

TABLE OF CONTENTS

1.	Attendances and apologies (including leave of absence):.....	2
2.	Response to previous public questions taken on notice:	2
3.	Public question time:	4
4.	Public statement time:	8
5.	Petitions and deputations:.....	11
6.	President’s report:.....	11
7.	Declaration of Councillors and officers interest:	11
8.	Receipt of minutes or reports and consideration for recommendations:	12
9.	Motions of which notice has been given:	13
	OCM069/10/14 Byford Town Centre Access and Parking Strategy – Final Adoption (SJ308).....	13
	OCM070/10/14 Road Naming Theme – Byford Meadows Estate – Lot 9500 Briggs Road, Byford (SJ500-02)	19
	OCM071/10/14 Sports Aircraft Builders Club of WA - Serpentine Airfield - Notice of intention to rate and change from Unimproved Value to Gross Rental Value (SJ239).....	22
	OCM072/10/14 Locality Funding Program 2014 – 2015 (SJ1599).....	24
	OCM073/10/14 Western Australia Local Government Association – Local Government Act 1995 – Poll Provisions (SJ1062-04).....	27
10.	Information reports:	29
	OCM074/10/14 Chief Executive Officer Information Report (SJ1508).....	29
	OCM075/10/14 Corporate and Community Information Report (SJ514-04).....	30
	OCM076/10/14 Planning Information Report (SJ514-04)	31
	OCM077/10/14 Confirmation of Payment of Creditors (SJ514-04)	32
	OCM078/10/14 Monthly Financial Report – September 2014 (A2092).....	34
	OCM079/10/14 Engineering Services Information Report (SJ514).....	36
11.	Urgent business:	37
12.	Councillor questions of which notice has been given:.....	37
13.	Closure:.....	37

Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 27 October 2014. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery.

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

In Attendance:

Councillors: K EllisPresiding Member
 S Piiipponen
 S Hawkins
 J Kirkpatrick
 J Erren
 B Moore
 B Urban
 J Rossiter
 G Wilson

Officers: Mr R Gorbunow.....Chief Executive Officer
 Mr A Hart Director Corporate and Community
 Mr B Gleeson.....Director Planning
 Mr G Allan Director Engineering
 Ms K PeddieExecutive Assistant to the CEO

Apologies: Nil

Observers: Nil

Members of the Public – 26

Members of the Press – 1

Leave of Absence: Nil

2. Response to previous public questions taken on notice:

Mr Harry MacLean, 234 Soldiers Road, Cardup

Question 1

Why have Permacrete and King's not had legal action taken against them (in relation to the no approvals)?

Response:

When Council was first made aware of this matter, a compliance investigation was undertaken that established that the business was operating without planning approval. At that time, Council was considering a zoning change for land in Cardup to Industrial. This included the rezoning of land to Industrial in the Metropolitan Region Scheme by the Western Australian Planning Commission and also the rezoning of land in Council's Town Planning Scheme No. 2. Due the fact that the land was being rezoned to Industry, a decision was made at that time not to take legal action. A retrospective development application was lodged by the landowner for the development and this will be considered by Council in the near future.

A compliance investigation was undertaken on Lot 6 South Western Highway, Cardup that established that the land was being used for the processing/ storage of timber products, without planning approval. It is understood the land has been used for such purposes for nearly 15 years and in recent times, a small expansion of the operation occurred. The landowner has recently lodged a retrospective development application

for this land. Due to the small scale of the business and the recent zoning changes on this land, a decision was made not to take legal action.

Question 2

In relation to Byford on the Scarp, Why do they need a Bore?

Response

An abstraction bore is needed for Byford on the Scarp for irrigation of Public Open Space (POS) and construction of the remaining stages of the development.

Question 3

In relation to the Byford on the Scarp, if the CEO knew there was water there, why did he not inform the meeting on 22 September 2014?

Response:

It is not clear what water is being referred to in this question. We are unable to answer this question unless further specific details and clarifications are given.

Question 4

In relation to Council Pipes for Byford on the Scarp, which statement is correct, the 8 September 2014 or the 22 September 2014?

Response:

Both statements are correct. The 22 September statement refers to Council accepting the approach to irrigation for the Byford on the Scarp development. This was through planning approval. The 8 September 2014 statement refers to the approval process for placing infrastructure through various landholdings. This would have been undertaken by LWP Property Group Pty Ltd which the Shire was not party to.

Ms Lee Bond, PO Box 44, Armadale, WA, 6112

Question 1

At the Ordinary Council Meeting 14 July 2014 my question was: What date and who gave approval for a trucking depot to operate on Abernethy Road, Oakford and a question about aviation fuel and a helicopter on 127 King Road, Oakford. An important part of the response to those questions signed by Richard Gorbunow was that records and previous enquiries detail that three trucking / construction businesses and a non-commercial airfield were in operation prior to 1986 at which time the area was under the Town of Armadale and were considered non-conforming land use, which runs with the land until there is a change of land ownership. Will you explain why this conflicts with the truth that in 1977 the Shire of Serpentine Jarrahdale acquired the area from the Town of Armadale and I know that at least one property operating a trucking depot changed hands.

Question 2

A response by Richard Gorbunow to a question I asked at the Ordinary Council Meeting 22 September 2014 was defamatory and will now be libellous. Can you, Mr Gorbunow, provide evidence of what you have accused me of?

Question 3

In another repetitive question I asked at the Ordinary Council Meeting 22 September 2014 regarding unsuitable mulch being used for the Byford Beautification Project, Richard Gorbunow responded to the question claiming no knowledge of the unsuitable mulch being used for the Byford Beautification Project. Will you explain why it is clearly written in the creditors payments as unsuitable mulch and why haven't you addressed the original questions I asked on this matter?

Response:

The CEO advised that all questions have been previously answered.

Ms Anne Hansson, 230 Soldiers Road, Cardup, WA, 6122

Question 1

Have the Parking Bylaws been amended after 1997 as stated at the Ordinary Council Meeting 22 September 2014. State Law has documents stating that the laws were amended and gazetted in February 2004. Am I to refer to the 1997 or 2004 laws? The compliance officer told me that I was wrong and could be prosecuted under the 1997 by laws.

Response:

The proposed Shire of Serpentine Jarrahdale Parking Facilities Local Law (2004), although listed in the Government Gazette, was rejected by Parliament's Joint Standing Committee on Delegated Legislation on 08 April 2004, after the date of Gazettal. As a part of that process, Council chose not to proceed with the proposed law of 2004. Accordingly, the existing Shire of Serpentine Jarrahdale Parking Facilities Local Law (1997) as gazetted on 30 August 1997, remains in effect.

3. Public question time:

Public Question and Statement time commenced at 7.01pm

Mr Harry MacLean, 234 Soldiers Road, Cardup, WA, 6122

Question 1

Why have I not received a written response to my questions dates 13 October 2014 regarding Permacrete and Kings?

Response:

The CEO advised that a written response had been posted out the previous week. The CEO also advised that correspondence in relation to questions at Ordinary Council Meetings are posted within five days.

Question 2:

Please show me in writing where the proposed playgrounds in Cardup have had funds provided for them.

Question 3

Who owns the land that the playgrounds are built on? Is it the Shire or a Developer?

Question 4

Which community group is involved in development of these playgroups playgrounds?

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

Mr Grant Richardson, 230 Soldiers Road, Cardup, WA, 6122

Question 1

In relation to the questions previously asked at Council meetings since May 2014 in relation to Wormall and Nash, five months have passed and it appears that nothing has happened. Has this matter be lodged with the Courts?

Questions 2

Is the penalty for commencing development on the land which included the placement of the building on the property without approval, the same as that for Breach for Failure to

Comply with a Notice under the Shire of Serpentine Jarrahdale Local Laws relating to Unightly Land and Refuse, Rubbish, Disused Materials on Land?

Question 3

At the Ordinary Council Meeting on 14 July 2014, Retrospective Development proposal for Lot 41 was not approved for the following reasons:

Section 5.18.1.1 of the TPS 2 states that in an Urban Development Zone the Local Government requires a Structure Plan for a Development Area or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area. As approval has not been granted previously for the development, the carrying out of unauthorised development constitutes an offence under TPS 2 clauses 8.3.1 and 8.3.2.

It is considered that the development would adversely impact on the preparation of a LSP, the orderly and proper planning of the area and the health, amenity, safety or convenience of future occupants of the adjacent area. In the absence of a LSP the application cannot be adequately assessed and the future impact on the residents and infrastructure cannot be adequately determined. The current situation on the ground is unacceptable to the community and any approval will legitimise impacts currently experience by the community. The landowner has unfortunately also not done much to alleviate the impacts for the community affected by the current operations. In the absence of a LSP it is recommended that the application be refused.

The current Development Application from Wormal, despite the wording, is still for a transport depot and is still lacking information. Plant and equipment is still to be transported to and from the site. Does a transport depot necessarily have to have a workshop? Given that nothing has changed except that no workshop is proposed, why was this application received by the Council and sent out for comment by the residents of Cardup?

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

Ms Eileen Davies, 2/9 Warrington Road, Byford, WA, 6122

Questions in relation to meeting held on Friday 21 February 2014 chaired by Chris Portlock.

Question 1

Regarding the land owned by LWP on the corner of Warrington Road and Mead Street, I would like to ask the Shire to ask LWP why have the trees been tagged as this is a roosting site for the Redtail Cockatoos and that is a feeding site for them.

Question 2

We had a meeting regarding this site chaired by Chris Portlock and your President Keith Ellis attended. The date was Friday 21 February 2014, I asked at a meeting on 21 June 2014 what was the outcome of this meeting and who was the person to liaise with. The answer I got from the Shire on 27 June 2014 was the Shire was unaware of this meeting. How can this be as there were a number of Councillors there including the Shire President. Am I being stone walled and I would like to know why I cannot get a straight answer to this meeting and questions?

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

Ms Bond, PO Box 44, Armadale, WA, 6112**Question 1**

At the Ordinary Council Meeting 28 April 2014 I asked why the static water supply hadn't been provided for the Stockmans Close and Bullock Drive Estates although the money and land had to be provided for this before either estate was given development approval. The reply given to me in writing states all funds received for static water supplies are kept as restricted funds until the water supplies are constructed. Both these estates have been waiting for twenty years. What date will this static water supply be constructed?

Question 2

A Chinese Massage Parlour was granted approval on South Western Highway, Byford on 5 February 2014 by Council officers under delegated authority. Was the application for the business correctly dealt with and which officer or officers gave approval for this business?

Question 3

Is Serpentine Jarrahdale Shire going to cease matching funding for the volunteer fire brigades of this Shire, if yes, why?

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

Mr Phil Maley, 4 Braid Street, Perth, WA, 6000**Question 1**

Is the CEO aware that despite basing a number of helicopters at the airfield during the 2013-14 season it now appears that they will not be there for the coming fire season, meaning ratepayers will face increased delays for help to arrive in the event of a fire?

Response:

The CEO advised that the Shire has not officially been notified, however the control of the tankers is a responsibility of Department of Fire and Emergency Services.

Ms Jackie Dines, 34 Jarrahlén Rise, Jarrahdale**Question 1**

Has the Minister Tony Simpson contacted the Council and demanded that they do as they are being told by him and/or his department? Is this reason why the Serpentine Jarrahdale Council has decided without any further consultation with the ratepayers to re-join the Local Implementation Committee process?

Question 2

Could it also be the reason why the Serpentine Jarrahdale Council has not publicly denounce the Local Government Advisory Board recommendations and refused to accept what the Minister is telling them? Remember these are not forced amalgamation, so why not simply say no thanks?

In the Examiner on 23 October 2014, Deputy Shire President Sam Phipponen said the Shire was disappointed but hoped the legal challenge, set to continue in the Supreme Court on 25 November 2014 would prevent a boundary change. He said the Shire would not participate in the Local Implementation Committee until legal proceedings were finished. He said "I don't want to look into the future ain regards to that, it is hard to plan for something that is possibly not going to happen". He further said for us to work with Armadale would show we are not 100% committed to saving our Shire. Now a

complete about turn with today's announcement of re-joining the Local Implementation Committee.

Question 3

Why on earth is the Council helping find the legal case on the one hand but prepared to support the government on the other by publishing government propaganda?

Question 4

Why is the Council not making it known to the Serpentine Jarrahdale community that it disagrees with the recommendations and point out the reasons why?

Points to be raised among other could be:

- That the process is not being conducted in a democratic or fair way.
- How is it that some Councils are being given the right to an amalgamation which allows them to have a poll and others are not.
- We the Serpentine Jarrahdale Council and the Serpentine Jarrahdale community demand to be given a poll.

Minister John Day has already expressed his wishes that all Councils be given a poll. There are other pressures also being brought to bear on the government to give people a vote. It is noted that other Councils are already preparing to demand a poll. Many are already gathering the required 250 signatures to put this forward.

Question 5

Is the Serpentine Jarrahdale Council going to do this? If so, how is it going to go about it and when, if not, why not?

Last week the Shire Facebook pages showed a link to the Shire's website front page, where there are links to a FAQ and maps put out by the Department of Local Government following the announcement of the Local Government Advisory Board recommendations regarding Local Government reform, and also a direct link to the FAQ on the website.

When it first came to my notice I rang the Manger Communications and Executive Services to try to find out why, not only, was this stuff up there, but at that point in time it was actually presented on a Shire of Serpentine Jarrahdale letterhead. I tried to point out that this was no more than government propaganda and at the very least it should not be on the Shire letterhead, and at best should be removed altogether. The Manger Communications and Executive Services understood the part about not being on a letterhead and managed to get it changed to be on a Government one, but she seemed adamant that because the Shire has been asked to put this on their website to inform residents that she has to do it.

Question 6

In view of the fact that the Shire has opposed the forced amalgamations and that at this point in time they are not law, why is it that the Shire sees fit to allow this sort of government propaganda to be advertised on the Shire website? Since when is the Shire beholden to a Government department to promote their propaganda? Is there nobody in the Shire offices who is able to vet this sort of information?

I did send an email to Councillor Piipponen who was acting President at the time, but received no answer. As a ratepayer I object to the Shire displaying this material on the front page of its website and I also object to it being promoted via the Facebook page and I ask that it be removed at least from the front page of the website and that the links displayed on the Shire Facebook page be removed. No other affected Council has this information displayed on the front page of its website.

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

Ms Michelle Rich, Firns Road, Serpentine

I read with great interest the minutes of Ordinary Council Meeting 13 October 2014 in regards to the item 12, Councillor Questions of Which Notice has Been Given and the article on page three of the Serpentine Jarrahdale examiner dated 23 October 2014. I find it hard to believe that simple questions have not been answered and that Elected Councillors choose to operate in a non-transparent way.

Question 1

What is Council trying to hide by not answering simple questions when they have been asked of an Elected Member by ratepayers of the Shire?

Question 2

Did all Councillors have the offer or receive gifts from LWP as stated in The Examiner?

Question 3

Have Councillors and/or Shire Officers been offered, accepted or used gifts from LWP or any other developer, company or business that operates within the Shire at any time before the passes to Andrea Bocelli were offered or given in September 2014?

Question 4

Is there a documented record of any/all gifts that are accepted or used by Councillors and Shire Officers?

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

4. Public statement time:

Ms Merri Harris, 24 Maxwell Street, Serpentine, WA, 6125

Today would have to be one of the saddest days of my life. Not only because the government has announced the demise of the Shire, which has as yet to be accomplished, but also because of the gutless, ill-informed and pansy behaviour of so many Councillors and Councils within the metropolitan area. This so called reform has nothing to do with reshaping, up-skilling or creating more sustainable Council but rather the State Government following the blueprint for change for the development industry.

I quote from The Property Council, Member Alert 23 October 2014, which states “the reform aligns with the Property Council’s long standing advocacy objectives for Local Government Reform. Larger and better resourced Councils mean property, businesses and the community can expect more timely and effective services like local planning and building approval processes and greater support for the growth of local economic centres. The Government is embarking on a three stage process, including:

- A raft of boundary amendments and Council amalgamation to be effective from 1 July 2014.
- The introduction of a City of Perth Act to recognise the State Capital and the expanded City of Perth and.
- The postponement of the creation of a Greater Western Suburbs Council.”

The development industry, and the Premier, are becoming so emboldened by their apparent success that they are stupidly announcing their grander plans before they have

successfully completed the first step. Serpentine Jarrahdale has boldly been a party to a legal case that is questioning the whole process and it still has to run its course through the Courts. Why then would we as a Council give an indication to our jailers and bullies that we are going to comply with their wishes before the position they have proposed has been proven to be valid. I cannot believe the naivety that exists within our ranks, or is it worse than that? I guess it will all come out in the washing of the dirty laundry in the future.

I would like the President and the CEO to ask the Minister at Wednesday's Q&A the following:

What rationale has been provided to him by the Local Government Advisory Board to designate so many Councils to have no wards?

The no ward system will be a direct play into the hands of the developers and other vested interest to load up the Councils with politically aligned candidates. This fact is a no brainer and is such a blatant attempt to skew the whole Local Government system to big interests that it is almost beyond belief. In the case of the sections of Serpentine Jarrahdale nominated to be taken over by Armadale who will represent them and their interest. Armadale does not have a good track record of looking after people on any form of rural land.

The second question that needs to be asked is:

What is the rationale given by the Local Government Advisory Board to the Minister to justify amalgamations status and thereby a right to a poll of the electorate and others that have been completely abolished as a whole and not been given the designation of an amalgamation?

A third question:

If Serpentine Jarrahdale, as it currently stands, is so economically unsustainable, how does the blending of the northern section of Serpentine Jarrahdale and Armadale create the most sustainable proposed new Council and can the Minister please provide the figures used to reach that conclusion?

Ms Shirley Harding, 1669 Kargotich Road, Mardella, WA, 6125

I am speaking on behalf of the Sports Aircraft Builders' Club of Western Australia, I have been a ratepayer in the Shire for 17 years, I am also the President of the Sports Aircraft Builders' Club.

Our club has been managing the reserve at Yangedi Road for over 30 years. We built up the current airfield from a run-down dairy farm. Our members maintain the fences, firebreaks, weed control and Bush Forever areas of the property, on a voluntary basis, at no charge to the Shire. We have planted native flora, and we provide water at no charge to the Shire water trucks. We have obtained Lotterywest funding to help us install a large water tank for use by fire bombers. The club also takes part in charitable events such as Fun Fly for sick children. Today we received a request from the Shire to provide our customary fly by for the Shire's Australia Day Event.

I would like Council to be aware that Sports Aircraft Builders' Club has no commercial income and that all costs are funded by contributions from its members.

Instead of charging rates, Council could consider providing an annual grant to contribute towards the Club's maintenance of the Bush Forever assets, firebreaks and fences, firebomber water supplies and storage tanks, runways, taxiways and clubhouse. Council should consider reimbursing the Club for water taken by its road maintenance trucks during the year from the Club's supply system.

The Sports Aircraft Builders' Club wrote to the Shire President on 28 August 2014 to express a willingness to discuss a new lease with more favourable terms for the Shire and a greater contribution to the community. The same letter pointed out a range of failures of the Shire to comply with the Local Government Act in relation to its handling of the rates proposal. The Shire has not acknowledged that letter let alone replied to it.

The rates proposal compares Serpentine Airfield with Manjimup Aerodrome. Council needs to be aware that Manjimup Airport has a much higher official rating, being a Registered Aerodrome under the Civil Aviation Safety Regulation. Council needs to be aware that Manjimup is also used as a base for fire spotting, power line cleaning, geophysical surveys, crop spraying, commercial flight training and last but perhaps not least, private recreational flying. Many club members are in fact retired, many on age pensions. Rather than Manjimup Airport, a more valid comparison would be the Serpentine Jarrahdale Men's' Shed.

Council needs to be aware that the Manjimup Shire funds the development of Manjimup Airport and has published a proposal to spend up to \$38.9 million on a new airport. Perhaps the Shire of Serpentine Jarrahdale will pledge a similar amount to further the development of the Serpentine Airfield. Perhaps Council will offer to purchase and maintain the existing runways, taxiways and other improvements at the reserve.

Council should be aware that Murrayfield Airport, a few kilometres south of the reserve, has commercial owners and hosts commercial activity and that rates levied there total only about \$12,000 per year. We have no objection in principal to paying a small user fee but the amount that the Council is demanding is unreasonable, particularly since club members do not own the hangar sites.

Ms Lee Bond, PO Box 44, Armadale, WA, 6112

I am sure I would not be the only person appalled at the suggestion that the Sports Aircraft Builders Club of WA will be expected to pay \$114,000 in rates to the Shire for the Crown Land they presently occupy for a peppercorn lease of \$1.00 per year.

These very generous people have looked after this land and the Shire has done nothing for them or the land. This is how it went from unimproved to improved, they improved it and now you want to slug them an unrealistic amount. If you persist with this then you will need to stop paying for everything at the Serpentine Pony Grounds, Serpentine Golf Course and raise their rates because it will go from unimproved to improved. How many more areas in the Shire will fall into this situation. Is it any wonder that the Shire has a bad reputation of late for ignoring the efforts by the community. I suggest that all Councillors have a close look at what this group does and talk to their members before you go down this path. Quoting Local Government Law doesn't impress me and no doubt will not impress these members and the general community.

Mr Grant Richardson, 230 Soldiers Road, Cardup, WA, 6122

Wormall's application, once again, is incomplete, being devoid of required information for such a document. Compare Bio-Organics Development Proposal to Wormalls and the difference is glaringly obvious, thirty-one pages versus two pages. The residents of Cardup cannot make informed comment on an application that contains no information. In Rob Sklarski's deputation on 14 July 2014, he stated that a successful appeal to the State Administrative Tribunal for Wormalls retrospective proposal was very unlikely. One of the reasons for this comment was because according to the WA Planning Commission, a retrospective proposal for Lot 41 can only be applied to the stables. This is still the case.

This Council has an opportunity, and more importantly, an obligation to do what is right to ensure that the Business Park is a success not just for the proponents, but also for the residents of Cardup.

Last retrospective application. Each development within the Business Park will be required to prepare an Urban Water Management Plan that outlines how water is to be managed within their development.

Public Question and Statement time concluded at 7.33pm

5. Petitions and deputations:

Nil

6. President's report:

Local Government Reform

Councillors, staff and community members will be aware that last week the State Government announced their plans for Local Government Reform across the metropolitan reform. Under the new arrangements, the Shire of Serpentine Jarrahdale will be erased from the map with a boundary change which sees the northern portion of the area to Mundijong Road to be added to the City of Armadale, and the southern portion to Mundijong Road to join the Shire of Murray.

It goes without saying that the Shire of Serpentine Jarrahdale Council and staff are bitterly disappointed with this decision. We do not believe it is in the best interests of our community, and we fear for our environment, our community organisations, whilst developing concern for the very real possibility of significant rate rises our residents will face to pay for the State Government's plans.

Our work with the Councils for Democracy group continues, with the next hearing in the Supreme Court scheduled for 25 November. Whilst the legal action continues, to ensure our staff and community are taken care of, we have opted to re-join the Local Implementation Committee once the Governor's Orders are received, so we can have a say for Serpentine Jarrahdale as the new, larger entities take shape, to be established by 1 July 2015.

May I take this opportunity to publicly thank the many community members who worked tirelessly for the cause to save Serpentine Jarrahdale, especially members of the Save SJ Shire Group. They generated banners, encouraged submissions to the Local Government Advisory Board, disseminated information and maintain a great deal of momentum throughout our campaign. They were so valuable to our fight. Thank you.

National Growth Areas Alliance Conference

During early October, I accompanied the CEO Richard Gorbunow to the National Growth Areas Alliance inaugural Congress in Adelaide – Growth that Works.

The Conference incorporated the inaugural NGAA awards. The Shire of Serpentine Jarrahdale was a finalist in the category of job generation for our West Mundijong Industrial Agri-Precinct project. There were many nominations from across Australia, so this was a real achievement.

The Congress was quite informative, with great speakers and it was a good opportunity for myself and CEO to meet with other Councils from around Australia dealing with the same challenges with increased population and infrastructure needs.

7. Declaration of Councillors and officers interest:

Nil

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

8.1 Ordinary Council Meeting – 13 October 2014

COUNCIL DECISION

Moved Cr Wilson, seconded Cr Erren

That the minutes of the Ordinary Council Meeting held on 13 October 2014 be confirmed (E14/4912)

CARRIED 9/0

9. Motions of which notice has been given:

OCM069/10/14 Byford Town Centre Access and Parking Strategy – Final Adoption (SJ308)	
Author:	Deon van der Linde – Manager Strategic Planning
Senior Officers:	Brad Gleeson – Director Planning
Date of Report:	October 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent:	Shire of Serpentine Jarrahdale
Owner:	Various
Town Planning Scheme No. 2 Zoning:	Various
Metropolitan Region Scheme Zoning:	Various

Introduction:

To request Council's adoption of the Access and Parking Strategy (the Strategy) to support the development of the Byford Town Centre.

Background:

At a Special Council Meeting held on 8 June 2010, Council approved the Local Structure Plan (LSP) with modifications as a result of submissions received during two separate advertising periods. The Strategy was prepared as part of the supporting documentation for the LSP and outlines the parking and access requirements of new development and transport provision in this area. The Strategy provides an outline of the local and strategic contexts, existing/future transport conditions and stakeholder requirements to determine the strategic directions/policy for access and parking in the town centre.

Relevant Previous Decisions of Council:

OCM014/08/13 - Council approved the Strategy for advertising as a supporting technical report to the LSP.

Community/Stakeholder Consultation:

Council approved the Strategy for advertising as a supporting technical report to the LSP in August 2013. The Shire received thirteen submissions from State Government agencies and from landowners in the area.

Comment:

The purpose of the Strategy is to set out the access and parking arrangements and to guide the requirements of new development and transport provision in the Byford Town Centre. The Strategy is consistent with the approved LSP that was approved by the Western Australian Planning Commission (WAPC). This requires an understanding of the local and strategic contexts, existing and future transport conditions and stakeholder requirements to determine the strategic directions/policy for the town centre. Activity centres and town centres should be designed with the following principles in mind:

- develop a good quality public environment;
- promote street based patterns of connection;
- improve community safety;
- encourage a mix of uses;
- improve pedestrian, disabled facilities and cycle amenity;
- promote a public transport focus;
- increase accessibility and transport integration; and
- encourage environmental sustainability.



1. Potential Railway Crossing Subject to Further Investigation	7. Appropriate interface treatment to be provided between low density residential development and rural residential living within the trotting complex.
2. Future Train Station Location with Bus Inter Change	8. No eats west vehicular access. Pedestrian Access Only.
3. Area Subject to Further Investigation by Shire	9. No Vehicular Access permitted from Warburton Court. Lots to have vehicular access from internal Road
4. Town Square Location. Detail Design by Land-Owners. The Town Square should have a minimum dimension of 25.0 by 30.0 meters	10. Parking for public transport to be located on public transport authority land adjacent station. Remainder of park and ride facilities to be co-located within town centre developments.
5. Wetland Buffer Zone to be rationalised. Appropriate interface treatment with wetlands to be in place	11. MRS Rail Reserve (Under Management of the Public Transport Authority) is currently used for parking for the adjacent supermarket on George Street.
6. Community facility location. Built form to act as gateway to Town Centre	

The aim of this access and the Strategy is to:

“Set out the access and parking infrastructure requirements to inform the implementation mechanisms and components that will facilitate the growth outlined within the Shire’s Byford Town Centre local structure plan in an accessible, sustainable, and inclusive manner.”

The approved LSP included 16 objectives to guide the development of the area. These have been considered when defining the objectives specific to the Strategy. The mode (of transport) and specific action plans included in the Strategy are based on the following six objectives:

Objective 1

Increase the number of people walking by:

- promotion of a permeable, efficient and effective pedestrian movement network for the local structure plan area;
- reduce/minimise the severance caused by the built urban form, car parking areas and other road and rail transport infrastructure; and
- planning the streetscape to enhance the pedestrian experience.

Objective 2

Promote increases in cycling by:

- providing infrastructure, end of trip facilities and cycle education to promote cycling as a viable mode of transport for all user groups; and
- create a safer cycling environment by providing both off and on street facilities and reduction of the speed differential and conflict between modes of transport.

Objective 3

Facilitate an urban form and density that:

- encourages safe travel by more sustainable modes of transport;
- clearly defines the role of streets and roads within the transport network;
- maximises the effectiveness of the design of the main street so that it meets the requirements of all users;
- connects the surrounding residential areas with the town centre; and
- has active street frontages.

The strategies to address Objective 3 are detailed in the Byford Town Centre Design Guidelines – Local Planning Policy 31.

Objective 4

Provide car parking and mechanisms that:

- are at an appropriate level and in a configuration that does not compromise the functionality and vitality of the urban centre;
- allow those users with mobility difficulties effective access to parking in close proximity to day-to-day services and facilities; and
- manage parking demand, supply and usage where/ when appropriate.

Objective 5

Increase the number of people using public transport through:

- improvement to the legibility, accessibility, safety and capacity of public transport services and interchanges; and
- integration of public transport facilities within the urban form, ground floor uses and public open space.

Objective 6

Provide a road network that:

- includes the provision of on-street parking;
- helps minimise the conflict between vehicles, pedestrians, cyclists and public transport;
- is well connected and efficient for drivers, freight and service vehicles;
- reduces the number of crashes within the area;
- has appropriate road reserve widths identified so that the requirements of future road upgrades (to 2031) can be accommodated;
- has integration between the local town centre roads and connections to the regional road network; and
- has vehicle speed limits that are context specific and appropriate to the urban setting.

The Strategy also recommended:

- Parking and Access Management Plans and Travel Plans must accompany development applications that require a Transport Assessment or Transport Statement.
- Consider a future amendment to the Byford Development Contribution Plan to include additional infrastructure items, including South Western Highway/ Abernethy Road intersection upgrade, park and ride provision and cycle infrastructure. This would require WAPC approval.
- Encourage the construction of rear laneway access to commercial properties, rather than direct access to South Western Highway

Byford Town Centre Parking and Access Working Group

The Parking and Access Working Group assessed the brief, submissions and the Strategy documents. It was noted that many of the aspects in the Strategy was as a result of the protracted statutory negotiations at the State Administrative Tribunal regarding the Byford Town Centre LSP. The Working Group raised the following suggestions:

- There was a concern regarding the lack of parking for the Train Station.
- There was uncertainty regarding the future Rail Crossing near Pitman Way.
- Discussion on Pedestrian crossing at the Train Station.
- A suggestion was made to raise the future rail station at Byford to allow pedestrian crossing at-grade between George Street and the Town Centre. A subway at Abernethy Road could be provided and remove a rail crossing eg. Cannington Railway Station. Car parking and Train overnight facilities at current stations with parking underneath the raised railway.
- Action 1.3: The Shire needs to work with Main Roads WA (MRWA) to improve pedestrian crossings on South Western Highway (Figure 5).
- Action 4.1: Consider a maximum instead of minimum (Parking) standard.
- Action 4.4: Check AZ/NZ Standards regarding the 5%. Should consider minimum two disabled bays per site or 5% whichever the greatest
- Consider the installation along Abernethy Road (outside the High School) with 40km per hour illuminated signage rather than standard signage to ensure that motorists are well aware of the speed limit. The matter was raised as there are warning lights on Mead Street which is not a major street and nothing on Abernethy Road.

Options

There are two options that are available to Council in considering the draft strategy as follows:

- Option 1: Adopt the draft Strategy, as per the consultant's report without modification.

Option 2: Adopt the draft Strategy, with the modifications as per OCM069.3/10/14

Option 2 is recommended.

Attachments

- [OCM069.1/10/14](#) – Draft Parking and Access Strategy – Technical Report (IN13/9094)
- [OCM069.2/10/14](#) – Draft Parking and Access – Summary of Strategy (IN13/9093)
- [OCM069.3/10/14](#) – Summary of Submissions (E13/3752)

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction.
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors.
Objective 4.1	Local Economy
Key Action 4.1.3	Develop transport, communication technology and utilities infrastructure.
Objective 6.1	Community Wellbeing
Key Action 6.1.1	Provide a range of facilities and services that accommodate different lifestyles and cultures.
Key Action 6.1.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events.

Statutory Environment:

- *Planning and Development Act 2005*
- *Local Law - Parking*

Financial Implications:

Implementation costs will be considered through future annual budget deliberations. These costs will include aspects such as land resumptions, paving of laneways, closure of roads, and provision of parking areas. To accommodate some of the costs consideration will also be given to cost recovery mechanisms such as cash in-lieu parking contributions and paid parking areas.

Voting Requirements Simple Majority

Officer Recommendation:

That Council:

1. **Adopt the draft Byford Town Centre Access and Parking Strategy as per OCM069.1/10/14 with modifications as per the Summary of Submissions OCM069.3/10/14.**
2. **Submit the adopted Byford Town Centre Access and Parking Strategy to the relevant State Government agencies for implementation once the changes have been made to the Strategy as per 1.**

OCM069/10/14 COUNCIL DECISION / New Motion:

Moved Cr Kirkpatrick, seconded Cr Moore

That Council:

- 1. Adopt the draft Byford Town Centre Access and Parking Strategy as per OCM069.1/10/14 with modifications as per the Summary of Submissions OCM069.3/10/14.**
- 2. Submit the adopted Byford Town Centre Access and Parking Strategy to the relevant State Government agencies for implementation once the changes have been made to the Strategy as per 1.**
- 3. A meeting be held between the Shire, the Working Group, Main Roads Western Australia and the Public Transport Authority to discuss issues relating to Abernethy Road between Soldiers Road and South Western Highway, and a report be presented to Council in March 2015.**

CARRIED 9/0

Council Note: The meeting will be held once the outcome of State Administrative Tribunal appeal is known and final decision of the Western Australian Planning Commission relating to the development at the IGA site in Byford.

OCM070/10/14	Road Naming Theme – Byford Meadows Estate – Lot 9500 Briggs Road, Byford (SJ500-02)
Author:	Brad Gleeson – Director Planning
Senior Officer/s:	Richard Gorbunow - CEO
Date of Report:	15 September 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Proponent: G & G Corp Pty Ltd
 Owner: Pino Gangemi
 Date of Receipt: 11 September 2014
 Lot Area: 29.39 hectares
 Town Planning Scheme No 2 Zoning: Urban Development

Introduction

To consider a road naming theme of “Equine/Livestock and Family Farming History” for The Byford Meadows Estate, Lot 9500 Briggs Road, Byford. It is recommended that the road naming theme be approved.



Locality Map

Background:

A local structure plan (LSP) for Lot 9500 Briggs Road, Byford was adopted by Council with modifications on 23 June 2014. The LSP was forwarded to the Western Australian Planning Commission (WAPC) for consideration. No determination has been made by the WAPC at this time, however a Stage 1 subdivision application has been approved by the WAPC.

Relevant Previous Decisions of Council:

OCM199/06/14 Adoption of LSP

Community / Stakeholder Consultation:

Information regarding the Gangemi Family history relative to the site was submitted by the applicant in support of the suggested theme.

Comment:

G&G Corp Pty Ltd submitted a request to name roads in the estate based on an 'equine/livestock and family farming history' theme. The Gangemi family arrived in Australia from Italy in 1954 and purchased the dairy farm at Lot 9500 in 1959. The family continued to dairy farm until 2000.

The application of themes to areas of subdivision, giving consideration to the history, natural environment, culture and character of the area is encouraged. A list of suggested names based on this theme were submitted and assessed against documentary evidence and the Geographic Names Committee (GNC) Policies and Standards for Geographical Naming in Western Australia. The submitted names would comprise a blend of family origin (Delianuova, Messina), equine, livestock and farming terminology.

The application also requested consideration also be given to the family names "Giuseppe", "Dominica" and "Gangemi". The name Gangemi has already been applied and approved as road name in Oldbury. The origin of this name is from the same Gangemi family that is subject of this application. An application for the names "Giuseppe" and "Dominica" was previously submitted to GNC in 2005 for the Sunrays Estate in Byford. The GNC advised the applicant and the Shire in their letter dated 22 April 2005 that "...the proposed names of "DOMINICA" and "GIUSEPPE" do not conform to our naming guidelines which deems the use of given or first names as unsuitable". It is considered that the above names could be considered by Council in the future, in the naming of future parks in this area, subject to GNC approval.

It is considered that the proposed theme of "Equine/Livestock and Family Farming History" is appropriate for the locality. The preferred list of road names for the estate allows for sufficient names to be used for future stages of the project.

Attachments:

- [OCM070.1/10/14](#) – Gangemi family history submitted by applicant (IN14/17916)
- [OCM070.2/10/14](#) – List of Recommended Road names (IN14/19567)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

Clause 26A (2)(b) & (3) Land Administration Act 1997

- (2) The local government may require the person so subdividing the land —
- (b) to propose a name for the area the subject of the proposed subdivision, or if a name has already been proposed, to alter that name.
- (3) If the local government approves a name proposed under subsection (1) or (2), the local government is to forward the proposal to the Minister.

GNC Policies and Standards for Geographical Naming in Western Australia

Local Planning Policy No. 38 – Road Naming

Delegation 36 – Road Naming. The Director Planning has the authority to approve in excess of four road names where a theme has been approved by Council.

Financial Implications:

There are no financial implications to Council.

Voting Requirements: Simple Majority

OCM070/10/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Erren

That Council approve the road naming theme “Equine/Livestock and Family Farming History” for the Byford Meadows Estate, Lot 9500 Briggs Road, Byford as per attachments OCM070.1/10/14 and OCM070.2/10/14.

CARRIED 7/2

Councillor Kirkpatrick voted against the motion

OCM071/10/14	Sports Aircraft Builders Club of WA - Serpentine Airfield - Notice of intention to rate and change from Unimproved Value to Gross Rental Value (SJ239)
Author:	Kellie Bartley – Coordinator Accounting and Customer Service
Senior Officer/s:	Alan Hart – Director Corporate & Community
Date of Report:	23 September 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

To endorse the proposal to apply to the Minister of Local Government and Communities to change the method of valuation of the Yangedi Air Field (Reserve 25911) from Unimproved Value (UV) to Gross Rental Value (GRV).

Background:

During budget discussions for the 2014/2015 financial year, Council requested the Shire to instigate a change in the valuation of the Yangedi Airfield from UV to GRV, to enable the site to be rated (based on GRV) commencing in the 2014/2015 year. The land is currently rated UV which is inconsistent with the current use of the property. As the Local Government Act outlines, only properties with a predominant rural use can be rated UV, all other properties must be rated based on the GRV.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

The Sports Aircraft Builders Club of WA has been consulted in relation to this matter.

Comment:

The lease agreement between the Shire and the Sports Aircraft Builders Club of WA has a clause that states that all rates and taxes on the land must be paid by the Club. While Club Member concerns about this proposal are duly noted, the Shire is still entitled under both the Local Government Act and the lease agreement to apply rates and charges. Therefore the recommendation to Council is to request to the Minister of Local Government and Communities that the land method be changed from UV to GRV to enable the Shire to rate the individual hangers. These rates would be charged in lieu of any rent received from the Club. An example of a similar arrangement can be found at the Manjimup Airfield.

It is expected that each of the hanger sites will attract the minimum rate applicable for the rate category, which is \$1,050.00

The recommendation is to formally request the Minister for Local Government change the basis of rates to GRV in accordance with the Local Government Act (1995) as amended.

Attachments:

- [OCM071.1/10/14](#) - Sports Aircraft Builders Club of WA Stakeholder Submissions to the Notification of Request to Minister to Value Airfield on Gross Rental Basis (E14/4673)

Alignment with our Strategic Community Plan:

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

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

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

Statutory Environment:

Local Government Act, Section 6.28 Basis of rates states that:

- (a) *The Minister is to:*
- (i) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
 - (ii) *publish a notice of the determination in the Government Gazette.*
- (b) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be:*
- (i) *where the land is used predominantly for rural purposes, the unimproved value of the land;*
 - (ii) *where the land is used predominantly for non-rural purposes, the gross rental value of the land; and*
 - (iii) *The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.*

Financial Implications:

The expected revenue from rating this property is \$114,000 per annum and this will be in lieu of any rent received from the Club. It is the intention that the individual leasees of the hangers will be responsible for paying the rates. Club facilities or common areas (such as the runway and internal road network) will not be rated.

Voting Requirements: Simple Majority

OCM071/10/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Erren

That Council:

- 1. Acknowledge the submission from by the Sports Aircraft Builders Club of WA members.**
- 2. Request the Minister of Local Government and Communities to change the rating of land method for the Yangedi Air Field property (Reserve 25911) to be changed from Unimproved Value to Gross Rental Value.**

CARRIED 9/0

OCM072/10/14		Locality Funding Program 2014 – 2015 (SJ1599)	
Author:	Carole McKee – Manager Community Services		
Senior Officer/s:	Richard Gorbunow – Chief Executive Officer		
Date of Report:	30 September 2014		
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>		

Introduction

To endorse the recommendations of the Locality Funding Program Working Group (LFPWG) in relation to the 2014/15 Budget allocation for the Locality Funding Program (LFP).

Background:

The Locality Funding Program (LFP) benefits the six localities of Oakford, Byford, Mundijong, Jarrahdale, Serpentine and Keysbrook with funding for townscape projects. Policy G914, allocates funds to the respective localities as part of the annual budget process.

Eleven funding applications requesting a total of \$221,268 were received and assessed by the LFP Working Group (LFPWG) in line with the assessment criteria outlined in Policy G914 and Work Procedure PCWP5. This system allows for consistent assessment of applications for funding townscape projects, based on an agreed set of criteria linked to Council's Strategic Community Plan. It is recommended that Council endorses the recommendations of the LFPWG in line with the relevant funds available through the 2014/15 Budget.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

Information about the LFP is distributed through many outlets, including the Shire's website, Scarp Voice and other media, and the application forms are also distributed to specific community groups. These include, but are not exclusive to, progress and community associations, volunteer bushfire brigades (where no separate community association exists), service groups, environment groups, and heritage or historical societies.

These community groups are deemed to have relevant interest, membership and capacity to work with the Shire and take on a variety of levels of project management for the type of beautification projects that is the intent of the LFP. If required and where resources permit, the Shire will now closely partner with a community group or lead the project management depending on the nature of the project and/or the capacity of the group.

Another change this year included a workshop for potential applicants to explain the policy and discuss proposed projects with the Shire's project managers and Community Engagement Officers who were then in a better position to assist the groups from the localities they look after to submit their applications into the process.

Comment:

The LFP is now in its fifth year and benefits six localities in the Shire with funding for townscape projects.

The eleven funding applications requesting a total of \$221,268 that were received during this assessment period compares to nine funding applications, requesting a total of \$172,539 received during the 2013/2014 LFP. It is recommended that ten of the eleven funding applications be endorsed by Council, with the remaining application being reassessed at the next opportunity when further funds are available.

The LFPWG recommendations are in accordance with G914 Locality Funding Policy for Townscape Projects, and the guidelines in Work Procedure PCWP5 – Locality Funding for Place Making in Serpentine Jarrahdale Shire (Guidelines and Criteria).

The proposed projects seek to provide more opportunities for recreation in and beautification of the Shire. This program aims to build the capacity of the community to apply for funding from other sources and use this grant as seed funding or leveraging to attract further funds to beautify the six localities. Contributions of cash or in-kind are also expected as well as public acknowledgement of the Shire’s contribution.

Through the applications assessed during this period up to \$200,659 of funding will enable approximately \$381,554 worth of projects to be accomplished across the local community. Some of the projects are stages of far larger projects and combined with cash, in kind or other external grants aim to utilise local resources, businesses and/or attract visitors to the Shire who then spend money locally.

This year there are applications for three projects which are still at a feasibility/concept level design and costings stage for which this funding will be critical to enable the next steps through community consultation processes. Three of the projects are war memorial related, with two preparing for the ANZAC Centenary in 2015. Four projects are for the installation of park related play equipment and furniture, and two are for enhancing the sustainability of a community garden and a heritage building which opens its doors to the public on a regular basis. A number of the groups have received previous funding through this program for earlier stages of their project and have either been successful or exhausted the possibility of other external funding to complete this stage. There were no applications from the Oakford locality received during this assessment period but applications are anticipated over the coming months which will be assessed at the next opportunity.

As part of the policy and work procedure changes, improvements to purchasing and project management are being implemented. As part of this continuous improvement process, application forms and guidelines will now be updated to request the relevant number of quotes required (depending on the level of cost) to meet Shire Purchasing Policy G001. As this wasn’t requested in advance for this current round, the LFPWG recommendations to Council are for the maximum amount that may be granted, pending relevant additional quotes being sought and approved by the Chief Executive Officer to ensure all projects meet Policy G001 requirements. Where projects receive less than the maximum amount listed in the recommendations, the surplus will be left in the reserve account for that locality for consideration in relation to future applications at the next opportunity.

Conclusion

It is recommended that Council endorses the recommendations of the LFPWG in relation to the 2014/15 budget allocation for the LFP.

Attachments:

- [OCM072.1/10/14](#) - G914 Locality Funding Policy For Townscape Projects (E14/4765)
- [OCM072.2/10/14](#) - LFPWG Table of Project Recommendations (E14/4767)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

- Town Planning Scheme 2
- Local Government Act 1995

Financial Implications:

An amount of \$180,000 was allocated in the 2014/15 budget over and above the balance remaining in the relevant reserve accounts as of 1 July 2014. There are sufficient funds in the relevant reserve accounts to support the recommendations of the LFPWG. The table below indicates current balances of each locality, as well as the projected balance at 30 June 2015 should the officer recommendations be endorsed by Council. This balance may change through a second opportunity to assess applications later in this financial year.

2014/2015 Financial Year							
Locality	Reserve Balance at 1 July 2014 that can be used for new 2014/15 projects \$	2014/15 Allocated Amount \$	Total Starting Funds available for new 2014/15 projects	New projects committed through 2014/15 budget (capital works plan)* \$	Amount available to allocate to other new 2014/15 projects	Maximum Amount being recommended for other new projects (pending additional quotes) \$	Projected Balance at 30 June 2015 (pending additional quotes for current applications and second assessment process)
Byford	9,908.69	30,000	39,908.69	(11,500)	28,408.69	(28,408)	0.69
Jarrahdale	17,301.04	30,000	47,301.04		47,301.04	(46,850)	451.04
Keysbrook	5,000.00	30,000	35,000.00	(35,000)	-		-
Mundijong	9,735.32	30,000	39,735.32	(37,000)	2,735.32	(1,814)	921.32
Oakford	32,435.07	30,000	62,435.07		62,435.07	-	62,435.07
Serpentine	19,056.49	30,000	49,056.49		49,056.49	(40,087)	8,969
Totals	93,436.61	180,000	327,113.78	(83,500)	243,613.78	(117,159)	72,777.12

* Three projects were endorsed through 2014/15 budget process.

Voting Requirements: Absolute Majority

OCM072/10/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Kirkpatrick, seconded Cr Piipponen

That Council adopt the recommendations of the Locality Funding Program Working Group in relation to the 2014/2015 Budget allocation for the Locality funding Program as per attachment OCM072.2/10/14.

CARRIED 9/0

OCM073/10/14 Western Australia Local Government Association – Local Government Act 1995 – Poll Provisions (SJ1062-04)	
Author:	Richard Gorbunow – Chief Executive Officer
Date of Report:	8 October 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

Correspondence has been received from the Western Australia Local Government Association (WALGA) seeking the input of member local governments on resolutions from the Annual General Meeting (AGM) relative to the poll provisions of the Local Government Act 1995 (the Act), otherwise known as the “Dadour” provisions.

Background:

The intent of the WALGA AGM resolutions was due to the ongoing concern that the State Government is seeking to circumvent the ability of communities to initiate a poll of electors where proposals made to the Local Government Advisory Board (LGAB) result in the abolition of, or “significant” boundary adjustment to, a local government District. WALGA State Council has subsequently resolved at its 3 September 2014 meeting to seek members` input to a number of options which could be used to ensure that the mechanisms currently being utilised to “exploit” the perceived intent of the Dadour provisions of the Act, are drafted in such a way that will entrench the capacity of local government communities to access the poll provisions of the Act.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this matter.

Community / Stakeholder Consultation:

No community consultation was required.

Comment:

The current local government “reform” process has raised the concerns of local governments and their communities whereby the State Government is being perceived as “manipulating” the provisions of the Act to enable “boundary adjustments” to achieve its reform agenda, thereby avoiding the capacity of some communities to demand a poll of electors where a District is either abolished, or “significantly affected”. The belief that the “Dadour” provisions would apply to any local government as a “last line of defence” for communities to access as a means of testing elector sentiment in the current reform environment has led to the call for these poll provisions to be not only clarified in their current form, but also extended to ensure that communities cannot be omitted from the process in future. Given the overwhelming support for these provisions to be enhanced in the legislation, WALGA has proposed a series of options for individual Councils to consider supporting, in an attempt to ensure the retention and clarity of the poll provisions are recognised. The options, as shown in the attachment, are that any community should have the right to demand a poll of electors in the following circumstances:

1. Under any boundary change proposal or:
2. With a significant variation in population, rateable properties or revenue by:
 - a. 10%
 - b. 25%
 - c. 50%

While there are practical restrictions in each of these options, it is clear that there is a high level of concern within the local government sector that the attempt by the State Government to manipulate outcomes by circumventing the “intention” of the “Dadour” provisions in the current metropolitan local government reform process represents a fundamental breach of faith to those affected communities who would be denied the right to call for a poll under the current statute. This concern has also been shared by the government’s partners (WA Nationals), the opposition WA Labor Party and even some of the government’s own members. This level of concern in the political sphere seems now to be affecting the release of the final recommendations of the Minister, causing even greater uncertainty within the sector.

Having carefully considered the relevant legislative impacts the proposed WALGA options provide, it is suggested that the intent of part b) of its Motion could be better aligned to current provisions by referring to the same numerical circumstances as mentioned in the current Act (i.e. Schedule 2.1 clause 8. (3)) where the lesser of 250, or 10%, of affected electors can demand a poll where “amalgamations” are recommended. It is also recommended that only “rateable properties” be included as being “affected”, given the relationship between electors and rateable properties is more tangible than general data sets, such as “population”, or “revenue”, as proposed in the WALGA Motion. To maintain that relevance, it is recommended that Council’s response reflects those figures, even though it varies slightly from the options provided by WALGA, which are portrayed in percentage terms only.

The WALGA response template gives flexibility to include this variance of feedback, while maintaining the original intent to ensure the right of communities to demand a poll where there is a “significant” change to the local government District boundaries involved in any proposal submitted for assessment by the LGAB.

Attachments:

- [OCM073.1/10/14](#) – Infopage WALGA Support for Poll Provision (IN14/18659).

Alignment with our Strategic Community Plan:

Objective 1.1	Strong Leadership
Key Action 1.1.2	Facilitate cooperation between the Shire and its stakeholders while also considering community values

Statutory Environment:

Schedule 2.1 of the Local Government Act 1995, Implications of Section 3.18(3) Local Government Act, 1995

Financial Implications:

Nil

Voting Requirements: Simple Majority

OCM073/10/14 COUNCIL DECISION / Officer Recommendation:
Moved Cr Hawkins, seconded Cr Erren
 That Council advises Western Australian Local Government Association that it supports an extension to the poll provisions of the Local Government Act 1995 to enable the community of a local government to demand a poll where proposed boundary adjustments to the District will result in a variation to the District affecting the lesser number of 10%, or 250, rateable properties, in that District.
CARRIED 9/0

10. Information reports:

OCM074/10/14	Chief Executive Officer Information Report (SJ1508)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	1 October 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM074.1/10/14](#) - Common Seal Register Report – September 2014 (E02/5614)

Voting Requirements: Simple Majority

OCM074/10/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council accept the Chief Executive Officer Information Report for September 2014.

CARRIED 9/0

OCM075/10/14	Corporate and Community Information Report (SJ514-04)
Author:	Gillian Carr – Personal Assistant to Director Corporate and Community
Senior Officer/s:	Alan Hart - Director Corporate and Community
Date of Report:	24 September 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

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

Attachments:

- [OCM075/10/14](#) - Delegated Authority Financial Services for 21 August to 20 September 2014 (E14/4623)

Voting Requirements Simple Majority

OCM075/10/14 COUNCIL DECISION / Officer Recommendation:**Moved Cr Hawkins, seconded Cr Piipponen**

That Council accepts the Corporate and Community Services Information Reports from 21 August 2014 to 20 September 2014.

CARRIED 9/0

OCM076/10/14 Planning Information Report (SJ514-04)	
Author:	Mary-Ann Toner - Personal Assistant to the Director Planning
Senior Officer:	Brad Gleeson - Director Planning
Date of Report:	24 September 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

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

Attachments

- [OCM076.1/10/14](#) - Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E14/4817)
- [OCM076.2/10/14](#) - Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

Voting Requirements Simple Majority

OCM076/10/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Erren

That Council accept the Planning Information Report for September 2014.

CARRIED 9/0

OCM077/10/14	Confirmation of Payment of Creditors (SJ514-04)
Author:	Vicki Woods - Finance Officer
Senior Officer/s:	Alan Hart - Director Corporate and Community
Date of Report:	21 September 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Comment

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

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

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 August 2014 to 20 September 2014, as per the attachment.

Attachments:

- [OCM077.1/10/14](#) - Creditors List of Account 21 August 2014 to 20 September 2014 (E14/4625)

Alignment with our Strategic Community Plan:

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

Financial Sustainability

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

Statutory Environment

Section 5.42 and 5.45(2) of the *Local Government Act 1995* states that the Local government may delegate some of its powers to the Chief Executive Officer. Council have

granted the Chief Executive Officer Delegated Authority CG07 - Payments from Municipal and Trust Fund.

Financial Implications

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

Voting Requirements Simple Majority

OCM077/10/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Wilson

That Council Receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 August 2014 to 20 September 2014, as per attachment OCM077/10/14 - Creditor List of Accounts 21 August 2014 to 20 September 2014 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996.*

CARRIED 9/0

OCM078/10/14	Monthly Financial Report – September 2014 (A2092)
Author:	Kelli Hayward – Contract Financial Accountant
Senior Officer/s:	Alan Hart – Director Corporate and Community Services
Date of Report:	24 September 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

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

Background:

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

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

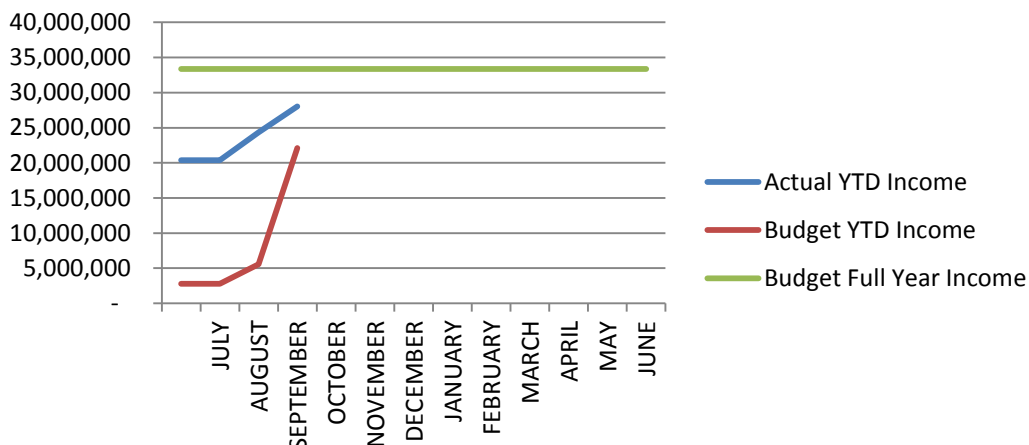
No community consultation was undertaken / required.

Comment:

The period of review is September 2014. The municipal surplus for this period is \$20,688,826 compared to a budget position of 9,407,572. This is considered a satisfactory result for the Shire. Income for the September 2014 period, year-to-date is \$28,044,063. The budget estimated \$22,093,284, would be received for the same period. The variance to budget is \$5,950,779. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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

Total Income

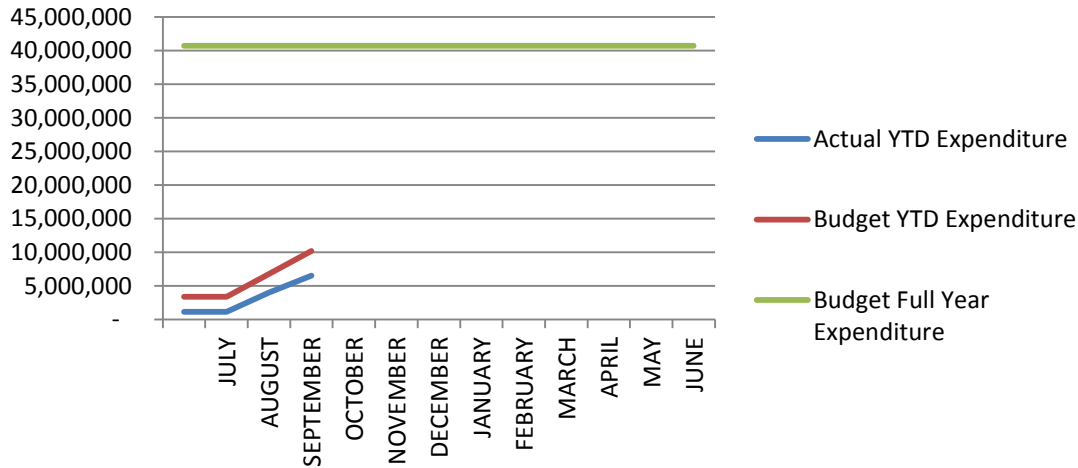


Expenditure for the September 2014 period, year-to-date is \$6,523,559. The budget estimated \$10,184,542 would be spent for the same period. The variance to budget is

\$3,660,983. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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

Total Expenditure



Attachments:

- [OCM078.1/10/14](#) - Monthly Financial Report September 2014 (E14/4621)

Alignment with our Strategic Community Plan:

Financial Sustainability

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

Statutory Environment:

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

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

Financial Implications:

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

Voting Requirements: Simple Majority

OCM078/10/14 COUNCIL DECISION / Officer Recommendation:
Moved Cr Erren, seconded Cr Piipponen
That Council Receives the Monthly Financial Report for September 2014, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 9/0

OCM079/10/14	Engineering Services Information Report (SJ514)
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer/s:	Gordon Allan – Director Engineering
Date of Report:	1 October 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

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

Attachments:

- [OCM079.1/10/14](#) – Engineering Delegation of Authority Report, September 2014 (E14/4746)

Voting Requirements: Simple Majority

OCM079/10/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rossiter

That Council accept the Engineering Services Information Report for October 2014.

CARRIED 9/0

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 7.48pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 10 November 2014

.....
Presiding Member

.....
Date