Moderate (3)	Moderate (5-9)	Service Interruption - 3 Moderate - Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources	Accept Risk
<b>Peel Regional Leadership Group Dissolves</b>	Possible (3)	Moderate (3)	High (10-16)	Service Interruption - 3 Moderate - Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources	Accept Officer Recommendation

**Risk Matrix**

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic	
		1	2	3	4	5	
Likelihood	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)

**Voting Requirements:** Simple Majority



**OCM135/09/17 COUNCIL DECISION / Officer Recommendation:**

Moved Cr See, seconded Cr Ellis

That Council;

1. Receives the Peel Regional Leadership Forum Outcomes report of 20 July 2017 and acknowledges that the Peel Regional Leadership Forum endorsed this Outcomes report at its meeting of 8 September 2017.
2. Supports the employment of the Executive Director position for the Peel Regional Leadership Forum for a three (3) year term on the basis that a comprehensive report evaluating the success or otherwise of the Peel Regional Leadership Forum's achievements in the Peel Region is provided to Council at the conclusion of this period before any further support for this position is considered.
3. Requests the Peel Regional Leadership Forum review its financial and governance agreements around membership and contributions to future business case development as a priority.

**CARRIED UNANIMOUSLY 8/0**

**11. Urgent business:**  
Nil

**12. Councillor questions of which notice has been given:**  
Nil

**13. Closure**

There being no further business the Presiding Member declared the meeting closed at 8.16pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 16 October 2017

.....  
Presiding Member

.....  
Date