



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting

Confirmed Minutes

7.00pm

Monday 28 May 2018

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In Person

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



www.sjshire.wa.gov.au



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

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



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday 28 May 2018 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

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

The Shire President, Cr Rich acknowledged and welcomed Mr Athol Wigg JP and Freeman John Kirkpatrick.

Minutes

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

In Attendance:

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

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

Leave of Absence:

Councillor R Coales has requested leave of absence for the period 20 May 2018 to 3 June 2018.

COUNCIL DECISION

Moved Cr Byas, seconded Cr Piipponen

That Council grants Cr Coales' leave of absence for the period 20 May 2018 – 3 June 2018.

CARRIED UNANIMOUSLY 7/0

Apologies:

Councillor D Gossage

Observers:

Members of the Public – 28

Members of the Press – 1

Shire Officers – Ashwin Nair, Manager Statutory Planning and Compliance



2. Public question time:

2.1 Response to previous public questions taken on notice:

Ordinary Council Meeting 23 April 2018

Question asked by **Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122** – Ordinary Council Meeting 23 April 2018. A letter (OC18/8269) was sent to Mr Kirkpatrick on 27 April 2018.

I notice the reticulated sewerage is being connected to the new toilet facilities in Percy's Park.

Question 3

How much is this connection costing as the previous President Mr John Erren declined the offer by LWP to provide it to the site free of cost when they were doing the adjacent subdivision?

Response:

The sewerage connection component of the toilet construction is currently expected to cost approximately \$101,000.00.

2.2 Public questions:

Public question time commenced at 7.01pm.

Mr Chris Gillies, Lot 328 Bournbrook Avenue, Cardup WA 6122 regarding OCM043/05/18

Hello. I am responding to the need for questions concerning the mono pole on Cavanaugh Close site, which is set for consideration at the next Council meeting. I feel the community is still at least as opposed to this monstrosity as we previously have demonstrated.

Question 1

Being that the majority of the local community purchased and built their homes and built their properties to escape the barrage of modern life and technologies, why should we be forced to live under or beside this EMF polluting monstrosity that potentially could negatively impact our health, our investments and our peace of mind purely for profits for OPTU\$?

Response:

The proposed development is consistent with the Radio, TV and Communication Installation' land use and is also a development that can be considered within the 'Special Rural' zone of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

In relation to the Electromagnetic Energy (EME), the Australian Communications and Media Authority (ACMA) mandates the exposure limits of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standard. The applicant as part of the application submitted an EME Report which demonstrates that the EME levels of the proposed development is below the maximum public exposure limit.

Question 2

OPTU\$ is neither a part of our community nor even a citizen of this nation and refers to impact on locals as 'acceptable risk', are we, the community, less important than the profits written in the ledgers of OPTU\$, the owner of the proposed site and as citizens are we not entitled to the full protection of all our elect government representatives?



Response:

The proposal complies with the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 as the proposed development is a use that can be considered within the 'Special Rural' zone. Furthermore, the applicant has demonstrated through an EME Report submitted to the Shire as part of the application that proposed EME levels are under the prescribed maximum exposure limits mandated by Australian Communications and Media Authority.

Question 3

Why should we allow this purely profit driven venture of OPTU\$ to go ahead while there are so many locations screaming for towers, already long approved and having land allocated for these towers, where these towers would positively impact those communities such as Margaret River - where no signal after shark attacks results in loss of life, where rural communities are isolated from the rest of the community, yet OPTU\$ (and other Telco's) refuse to act and build these towers in the best interests of the broader community?

Response:

The proposed telecommunications infrastructure will address the network coverage in the Cardup area. The planning approval process does not take into consideration commercial interests when determining an application. To this end, the proposal itself can be considered under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Ms Peta Stewart, Cardup regarding OCM043/05/18

Question 1

Could Council please confirm the number of applications submitted on behalf of Optus in the past 12 months, and, the state/outcome of each?

Response:

The Shire within the last 12 months received one application by Optus for a Telecommunications Infrastructure located at Lot 60, 394 Robertson Road, Cardup. The application was presented to Council at its Ordinary Council Meeting held on 26 February 2018 where it was conditionally approved.

Question 2

If Shire approves this application, what measures are in place to prevent Optus from changing the structure in any way, for example using transmitters with newer technology and higher range and therefore higher EMR output, and what measures are in place for monitoring their compliance to the EMR 0.51% output?

Response:

The development at all times must be undertaken in accordance with the approved plans. If the applicant seeks major modifications to the approved development, an application to amend the existing planning approval must be submitted to the Shire for assessment and for Council consideration.

However, any upgrades or modifications proposed which meet the exempt modification provisions of the Telecommunications (Low-Impact Facilities) Determination 2018, do not require additional approval from the Shire. The applicant however, in accordance with C564:2011 Industry Code, is required to notify the Shire of the upgrades and submit an EME Report. The applicant through this process is also required to advertise the upgrade or modifications in the local newspapers inviting submissions from the public for a period of ten business days. A list of exempt modifications or upgrades are as follows:

- *Additional parabolic antennas less than 1.8 metres in diameter.*



- Panel antennas less than 2.8m long and not protruding by more than 3 metres.
- Tower extensions less than 5 metres if no previous tower extensions have been undertaken.
- Equipment shelter less than 7.5 square metres in area and under 3m high.
- Ancillary equipment – all considered low-impact per 3.1(4) of the Determination.

In relation to monitoring, the Shire does not require annual or quarterly reports from the applicant; however, in accordance with Telecommunications (Low-Impact Facilities) Determination 2018 the carrier is required to provide an EME reading of the development at the request of the Shire.

Question 3

The Applicant states that this development could include co-location with other companies which is 'standard'. Does this mean that Optus could allow other companies to use this Monopole, thus increasing the height of the structure, number of antennae/transmitters, and EMR without seeking further Council approval?

Response:

The Shire's Local Planning Policy 3 – Telecommunications Infrastructure supports the co-location of telecommunications carriers as it is considered to reduce the amount of infrastructure sited throughout the locality. If existing infrastructure is required to be modified to cater for the co-location of carriers and for upgrade purpose which meet the exempt modifications or upgrades list of the Telecommunications (Low-Impact Facilities) Determination 2018, planning approval from the Shire is not required.

Ms Caren Earl, 186 Bournbrook Avenue, Cardup WA 6122 regarding OCM043/05/18



Photomontage 3

Question 1

In regards to Photomontage 3. This picture was taken from my back Alfresco. The position of the monopole is photo shopped into the picture, is this the accurate position of the



monopole been placed behind the tree? If this is an accurate placing of the monopole which is different from the original application does this mean that the tree and surrounding shrubs will need to be cut down as the tree will be in the way of the clearance that the tower will require?

Response:

Yes, the location of the monopole is as per the proposed plans and considered correct. It should be noted that photomontages are used as an effective tool to provide an indication of what proposals will look like in context of the site and surrounding area. No vegetation is proposed to be removed as part of the application and vegetation is protected from being removed without Shire approval under the Town Planning Scheme. Furthermore, a condition requires for a landscaping plan be provided for additional screening.

Question 2

As my residence is approximately 160m away from this pole I have stood by many poles roughly 200m away and they look a lot bigger than how it looks on this photomontage. Is the tower drawn to scale?

Response:

Shire Officers cannot confirm if the photomontage has been drawn to scale. The photomontage was used to visualise how the development would look like from adjoining properties.

Question 3

Also if this position is correct will the position need to be amended in the application?

Response:

Yes, the location of the monopole is as per the proposed plans and considered correct. The position does not require amending.

Mr Terry Sweeney, 186 Bournbrook Avenue, Cardup WA 6122 regarding OCM043/05/18

Question 1

It was mentioned that if the monopole goes ahead that landscaping will be provided with trees up to 2m, this is not good enough and will the council look at much larger trees and shrubs being established around the pole?

Response:

A condition of approval has been recommended for the applicant to submit a Landscape Management Plan which specifically requires a vegetation screen around the proposed equipment shelter. As such, Shire Officers when assessing the Landscape Management Plan once submitted will ensure that the correct sized vegetation is proposed and implemented to ensure the equipment shelter which is 2.4 metres in height is adequately screened prior to approving the Landscape Management Plan.

Question 2

This is a typical case of not in my backyard, but this is in my backyard and my lifestyle and my visual amenity at risk. Can the Monopole be considered in a land division not yet under way so that the people who move into the area are already aware of its existence and can make their own decision as to whether they chose to live next to it?



Response:

Yes, the applicant has provided information as to why the location was chosen after attempts to secure land within the location were unsuccessful the land at 9 Cavanagh Close has become the preferred location.

Question 3

I have heard recently from another monopole that has been recently installed in the area that there is an exclusion zone for livestock to be directly underneath the pole, is this correct? As the landowners for the monopole have horses and so does my partner and I. What is the distance for the exclusion zone?

Response:

An application for Planning Approval was approved by Council at its Council Meeting on 26 February 2018 at Lot 60, 394 Robertson Road, Cardup, no exclusion zone was proposed or approved as part of this application. As such, Shire Officers can advise that there are no exclusion zones proposed as part of the application for Lot 57 (9) Cavanagh Close, Cardup and are unaware of such requirement.

Ms Christine Harkins, Lot 332 Bournbrook Avenue, Cardup WA 6122 regarding OCM043/05/18

Having spoken to Residents, whom have been impacted by a telecommunications Facility on Bournbrook Avenue, Cardup, at Gossage end of the area, I was informed that their properties had been devalued significantly, when a telecommunications facility was installed.

Question 1

Will the Serpentine Jarrahdale Council, State Government and Optus Compensate the residents in full,(that will be effected and impacted by the location of this facility), as this will devalue our properties significantly is the Serpentine Jarrahdale Council going adjust or lower our land rates permanently by the full amount of the loss in value of our land?

Response:

No compensation is awarded under the Planning and Development Act 2005 for perceived impacts to land value associated with a development application. Compensation is considered only where land is taken as a reservation.

Question 2

What restriction will be placed and enforced onto the residents impacted by this facility?

Response:

No restrictions will be enforced onto any residents by the Shire of Serpentine Jarrahdale as a result of this application being approved. As such, future development of any of the surrounding lots are still required to comply with the development provisions of the Shire's Town Planning Scheme No. 2.

Mr Paul Harkins, Lot 332 Bournbrook Avenue, Cardup WA 6122

When we bought the block in the area we chose it over other blocks in the area because of its elevated position and views of the Darling Ranges to the east. We specifically built the house on the block so we could enjoy the sunrises, fantastic full moon rises and views of the ranges during the day sitting on our back entertainment area. When we had new neighbours to the east of us they wanted to put in a new shed which the council sent us out a letter to ask us of our concerns. We replied that as long as the top of the shed did not come above the top of the tree line and not impact on our views we had no issue with it.



The Council then responded saying they would make sure this was adhered to. This was adhered to and everyone was happy.

Question 1

Can the Council now tell me why I would want to be looking at the top of a metal tower with bits hanging off of it, standing above the tree line and the horizon of the ranges, interrupting our natural views to the east and devaluing the land?

Response:

Officers acknowledge that this type of development is visible within the surrounding area. However, in this case the proposal has been considered against all the objectives of the State and Local Planning Policies and on balance support the application.

Question 2

Should the Council not consider the same restrictions that applied to the neighbours shed, should also apply to the tower or is there two standards being used here? If this affects the towers ability to do its job by not being above the tree line to its west then the site is certainly not suitable for structure and a site should be found in a more suitable area with less impact on the residents (maybe where the cows can enjoy the tower). Please note that as more subdivision takes place, more residents will have to live with looking at this monstrosity.

Response:

Residential development and telecommunications infrastructure are considered against different policy requirements. Telecommunication facilities by virtue of their function are generally significant in scale. Although the visual impact is required to be managed under the State Planning Policy they are not required to be completely out of view.

Question 3

I believe that the people owning the land that the tower is proposed to be built on are to be compensated (\$14,000 per year is what I have been informed). I also believe that a tower constructed nearby has greatly affected the land values. Can the Council please let us know what compensation we shall be getting from the Council and the tower's owners, for the impact this will have on us, our property value and our viability to subdivide in the future if the proposed tower goes ahead against our wishes?

Response:

No compensation is awarded under the Planning and Development Act 2005 for perceived impacts to land value associated with a development application. Compensation is considered only where land is taken as a reservation.

Ms Taryn Gallardo on behalf of Mr Jaime and Mrs Sharyn Gallardo, Lot 204 Bournbrook Avenue, Cardup WA 6122 regarding OCM043/05/18

Question 1

If the proposed monopole gets installed, will Lot 57 have any benefits from this?

Response:

Shire Officers have not been informed of any benefits received by the owner of the subject site as it is not a consideration when undertaking the planning assessment.

Question 2

If the monopole goes ahead and Lot 57 leases out the land for it to be installed, does this mean, as residents of Cardup we can lease out our land for business purposes, such as, subdividing our land for this purpose?



Response:

The proposed development is a use that may be under the Shire of Serpentine Jarrahdale Town Planning No. 2. The Shire does not get involved in leasing arrangements between a landowner and a third party; however, a proposal to operate a business from a premises does require planning approval from the Shire prior to commencing.

Question 3

Why do we need the Monopole placed on rural properties when there's other options of land?

Response:

The proposed development is consistent with the Radio, TV and Communication Installation' land use and is a development that can be considered within the 'Special Rural' zone of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122

In reply to a previous question the CEO stated that all electronic communication devices were not to be used in the chamber during Council Meetings. It was noticed by myself and members of the Gallery that at least two elected members were using such devices even though they tried to hide them under the desks.

Question 1

Will the Presiding member and the CEO please ensure that that answer is complied with as it seems childish that the elected members cannot be trusted to comply with the requirement of the meeting?

Response:

We have no record of the Chief Executive Officer making those statements. I refer you to a question previously asked by yourself regarding the receipt of SMS text messages during the March Ordinary Council Meeting and our response regarding Section 5.93 of the Local Government Act 1995 "improper use of information" and advise it is still applicable. Specifically, a person who is a Council member must not make improper use of any information in the performance by the person of any of his/her functions under this Act or any other written law.

Further clarification in relation to Standing Orders will be undertaken as part of the Standing Orders review.

I have had concerns for a period of time and have raised the issue of parking at this site (Lot 837 South West Highway) on a number of occasions. It now appears that the loading bay provided was not on the property and was in fact on the adjoining property now ALDI and they in compliance with their planning approval have removed the loading bay and returned it back to a pedestrian and disabled access. Remember this development has less than the approved parking bays so none of them can be converted to a loading bay.

Question 2

Will the Council ensure that this development has an approved Loading Bay on site as there are a number of food shops and a post office which need regular access for vehicles larger than a car and the trucks are proving to be a dangerous traffic hazard?

Response:

The approval dated 29 March 2014 for a Commercial Development at 837 South Western Highway includes a 7.5m x 3.5m loading bay to the south-west of the site, within the George Street Road Reserve. This loading bay remains available for the use of tenancies at 837 South Western Highway. Shire Officers will ensure the land owner of



837 South Western Highway is aware of the designated loading bay to be used in conjunction with the operation of tenancies on the lot.

On perusing the attendance register for elected members of the Council I notice that Councillor Piipponen has only attended three meetings other than Council meetings they being Anzac Day, the annual electors meeting and the Shaping SJ workshop.

Question 3

Is this record correct and if so how does this elected member justify his position on the Council as he clearly does not meet with the community he is supposed to represent?

Response:

Yes, the record is correct to the best of our knowledge. The second part of this question is of a personal nature and please liaise with the elected member directly.

Mrs Lee Bond, Box 44, Armadale WA 6112

Question 1

Are b-doubles permitted to use Kargotich Road and King Road, if yes when was that permission given and by whom?

Response:

The Shire does not approve the concessional loading on either Kargotich Road or King Road. B-doubles fit within the category of RAV 3. Main Roads WA approve RAV 3 routes for Heavy Vehicle movements.

It should be noted that King Road and Kargotich Road are authorised roads for regular RAV 3 vehicles and enforcement of the conditions is by Main Roads Western Australia. As per the Main Roads Western Australia specifications, vehicles up to 27.5m or mass less than 84 tonne are allowed to utilise these routes with an approved permit. Permits for transport companies are issued and managed by Main Roads Western Australia.

Question 2

Who is responsible for checking and giving permission for the farming concessions in this Shire?

Response:

The Director Corporate Services is responsible for checking submissions and the permission is granted by Council in the process of setting the Shire's budget each financial year.

Question 3

Who gave permission for the huge Aldi sign blocking Lema's new development and why are they permitted to have so many huge signs?

Response:

The Aldi signage located adjacent to Lemas was approved by the Metro East Joint Development Assessment Panel at its meeting of 12 December 2016. The approval of signage within the Town Centre is subject to assessment against Local Planning Policy 5 – Control of Advertisements and Local Planning Policy 31 – Byford Town Centre Design Guidelines and is determined on a case by case basis. In this case the Joint Development Assessment Panel considered the proposed signage to be compliant with the design principles of these policies and resolved to approve the development.



Mr Warren Robinson, 52 Lawrence Way, Byford WA 6122

The Parliament Procedures and Privileges Committee recommended that Barry Urban be expelled from Parliament after he was found guilty of false claims of his credentials which included the local government Diploma of which the Shire of Serpentine Jarrahdale funded.

Question 1

Is the Shire now going to request my ratepayers money back from Barry Urban?

Response:

As per previous advice, Mr Urban did attend 11 of the 12 courses as part of the Diploma program however did not complete the assessment component of those courses. There is no requirement of the Councillor to pass the course for the course to be funded by Council. There still is no intention to recover monies from Mr Urban.

Public question time concluded at 7.34pm.

3. Public statement time:

Public statement time commenced at 7.34pm.

Ms Peta Stewart, Cardup regarding OCM043/05/18

Thank you for this opportunity to address Council regarding the construction of a Telecommunications Facility at Lot 57 Cavanagh Close, Cardup. I am speaking tonight on behalf of my husband and three young children. We lodged our concerns with Council before the previous meeting and remain strongly opposed.

We moved to Cardup in search of a healthier, rural environment. We object to Lot 57 Cavanagh Close being used for a Monopole as we believe it will:

1. Spoil the Natural Rural Environment. This Monopole will be an eyesore. The proposed location is amongst a natural landscape with the only structures being houses, sheds, water tanks and power poles. This is the reason we were all drawn to this area. The proposal states that it will use landscaping and colour choice to mitigate the impact of this development but as shown in the montage supplied by Optus/Daly this is will be ineffective. The top of the Monopole will be in my view, regularly, throughout my day, every day – I will see it when I am in my own garden, hanging out my washing and watching my children play outside. I will see it every time I leave my home and every time I return. I will drive by it every time I take my children to and from school. It will be constantly visible and this will reduce the enjoyment of our everyday lives and our home. I love coming home, being surrounded by the trees, the birdlife and rural structures and object to a Company being allowed to use the proposed location and thereby reduce my enjoyment of my own home and neighbourhood.
2. Devalue Land/Property Values
We believe that Monopole in the proposed location will devalue our property and all others in the surrounding area. We have worked hard and continue to sacrifice for our home and object to a private company making a profit from a structure that will reduce our main financial asset. I would also point out that, subdivision of large blocks has become more common recently and there are currently many blocks for sale around the proposed location. The location of this Monopole may impact on current and future land sales in the local area.
3. Raise Health Concerns
The location of the Monopole being so close to homes raises health concerns for us. There is contentious debate around health issues caused by EMR, so called 'safe levels' and 'safe distances.' As a family with 3 young children though, I think our concern is understandable. If this Monopole proceeds, it will be built close to where children catch their school bus (on



the corner of Hopkinson and Cavanagh), where children play in their own homes and ride along local streets. It will also increase the amount of radiation that Council workers are exposed to during verge and road maintenance. Should the Monopole proceed and later co-location occur or any changes to the structure, then the level of EMR will be higher than that stated.

4. An Entirely Commercial Enterprise

We object to this proposal on the grounds that is commercially driven – let's be clear – the goal is for Optus to increase their market share. This Monopole is not, to my knowledge, driven by an identified community need. Our community is not at risk – there are no health or safety issues related to communication breakdowns. We did not seek this development, in this location, by this company. Optus have, using companies such as Daly, submitted applications for other towers in our Shire too. The proposed one on Robertson Road is 2.68km from this one. Why do they need two so close together? Why was it submitted immediately after the Cavanagh Close application was denied?

I would like to close, by highlighting how many landowners rejected Optus when asked to use their land for this Monopole. The Cavanagh Close Application states that 8/9 landowners approached rejected Optus. This does not make Lot 57 Cavanagh the desired/preferred location as the applicant states, it makes it the only location for them to achieve their marketing goals. I ask Council to put weight in the fact that 8/9 (88%) of landowners approached in the application, objected to their properties, that are located along Hopkinson Road, Cavanagh and Coleman Close, being used for a Monopole. I ask you to add their rejections to the objections of those you hear tonight and heard for the previous application of land at Lot 57 Cavanagh Close, Cardup being used for a Telecommunications Facility.

Thank you.

Mr Chris Gillies, on behalf of the Cardup Amenities Group (CAG), regarding OCM043/05/18.

Hello. My name is Chris Gillies and I would like to make a brief statement on behalf of the Cardup Amenities Group (C.A.G), a group of localised property owners who would be adversely affected by the construction of this telecommunications mono pole. To us, nothing has changed since this proposal was last submitted to, and rejected by Council, demonstrating to us that we might finally have a Council worthy of our support, who in turn value the interests and the wishes of ratepayers above the greed of big business. Nothing has changed at all, which would suggest that Council must act to once again, reject this proposal. To do otherwise would demonstrate to us, the community that good will toward neighbours and each other does not exist in our community, it would totally destroy all faith in our democratic system and our government whilst illustrating that Council serves Optus not us.

Optus has provided no evidence to support their dismissal of available options and alternatives, which legislation states they must utilise, one option being in the form of co-location. Optus has failed to demonstrate that have met this criteria, simply dismissing laws with the phrase; 'we feel this is unsuitable' well Optus we the community find your proposal unsuitable.

Optus states it wants this pole 'for the benefit of the community, to improve our service, while there are many locations in other communities where the addition of towers or poles could potentially save lives, as demonstrated in recent news stories pertaining to shark attacks down south, where Optus, and other telco's refuse to erect these potentially lifesaving towers at locations where land has long been set aside for their construction and approvals are all long in place but they refuse to act for the good of those communities, demonstrating that this proposal is certainly not for the benefit of OUR community but rather ONLY for the bottom line in the profits column on an Optus ledger. All at the expense of our health, our pre-existing investments in this community and our lifestyles and peace of mind. Any risk to our wellbeing having been described as an acceptable risk where these tyrannical businesses calculate the harm to us in their profit and loss balances.



An entire industry that, in future history books may well be seen as solely responsible for causing irreparable and irreversible harm to humans and the DNA pool of our species. All in the name of greed and profits. If Optus fails to value our health, our wellbeing, why would we believe that this venture is, in any way, for OUR benefit?

We all purchased our properties, our homes, here in Cardup to escape these pollutions of modern life, to escape the technological onslaught and instead enjoy a sense of peace with nature. This would be stolen from us were this venture given approval. Our collective investment in this community constitutes many tens of millions of dollars of our hard earned money, our rates help to build this thriving community that we can all be proud of and we in turn, we expect our elected local government to protect us and support us in this, our hour of need. We are the rate payers, the voters and the active members of this community, Optus is not even a citizen of this country, let alone a part of this community, yet they want to force us to live under one of their polluting creations. We are the community and we say NO, thank you but NO.

Ms Caren Earl, 186 Bournbrook Avenue, Cardup WA 6122 regarding OCM043/05/18

Dear Councillors

Thank you for taking the time to listen to my concerns.

1. I believe that the recent proposal by Optus in regards to the visual amenity impact on my lifestyle to be misleading. 1. The position of which they have photo shopped the monopole into is incorrect. If you look at figure 4 and figure 7 of the original application it clearly shows that the monopole is in front and to the left of the large tree, it is actually situated in a gap in between 2 large trees. If they are considering moving the pole to behind the tree this will place the monopole on the fence line of the property of which this tree is approximately 4-6m away from the boundary and will be included in the clearance zone required for the pole which means this large tree will have to be removed. This will not reduce the visual impact on my property.

DA for New Telecommunications Facility at
Lot 57 on Deposited Plan 42306)

INTERNATIONAL



Figure 4: Looking east towards the proposed site location.



Figure 7: Looking east towards the proposed site location (adjoining land right of photo).

2. The people of our small suburb all moved here for a simple life and to be away from infrastructure like this monopole. We all appreciate the serenity, visual impact and calmness that our surroundings give us it allows us to relax and destress, we have adapted to our lifestyles where our children, grandchildren spend their time outdoors because we have the space and nontoxic environment for them to play in without fear of their safety. We don't fully rely on technology and we have adapted successfully to the current signal that we have and we are still able to call for emergency services when needed.
3. The owners of 9 Cavanagh Close have been instructed by Optus lawyers not to talk to us, so they have isolated themselves from the community and no one has any respect for them, if the monopole goes ahead I fear this may create war in our neighbourhood and we will lose the peace and tranquillity that we currently have, would you as our Councillors be happy to know that you could of prevented what may or may not happen in our neighbourhood if things turn bad? Our community is in turmoil over this application and is causing stress and health problems to some of the neighbours.
4. I have been in discussion with real estate agents in the area and they all say that we will all lose approx. \$100,000 in value off our homes. With the economy the way it is this could put people's lives and dreams in jeopardy and place people into financial crisis, as mentioned in the last meeting Nov 27th the planning department gave the impression that they didn't care if it affected our land values. Well in the long haul this will have an impact on revenue that Council will receive from our rates as our rates are based on rentable value, this would have to decrease.
5. From talking to people in the neighbourhood there has been some discussion on a monopole erected recently in the area that:
 - a) caused problems with subdividing as an exclusion zone was implemented which people lost money on and their land values dropped; and
 - b) they were not allowed to have livestock under the monopole, if this is the case this affects my lifestyle dramatically as I ride horses and have horses on my property. If



there is an exclusion zone this means I would have to succumb to leasing my horses on another property which would cause financial hardship and I would lose the reason why we moved here in the first place.

6. I speak on behalf of our community when I say please hold your current position and reject the monopole. Our community would be eternally grateful.

Ms Taryn Gallardo on behalf of Mr Jaime and Mrs Sharyn Gallardo, Lot 204 Bournbrook Avenue, Cardup WA 6122 regarding OCM043/05/18

Writing on behalf of my Husband and 2 children and a statement from my children in regards to the Monopole.

When my parents bought this land many years ago, they took myself and my brother out of the suburban life, where we had everything at our door step, shops, houses so close together, internet, everything you wanted was there in a suburban life. My parents brought us to the rural life with nothing around with just a little local shop, IGA. At this point, we were on land where we had nothing, we had to use dial up internet where we had to pay for each dial and when someone called it would cut out, we had nothing around us, our neighbours are far away, we had to go to the library to study cause we didn't have the privilege of always using the internet or the resources we have today that children have. For what we have learnt today by living out here, is that we appreciate what we did have, everything at our door step to be taken away from us. Back to all those years ago, my brother and I disliked our parents especially been taken out here as teenagers. But as the years went by we actually appreciated our life in this big 5 acre property, and as a family we have been brought together, by communicating as a family, we didn't have the technology and resources to be able to use social media. We were able to play outside and make use of what was around us without being glued to iPads, computers and phones. If this monopole goes through, what are we teaching the next generation?

Mr Trent Duward, Byford SPV Pty Ltd (address supplied but withheld by request), regarding OCM041/05/18

I would like to present to the Council today to detail some of the background to our proposal and address some of planning and development related issues associated with the proposed Service Station and Convenience Store land use at 640 South Western Highway, Byford.

Changes to the plan

Firstly I note that as a result of advice from a range of planning, traffic and road safety experts we have amended the plan to further setback the store from the residential area, removed the truck canopy and bowers completely and most importantly we have removed a crossover from South Western Highway, and completely removed any access to Thomas Road.

Town Planning Scheme & District Structure Plan

We note that the development proposed complies with the objectives in the "Urban Development" zone and the intent to provide a neighbourhood centre in the pedshed surrounding our land in the Byford District Structure Plan.

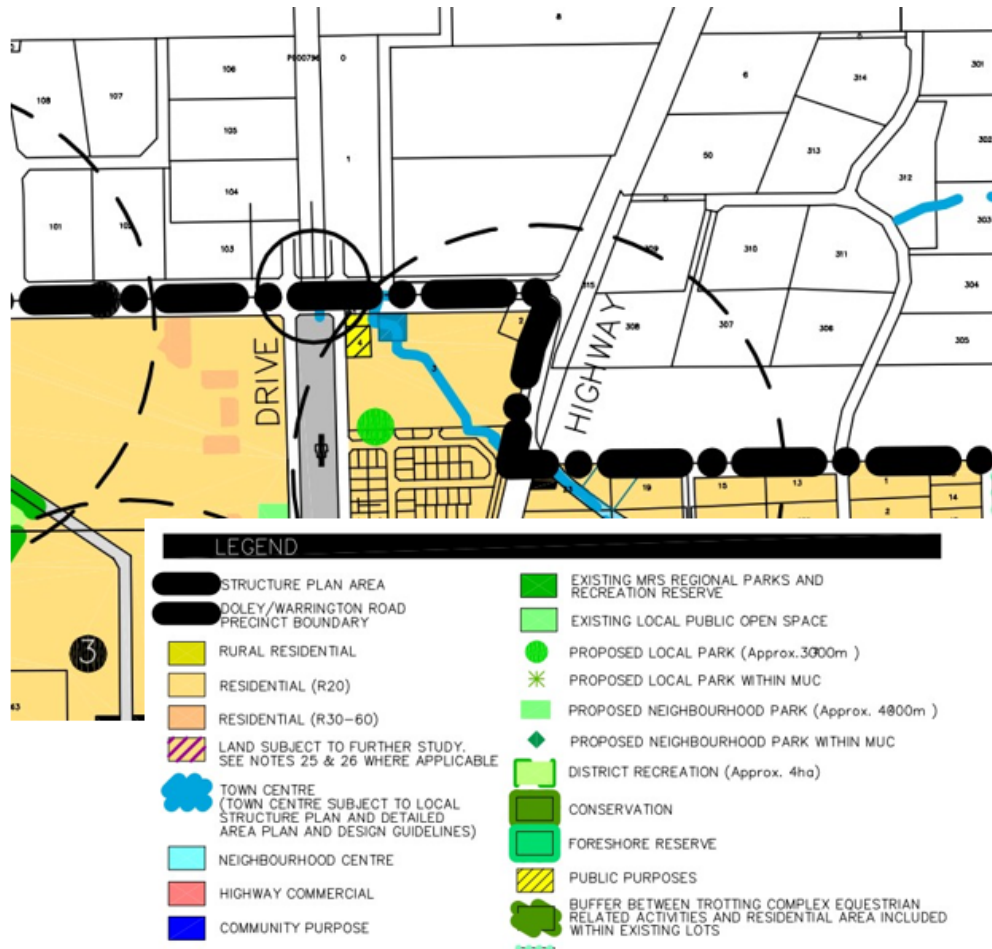


Figure 1 - Byford District Structure Plan Extract

Notably in this part of the Byford Structure Plan area, there are no commercial areas facilitating a local convenience store or employment function in the detailed 400m pedshed around the area south of our site. The only non-residential uses within a local walkable catchment are a hardware store and place of public worship. Therefore this is the only land left in the locality, west of South Western Highway, that can provide this local convenience function as expected and planned for by the DSP.

Existing Amenity

This area should not be considered residential as espoused in the report, of the four boundaries of the site, it abuts the residential area on only two half lengths of the boundary (in the west and south). To the north and east are the "Primary Regional Road" and "Other Regional Road" reservation, as well as the Rural Living A zone on the north side of Thomas Road and "Special Rural" to the east of South Western Highway. And the land abuts land reserved under management order for drainage to the north west and south east.

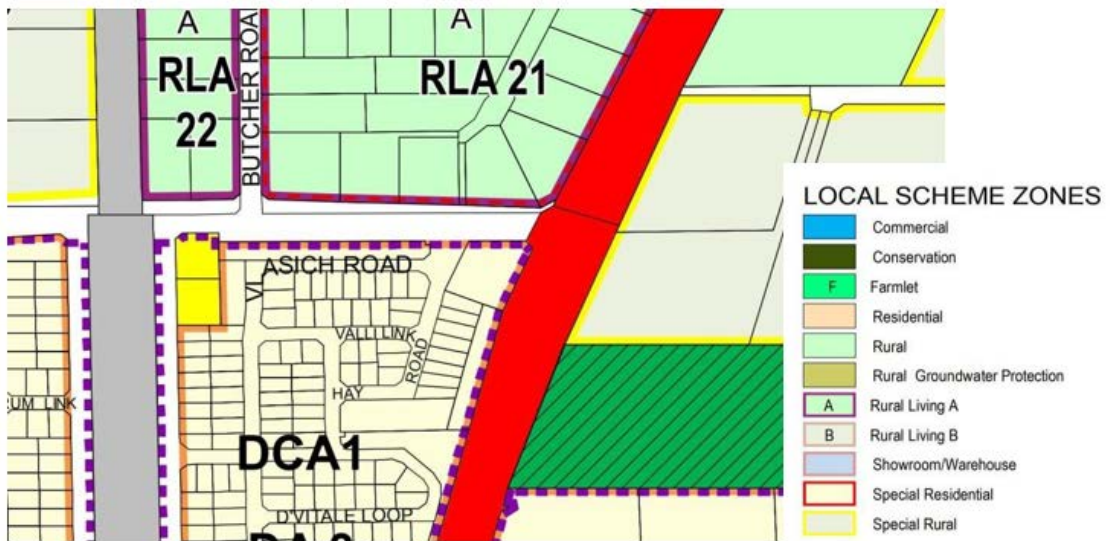


Figure 4 - Local Planning Scheme Zones

With all due respect, we contend that it is erroneous to suggest this area is “Residential” in character for the purposes of an assessment of amenity impacts and factors to be considered under clause 67 of the deemed provisions. It is an entry statement to the Urban area and perfectly placed on an important intersection to provide a local convenience function and be a viable commercial location to meet DSP objectives.



Figure 5 – Surrounding Zones and Reservations

Orderly and Proper Planning

And to any suggestions this is a capricious process, this site was a Service Station until approximately the year 2000 and Council’s own report in 2013, under the same planning framework



including the Byford District Structure Plan, states that the site is unsuitable for residential development, I refer to Amendment No. 178 to be discussed by CLE shortly.

So the position of the Elected Member's and Council Officers at this time was very different to that presented in the current RAR, and we note the position that residential was not appropriate was clearly conveyed in meetings with Shire officers last year. Interestingly, the WAPC did not support the amendment because they were concerned about impact on the Byford Town Centre, and they have since agreed that a service station would be an appropriate out of centre use for the land.

We also note that while there has been no Local Structure Plan prepared, development of the surrounding residential area has proceeded and this is the last undeveloped lot in this locality within the Byford District Structure Plan. This means that with all the conditions and opportunities and constraints discussed today, a Local Structure Plan is onerous and will provide no greater ability to meet Local Scheme objectives or the orderly and proper planning of the area, nor will it prejudice the overall planning of the area – it is already fully developed except for this site.

Planning is a fine balance of competing factors and having most regard to the purpose for which the land is zoned, being "Urban Development" under the Local Planning Scheme, and adjoining the "Primary Regional Road" and "Other Regional Road" reservation under Metropolitan Region Scheme, we believe we have proposed a development outcome that best matches these important planning outcomes and objectives of the LPS and MRS. The approval will also bring much needed investment and vitality to a site that is entree statement to Byford and site that is as stated by the Shire on a number of occasions "not appropriate for residential development".

We thank you for your consideration of our presentations and ask that the Council support the development proposed for a service station and convenience store.

Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122

I made a public statement at the April OCM with reference to remarks I heard a Councillor make during the meeting at the March OCM.

The remarks I referred to were to the effect that the Volunteer Fire Brigades and the Brigade Captains were irrelevant to the appointment of a Chief Bush Fire Control Officer.

During my statement at the April OCM, I failed to point out that the relevant Elected Member at the time held up an electronic device and quoted from the *Bush Fires Act 1954* that the Council could appoint this officer without consulting with the Local Brigades.

The *Bush Fires Act 1954* indicates that the Council does have the power to appoint the Chief Bush Fire Control Officer; however this does not detail how the Council is to go about the appointment of a Chief Bush Fire Control Officer, therefore there is no reason not to expect the Council to work with and consider the opinions of the Bush Fire Brigades.

Given that the Brigade Captains and Bush Fire Volunteers are the members of our community whom will be actively fighting fires and conducting controlled burns, it would make sense that their input is both wanted and considered by the Council when making such a decision as the appointment of a Chief Bush Fire Control Officer.

Local Government Ordinary Council Meetings are run according to the *Local Government Act 1995*. Therefore, under the Act, once the meeting has commenced the Public Gallery has no right of reply. This means that under *Local Government Act 1995* the Public Gallery cannot respond to defend themselves against comments made by Elected Member's during the meetings.

At the April OCM there was a point of order raised in regards to my Public Statement by a Councillor. The Point of Order essentially accused me of not being truthful and lying to both Members of the Public Gallery, Elected Members and Shire staff. As per the *Local Government Act 1995*, I have no right of reply under standing orders, and therefore have had to remain silent as an Elected Member made disparaging comments against my character.



Following the April OCM, I was approached by both Members of the Public Gallery and some Elected Members who have all concurred with my recollection of the March OCM and what was said by the previously mentioned Councillor. This now brings me to a question, as Elected Members do not have Parliamentary Privilege nor as Council Meetings recorded as Hansard, how are Elected Member's able to simply claim that they have not said something that they regret later on.

The Point of Order raised at the April OCM, essentially accuses me of not telling the truth, under the *Local Government Act 1995* and Standing Orders I have no right of reply other than to refer back to common law. It is clear to me, that I am being denied natural justice, as in a Court of law a defendant is given the right of reply, which I have been denied.

I am not questioning the decision made by the Shire President or the Acting CEO, as they are not lawyers and have to interpret the *Local Government Act 1995* as they read, it to the best of their ability, which I believe they did on the night.

The point that I now raise, is where to from here?

I have clearly been wronged and without going to Court to take action and getting a decision or an interpretation of the *Local Government Act 1995* I am now deemed as having lied in my statement to the Council and Members of the Public at the April meeting.

It is not possible for me to take this matter to Court as I am an aged pensioner of limited financial resources; whereas the Elected Member has the financial backing of the Shire.

I would ask the Serpentine Jarrahdale Shire CEO contacts the Department of Local Government to have the Crown Law give them an interpretation of the *Local Government Act 1995*, as to resolve any misunderstanding and to resolve my problem.

Mr Adam Deane, Club Owner, Genesis Byford, 3/821 South Western Hwy, Byford WA 6122

Shire President Rich advised that the statement received from Mr Deane would not be read due to Mr Deane's absence.

Mr Athol Wigg, 36 Old Brickworks Road, Byford WA 6122 regarding OCM052/05/18

Declared Pest Rate

Madame President, Agenda Item OCM052/05/18 is an important move to improve the environmental health of our Shire. If we as ratepayers are to sustain the Beauty that we acknowledge in our motto it is vital that we move to control the current increase in invasive weeds and feral animals. Large areas of cotton bush exist on the face of the Darling Scarp spreading west wards with the East winds, Paterson's Curse, Cape Tulip, Arum Lily degrade our rural areas. Feral cats are destroying the native birds of the Shire, while domestic fowls are impossible to keep through the increase in fox numbers. Significant numbers of feral pigs have moved down from the forest as water sources have dried up destroying pastures and wet land environments. A mob of up to 50 feral pigs has been sighted in the area west of Keysbrook.

The acceptance of a Declared Pest Rate will provide a dollar for dollar contribution from the Dept. of Primary Industry and Regional Development giving sufficient funds to maintain the work commenced by the Peel Harvey Biosecurity Group in developing strategies to control invasive weeds and feral animals.

I should declare my interest as a volunteer working with the Peel Harvey Biosecurity Group.

Ms Lisa Brazier, PO Box 80, Mundijong WA 6123 regarding OCM052/05/18

Good Evening Councillors

I make this statement to you tonight about item OCM052/05/18 - Declared Pest Rate

As a farmer, I am fully supportive of pest control- however you are being asked to vote on a fixed annual tax on properties over an acre - and this I do not support.



One of the most frustrating issues as a commercial farmer is the hobby farmer or the weekend property owner who does not understand pest control.

Education is critical in eradicating pests - however it is the delivery of the effectiveness that makes it successful. In general, it is not the average farmer you need to educate.

As an example, cotton bush - it is a perennial - it can be sprayed but more effectively is to pull it out. The easiest way to do this is to cut the seed pods off first and place them in a zip locked bag - then pull the plant out - remove the soil and cut the roots off and place them in a bag - then burn the lot.

The Brisbane City Council website under their weed identification tool has a wealth of information on weed control- they give you a list of the equipment needed, easy instructions and an information video that is set up for the novice - on the other hand the PHBG and WA Ag Department web sites advise us to map our paddocks, keep records year to year and when removing the cotton bush with pods on it - cover the plant with a plastic bag and pull it out - seriously - do you know how big cotton bush plants get - the average person is not going to follow this.

Once this tax is in place you will have lost control of where the money is spent - I would assume that the Shire of SJ will be the largest contributor. Personally, if you as a Shire want to eradicate pests you would be more effective in running your own in-house programmes then supporting a state tax.

I would also question the effectiveness of the money to be raised verses the area it is to cover. Finally, I do not support a tax that would simply provide some bureaucrat to create a map of where our issues are - we know where they are - we need to provide simple – modern education solutions to get landowners engaged - not out of date Ag Department mail outs which I would assume that this is what has been suggested, that will land in mail boxes of landowners with mailing address outside the Shire. Please consider carefully as a Shire where the issues are - and the most effective way to engage with those landowners rather than getting caught up in the promise of government funding and a future tax that you may not have control of.

Mr Alan Clarkson, 32 Alice Road, Cardup, on behalf of Serpentine Jarrahdale Ratepayers and Residents Association

Shire President Rich advised that the statement received from Mr Clarkson would not be read due to Mr Clarkson's absence.

Mrs Lee Bond, Box 44, Armadale WA 6112

Shire President Councillor Rich advised that, in accordance with Clause 18(2) of the *Standing Orders Local Law 2002 (as amended)*, the statement received from Mrs Bond was deemed inappropriate and was subsequently disallowed.

Public statement time concluded at 8.06pm.

4. Petitions and deputations:

4.1 Deputation - Mr Ben Luckens, Thrillset Enterprises Pty Ltd, 15 Wattley Road, Wellard WA 6170 relating to OCM042/05/18, Section 31 Reconsideration – Proposed Amendment to Approval for 'Health Studio' at lot 3, 821 South Western Highway, Byford.

I wish to have the opportunity to make a deputation to the Ordinary Council Meeting to be held on 28 May 2018.

My Deputation relates to change to property file A305800, location: Unit 7/821 South Western Highway, Byford Ref:PA17/893.



The change to the property file is a revised development application, of which, the original application was received by the Shire on 4 October 2017 and a determination was made on 26 February 2018.

This deputation is a result of my application to the State Administrative Tribunal on 13 April 2018 ('SAT'). At the directions hearing, the SAT has ordered me to provide the Shire with a revised development application as discussed in the Hearing. I have attached a copy of the SAT orders made on 13 April 2018.

In summary, the revised development application has reduced the requested member limit per class from 35 down to 30 members during business hours, and from 50 down to 40 members outside of business hours. This reduction in member limit puts this revised application conservatively and comfortably within the recommendations made in the attached Parking Management Plan Report by Donald Veal Consultants ('Report'). The Report was included in the original application for change to development approval received by the Shire on 4 October 2017.

In general terms the purpose of my deputation is to support the revised application for development approval.

For the following reasons, this most recent concession for development approval should be approved by the Shire:

1. The Application was for class member limits of 35 inside business hours and 50 outside business hours member limit, was recommended for approval by the Shire's Town Planning Department. Despite this, the revised application is for approximately 20% less members limit per class than the original application.
2. At the SAT hearing, Member Ms Connor highlighted the fact that there was no evidentiary basis on which the Council granted approval of only 20 members per class and not the requested numbers.
3. I respectfully draw the Shire's attention to the Report by Donald Veal Consultants. The Report was commissioned on our own initiative and significant expense and involved extensive surveying and reporting on behalf of Donald Veal. There has been no material or reports provided in opposition to the application, or any material to suggest that the data and recommendations outlined in the Report are inaccurate.
4. The Report recommends member limits per class of 35 members within ordinary business hours and 50 members outside of ordinary business hours. This revised application is for 30 members inside ordinary business hours, and 40 outside business hours. As a result, this reduction further reduces any risk that there will be shortfalls in parking availability in unforeseen or unpredictable circumstances.
5. Page 4 and 5 of the Report outlines the ample parking available to patrons of F45 and other stores in the surrounding precinct.
6. The Report found that even if the limit was 50 members per class outside of ordinary business hours, there would still be spare parking available. In other words, there is little risk that approval of the revised application for 40 members per class outside of business hours will result in a shortfall of parking availability.
7. The Report found that there would only be a shortfall of parking availability if the member limit per class was more than 35 members. However, the revised application is for 30, so there is no anticipated shortfall of parking availability.
8. As far as I am aware, there are no existing restrictions on any other health studios or gyms in the business complex or surrounding area. Some of these gyms also run group fitness classes.



9. The subsequent business and foot traffic generated by the patrons of F45 benefits the other businesses in the business complex and surrounding area, as well as increasing the vitality and culture of the precinct.
10. I recall the Shire was concerned about illegal parking near the business complex. I actively discourage illegal parking outside of designated bay areas in the business complex and will continue educating patrons of the business on the correct areas to park. I also routinely check that the cars parked in the business complex are all parked legally.
11. F45 is a new fitness movement that is quickly becoming a well-recognized name and brand in the community at large. F45 brings a refreshing approach to personal fitness, that has over the past 6 years prove to be a popular option for everyday Australians. The members of my gym all have their registered addresses within the Shire. As a result, F45 makes a positive contribution to the members of the community through its group fitness circuit classes that encourage and promote a healthy active lifestyle, supporting each other and catering for all abilities and ages. As a result, I strongly believe that F45 provides a valuable service to the community within the Shire.
12. I recall that the opposition to the original application was from a commercial rival in the same business complex.
13. For the above reasons, I respectfully request that the Shire considers the revised application for planning approval.

4.2 Deputation - Mr Elliot Nelson, Town Planner, Catalyst ONE, regarding OCM043/05/18 – Proposed Optus facility at 9 Cavanagh Close, Cardup.

1. Good evening Madam President, Councillors, Shire staff and people of the Gallery.
2. My name is Elliot Nelson from Catalyst ONE, and I represent the proponent for the proposed Optus facility at 9 Cavanagh Close, Cardup. I am here to speak in favour of the assessing planner recommendation as outlined in this report.
3. I don't intend to talk for the full time period, rather, I will outline a few key considerations relevant to this application. Following this, I'll be happy to take any questions.

Benefits

4. The number of users on the Optus Mobile Network in the area has been increasing over the last few years at a rate that is starting to put significant strain on the network.
5. This is an ongoing trend across the country - Mobile users downloaded 45% more data in June 2017 than in June 2016.
6. Further to the above, Optus has identified significant gaps in coverage over the area that existing and approved sites are simply unable to service. These gaps result in patchy coverage and call dropouts.
7. Approximately 2 thirds of calls to emergency services are from mobile phones, which can be the difference in life and death situations.
8. As Cardup and the surrounding suburbs continue to grow, it is important that the community is provided with a service that is practical and reliable according to their needs.

Site selection

9. The site was chosen following a careful assessment of all other likely candidates within the locality that could achieve the coverage objectives.



10. This includes replacing and co-locating on NBN site at 264 Gossage Road, Oldbury, and following its approval earlier this year, the upgrading approved Optus site on Robertson Road. Neither of these sites were able to cover the required area.
11. In addition to these two locations, Optus also investigated 9 greenfield locations within the area itself, and following the November OCM, looked at a further 6.
12. Following a multidisciplinary review into all 15 candidates, it is considered the existing candidate is by far the most suitable for the following reasons:
 - It is over 160 metres from the nearest dwelling.
 - It is removed from higher density localities where it would be more prominent to more people. Rather, it is near a future highway reserve.
 - The location has been assessed on its planning merits and has been found to be consistent with the objectives of the planning merits.
 - The location ensures minimal environmental disturbance.
 - The site is well positioned to achieve the network coverage objectives.

Health Impacts

13. In relation to health impacts, Optus complies with Australian Government and World Health Organisation standards.
14. While health issues are not a planning consideration, it is noted the new facility will result in an estimated maximum EME level of only 0.54%, that is 1/180th of the mandated exposure limit.

Visual impact (only if raised by previous presenters)

15. We recognise some concerns have been raised amongst the local community, and regrettably, we cannot satisfy all concerns fully.
16. To be effective, telecommunications infrastructure ultimately needs to be where it is to service.
17. Through the use of a monopole design over a lattice-type design, we are able to reduce the overall impact visually of the facility – noting, as mentioned earlier, this is 160 metres away from the closest dwelling.
18. To help further reduce the visual impact of the proposed facility, the Officers recommend a landscape plan and additional planting, a condition of approval which is supported. This landscaping is shown in the photomontages.

Planning merits

19. Our proposal has been assessed twice – once by the Shire's professional officers and again by an independent party as selected by the Shire since November's OCM.
20. We have thoroughly investigated this site and consider it to be the best identified location for this infrastructure.
21. The Shire officers have also been very diligent and thorough in their assessments of the proposal in obtaining all the information they require for their assessment.
22. We ask you to accept their continued recommendation for approval.

Conclusion

23. I thank you all for your time, and I'll be happy to answer any questions the Council has.



4.3 Petition - OCM043/05/18 – S31 Reconsideration of Proposed Radio, TV and Communication Installation (Telecommunication Facility) – Lot 57, 9 Cavanagh Close, Cardup (SJ2449)

Councillor Byas presented a petition from Mrs Caren Earl, objecting to the construction of a Monopole at Lot 57, 9 Cavanagh Close, Cardup

Background

A petition has been received objecting to the construction of a Monopole at Lot 57, 9 Cavanagh Close, Cardup . For a petition to become effective, Council's Standing Orders Local Law 2002 (as amended) states it needs to meet the requirements of 3.6 (1)(a) – (f). Clause 3.6(1)(g) is not applicable for this petition.

3.6 Petitions

- (1) A petition, in order to be effective, is to—
 - (a) be addressed to the President;
 - (b) be made by electors or residents of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the names, addresses and signatures of the electors or residents making the request, and the date each signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (g) be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is—
 - (i) a proposal to change the method of filling the office of President;
 - (ii) a proposal to create a new district or the boundaries of the Local Government;
 - (iii) a request for a poll on a recommended amalgamation;
 - (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (4) The only question which be considered by the Council on the presentation of any petition shall be:
 - (a) that the petition shall be accepted; or
 - (b) that the petition not be accepted; or
 - (c) that the petition be accepted and referred to a committee for consideration and report; or
 - (d) that the petition be accepted and be dealt with by the Council at a subsequent meeting.

This petition does not meet the requirements of 3.6(1)(e) of clause 3.6, however, in the interests of natural justice, and in consideration of the matters presented in the Petition, it is suggested that these forms are accepted as a non-conforming petition.



OCM4.3/05/18 COUNCIL DECISION/Officers Recommendation

Moved Cr Byas, seconded Cr Piipponen

That Council accepts the (non-conforming) Petition in its existing form.

CARRIED UNANIMOUSLY 7/0

5. President's report:

Together with the Serpentine Jarrahdale RSL, the Shire commemorated Anzac Day this year with a range of events across Byford and Jarrahdale. The Dawn Service at Anzac Memorial Park in Byford was well attended, followed by the free Community Gunfire Breakfast at the Byford and Districts Country Club. A Processional March then took place in Jarrahdale leaving from the Jarrahdale Tavern to the Jarrahdale War Memorial, where a Commemorative Service was held followed by a free morning tea at Bruno Gianatti Hall. Thank you to everyone that paid their respects at these events.

We have had a busy month meeting with many State and Federal politicians advocating for support of projects and infrastructure in the lead up to the Federal election and by-election for the Darling Range Electorate.

Earlier in the month we met with Senator Louise Pratt and the Labor candidate for the seat of Canning Mellisa Teede and on the 18 May 2018 we meet with the Honourable Keith Pitt, Assistant Minister to the Deputy Prime Minister and the Honourable Andrew Hastie.

Last week we played host to the Honourable David Templeman and the Honourable Matthew Swinbourn. This provided us with the opportunity to showcase the future of the Shire and have discussions around the Byford Metronet. As we head into the by-election we will be looking to instigate meetings with all candidates for the Darling Range Electorate.

Last Wednesday, 23 May 2018 the Shire welcomed 13 new Australian Citizens. Citizenship Ceremonies are always a pleasure to conduct and we enjoy welcoming the Shires newest Citizens.

The new toilets at Percy's Park in Byford will be opened from this weekend. The toilets will open from Saturday 2 June 2018 at 6am and open daily from 6am to 6pm. These facilities will allow greater use of the area's playgrounds, barbeques and recreation facilities.

24 April 2018	PDC Board Meeting	Mandurah
	Peel Zone Agenda Discussion	Shire Offices
25 April 2018	ANZAC Day Ceremonies	
26 April 2018	Peel Zone Meeting	Shire of Waroona
	Bushfire Advisory Committee Meeting	Shire Offices
27 April 2018	Westport Local Government Reference Group Meeting	City of Kwinana
30 April 2018	Policy Concept Forum	Shire Offices
1 May 2018	Photo Opportunity - Mortar Park Opening	Byford
	Jarrahdale Fire Brigade AGM	Jarrahdale
2 May 2018	Weekly Meeting with CEO	Shire Offices
3 May 2018	State Council of WALGA Meeting	WALGA Offices



4 May 2018	State Council of WALGA Meeting	WALGA Offices
7 May 2018	Special Council Meeting	Shire Offices
	Policy Concept Forum	Shire Offices
8 May 2018	Meeting with CEO	Shire Offices
9 May 2018	WALGA Members of Parliament Breakfast	Perth
10 May 2018	MZI Resources Tour	North Dandalup
11 May 2018	WA State Budget 2018/19 Briefing	Mandurah
	Peel Regional Leaders Forum Meeting	Mandurah
	2018 Minawarra Art Awards	Greendale
14 May 2018	Policy Concept Forum	Shire Offices
15 May 2018	Meeting with Senator Louise Pratt & Mellisa Teede	Shire Offices
	Audit, Risk and Governance Meeting	Shire Offices
16 May 2018	Weekly Meeting with CEO	Shire Offices
	Jarrahdale Community Collective General Meeting	Jarrahdale
17 May 2018	Meeting with Paddi Creevey - PDC	Byford
	Peel Blue Print Workshop	Shire Offices
18 May 2018	Meeting with Hon Keith Pitt MP (Assistant Minister to the Deputy Prime Minister) and Hon Andrew Hastie	Shire Offices
	Landcare Management Committee Meeting	Shire Offices
21 May 2018	Q&A Meeting	Shire Offices
22 May 2018	Meeting with WAPC Chairman	Perth
23 May 2018	Weekly Meeting with CEO	Shire Offices
	Australian Citizenship Ceremony	Shire Offices
24 May 2018	Meeting and Shire Tour with Hon David Templeman and Hon Matthew Swinbourn	Shire Offices

6. Declaration of Councillors and Officers interest:

Director Corporate Services, Frazer Sullivan, declared an Impartiality Interest in OCM045/05/18 as the recommendation nominates Mr Sullivan as Council's nominated person. The Director Corporate Services, Frazer Sullivan, will leave the Chambers when this item is discussed.

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

7.1 Ordinary Council Meeting – 23 April 2018

COUNCIL DECISION

Moved Cr McConkey, seconded Cr Byas

That the minutes of the Ordinary Council Meeting held on 23 April 2018 be confirmed (E18/4307).

CARRIED UNANIMOUSLY 7/0



7.2 Special Council Meeting – 7 May 2018

COUNCIL DECISION

Moved Cr McConkey, seconded Cr Byas

That the minutes of the Special Council Meeting held on 7 May 2018 be confirmed (E18/4531).

CARRIED UNANIMOUSLY 7/0

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

8.1 Audit, Risk and Governance Committee Meeting – 15 May 2018

COUNCIL DECISION

Moved Cr See, seconded Cr McConkey

That the [minutes](#) of the Audit, Risk and Governance Committee Meeting held on 15 May 2018 be adopted. (E18/4920)

CARRIED UNANIMOUSLY 7/0

9. Motions of which notice has been given:

Nil

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

OCM040/05/18 – Local Emergency Management Committee Information Report (SJ716-02)	
Author:	Gillian French – Emergency Services Technical Officer
Senior Officer/s:	Andre Schonfeldt – Director Development Services
Date of Report:	12 April 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is to provide Council with the minutes of the Shire of Serpentine Jarrahdale Local Emergency Management Committee meeting held on 13 March 2018.

Relevant Previous Decisions of Council

OCM004/02/18 – Minutes of Meeting 12 December 2017
OCM134/09/17 – Minutes of Meeting 14 September 2017
OCM086/07/17 – Minutes of Meeting 8 June 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 13 March 2018 and the minutes are hereby presented for your information.

Community / Stakeholder Consultation

No formal community consultation is required.

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.*

Comment

At the meeting of 13 March 2018 there were no recommendations put forward by the Committee that require Council's consideration.

Conclusion

The minutes of the Committee are presented to Council for information and consideration. Officers recommend that Council receive the minutes of the meeting held 13 March 2018.



Attachments

- [OCM040.1/05/18](#) – Shire of Serpentine Jarrahdale Local Emergency Management Committee Minutes (E18/1613)

Alignment with our Strategic Community Plan

Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community
Strategy 1.3.2	Support local emergency services
Strategy 1.3.3	Enhance community safety

Financial Implications

There are no direct financial implications regarding this matter.

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Non-compliance with Section 36 of the Emergency Management Act 2005	Unlikely (2)	Major (4)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

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

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



Continued

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Voting Requirements: Simple Majority

OCM040/05/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr McConkey

That Council receives the Local Emergency Management Committee Minutes of 13 March 2018 as per attachment OCM040.1/05/18.

CARRIED UNANIMOUSLY 7/0



OCM041/05/18 – Proposed Service Station – Lot 2 (640) South Western Highway, Byford – PA17/1093	
Author:	Haydn Ruse – Statutory Planning Officer
Senior Officer/s:	Ashwin Nair – Manager Statutory Planning and Compliance Andre Schonfeldt – Director Development Services
Date of Report:	4 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent:	Megara
Owner:	Estate of Thong Kie Tan
Date of Receipt:	21 December 2017
Lot Area:	4,052m ²
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Urban'

Introduction

This report is presented to Council to endorse a Responsible Authority Report (RAR) to be presented to the Metro East Joint Development Assessment Panel (JDAP). As the estimated cost of development is between \$2 million and \$20 million the applicant has opted for the application to be determined by the JDAP in accordance with regulation 6 of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Officers recommend Council endorse the RAR which recommends the application be refused.

Council endorsed a RAR for the proposed development at its Special Council Meeting held on 13 March 2018. The RAR was presented to the JDAP at its meeting on 3 April 2018 and determined to defer the application for a period of 60 days (4 June 2018) to allow further traffic assessment to be undertaken. The further assessment would allow the applicant to address traffic safety concerns on Thomas Road and South Western Highway raised by the JDAP and compliance with relevant Australian Standards for vehicle access. The applicant, to address these issues, has undertaken a Road Safety Audit (RSA) and amended the proposed plans in accordance with the recommendations of the RSA. The primary changes include:

- Removal of crossover to Thomas Road;
- Redesign of crossover to South Western Highway;
- Removal of petrol bowsers and canopy designed to service trucks;
- Inclusion of intersection design at the intersection of Hay Road and Thomas Road; and
- Inclusion of vehicle control measures at the intersection of Vlasich Road and Hay Road.

An amendment Traffic Impact Assessment was also supplied to account for the impacts on vehicle movements through the site and amended turning templates for servicing vehicles required due to the amendments proposed. The revised development plans are included at attachment OCM041.1/05/18 to this report, the RSA is included as attachment OCM041.7/05/18 to this report and the updated TIA is included as attachment OCM041.8/05/18 to this report.

Formal comments from Main Roads WA have not yet been received in relation to the revised proposal; however, preliminary comments indicate the crossover to South Western Highway will still not be supported as it doesn't meet Main Roads WA policy.



As Officers do not have delegation for RAR's an item must be presented to Council to endorse the RAR before forwarding it to the JDAP. Officers recommend Council endorse the RAR which recommends the application be refused due to the following reasons:

1. Approval of a 'Service Station' land use would be contrary to the principles of orderly and proper planning for the locality. Such an approval would prejudice the preparation of a Local Structure Plan as required by the Byford Structure Plan, which designates the land indicatively as a Residential zoning. A 'Service Station' use would be prohibited within the Residential zone.
2. The proposed development is out of character with the surrounding area, which is primarily residential. The scale, size and design of the proposed development and type, size and amount of signage would negatively impact upon the amenity of the locality.
3. The proposed signage is inconsistent with the objectives of the Shire's Local Planning Policy 5 – Control of Advertisements. The proposed signage would impact the visual character and quality of the locality, which is currently an established residential area

Background

The subject site is bound by South Western Highway to the east, Thomas Road to the north, Hay Road to the west and a residential lot to the south. The area to the west and south is primarily residential and the area to the north and east is primarily rural residential land, as shown in the location plan below. The site area is 4,052m² and is currently vacant, featuring some remnant vegetation.



Location Plan

Proposal

The proposed development is for a Service Station and includes four petrol bowsers under a canopy an incidental shop and Signage. The signage is primarily located on the building and canopy, with the exception of two pylon signs proposed adjacent to Thomas Road and South Western Highway. The plans also indicate a future development to the southern portion of the site.



Community / Stakeholder Consultation

Community consultation has been detailed in the RAR included as an attachment to this report. The summary of submissions with applicants comment is included as attachment OCM041.3/05/18.

As the subject lot is adjacent to a Primary Regional Road and Other Regional Road the initial application was referred to Main Roads WA and the Western Australian Planning Commission (WAPC) respectively, in accordance with part IV of the Metropolitan Region Scheme (MRS). The site is also listed as a contaminated site and was referred to the Department of Water and Environment Regulation (DoWER).

Officers received revised plans and supporting information on 30 April 2018, 1 May 2018, 3 May 2018 and 7 May 2018, which addressed traffic as required by the JDAP's decision of 3 April 2018. The information provided includes: a RSA, an updated TIA, revised development plans and a Loading and Servicing Management Plan, which has been included as attachment OCM041.9/05/18 to this report. The information provided by the applicant was referred to Main Roads WA for further comment. Given the revised plans removed access from Thomas Road, further referral to the Western Australian Planning Commission (WAPC) was not considered to be necessary. No response was received from the WAPC after the initial referral, as such it is considered they have no objection in accordance with referral requirements of the MRS.

Additional information was not referred to DoWER as the amendments to the plans do not significantly alter the proposal. DoWER's initial comments in relation to storm water and drainage management have been addressed and will not be impacted by the changes made to the proposal.

To date the Shire has not received formal comments from Main Roads WA; however, initial discussions indicate the crossover onto South Western Highway will still not be supported as it does not meet Main Roads WA policy. Main Roads WA and DoWER's initial submissions have been included as attachments OCM041.6/05/18 and OCM041.5/05/18 respectively to this report.

Statutory Environment

Legislation

- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development (Development Assessment Panels) Regulations 2011
- Metropolitan Region Scheme (MRS)
- Shire of Serpentine Jarrahdale Town Planning Scheme 2 (TPS2)

State Government Policies

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Local Planning Framework

- Local Planning Policy 4 – Revegetation (LPP4)
- Local Planning Policy 5 – Control of Advertising (LPP5)
- Local Planning Policy 6 – Water Sensitive Design (LPP6)
- Local Planning Policy 24 – Designing Out Crime (LPP24)
- Local Planning Policy 27 – Stakeholder Engagement in Land Use Planning (LPP27)
- Local Planning Policy 58 – Bicycle Facilities (LPP58)
- Local Planning Policy 67 - Landscape and Vegetation (LPP67)



Planning Assessment

A detailed Planning Assessment is contained within the RAR included as attachment OCM041.2/05/18 to this report and a Clause 67 assessment has been included as attachment OCM041.4/05/18, a summary of the assessment and variations is provided below:

Land Use

The subject site is zoned 'Urban Development' and designated as 'Residential' under the Byford Structure Plan (BSP). The proposed land use 'Service Station' would be a prohibited use under the 'Residential' zone, giving due regard to the BSP and statutory planning framework the use is considered to be inappropriate in this location. In addition to this, the proposed development is considered to conflict with the surrounding established residential and rural residential character and amenity.

Recent State Administrative Tribunal Decision

The Shire, on 3 April 2018, received a decision at the State Administrative Tribunal (SAT) *D'Agnone vs Shire of Serpentine Jarrahdale 2018* in relation to a proposal for a change of use from Single House to Office in the Residential designation of the BSP. The application was refused given it would be a prohibited use in the Residential zone. The SAT affirmed the Shire's refusal, considering that the proposed land use would prejudice the orderly and proper development of land within the Urban Development zone and that the proposed development would not comply with either of the provisions of Clause 27(2) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions). Clause 27(2) requires a decision maker be satisfied that proposed development would not conflict with the principles of proper and orderly planning nor prejudice the overall development potential of the area.

In order for the Shire to consider the proposed 'Service Station' the BSP should be amended or the land otherwise rezoned to ensure decision making is consistent with strategic documents. This would allow consideration of the potential impact at a broader strategic level. Officer note that a rezoning for the subject land from Urban Development to Commercial was refused by the Western Australian Planning Commission on 10 April 2013. The rezoning was refused for two reasons: the proposal was considered to be inconsistent with State Planning Policy 4.2 Activity Centres (SPP4.2) as such zoning would allow development that should otherwise be located within the Town Centre and Neighbourhood Centres and the proposal was considered to be inconsistent with the BSP intent for residential development in that location.

Amenity

The proposed development is considered to impact the visual amenity of the locality, which is characterised by low scale residential development. The proposed development is commercial in nature and inconsistent with surrounding development in terms of the size, scale and design of the proposed buildings. The proposal also involves a vast area of sealed hardstand and signage in excess of what is generally acceptable in a residential area. The accumulation of these factors would negatively impact the visual amenity of the area.

The proposal may also result in other amenity impacts such as noise and dust during construction. The applicant submitted an Environmental Acoustic Assessment (EAA), which indicates that noise levels would be at compliant levels, the EAA has been included as attachment OCM041.11/05/18 to this report. A condition for a Noise Management Plan and Construction Management Plan should be imposed if the application is to be approved to ensure noise and dust are managed during and after construction.



Traffic and Access

The revised plans have removed the crossover from Thomas Road and redesigned the crossover onto South Western Highway, resolving the Shire's concerns in relation to these access points. The Shire concerns prior to the amendment related to:

- Sight lines for traffic exiting onto South Western Highway. The consolidated crossover is at a 90° angle to South Western Highway and provides adequate sight lines; and
- Heavy vehicles exiting onto South Western Highway are not able to do so without cutting into the second lane. The removal of the truck canopy reduces the number of heavy vehicle movements and the consolidated crossover will allow refueling trucks to exit via South Western highway without cutting into the second lane.

A concept for vehicle access restriction devices at the intersection of Vlasich Road and Hay Road have been shown on the revised TIA. This would result in the crossover onto Hay Road becoming compliant with the relevant Australian Standard; however, it would also result in the restriction of vehicle access or egress between Vlasich Road and Hay Road.

While officers recommend the application be refused, Council will need to consider one of two options to ensure the proposed crossover onto Hay Road is compliant with the Australian Standard should JDAP determine to approve the development. The first option is to install traffic restriction devices at the intersection of Vlasich Road and Hay Road, resulting in a T intersection as opposed to a full movement intersection, compliant with the Australian Standard for Commercial crossovers. The second option is to relocate the crossover to the South, resulting in a staggered intersection, which would also comply with the Australian Standard for commercial crossovers.

Local Planning Scheme

Item	Requirement	Proposal	Compliance
Car Parking	1.5 spaces per service bay plus 1 space per employee. Total: 17 spaces	9 spaces	The proposed development does not comply with the car parking requirements of TPS2. Given the nature of the development it is expected most vehicles will be temporarily parked in the refuelling bays. The proposed 9 bays are considered to be sufficient given the nature of the proposed development.

Byford District Structure Plan

Item	Requirement	Proposal	Compliance
Land Use	Land permissibility in accordance with the Residential zone	The proposed land use is a prohibited use in the Residential zone	The proposed development is inconsistent with the designation of the site under the Byford Structure Plan. The site abuts a Residential estate and is located opposite a Rural Living A estate. The proposed land use is considered to be incompatible with the surrounding area.



State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The Fire Management Plan indicates a BAL rating of 19, which meets the requirements of SPP3.7 for development being subject to BAL29 or less. The BAL assessment has been included as attachment OCM041.10/05/18 to this report.

Local Planning Policy 5 – Control of Advertisements

Item	Requirement	Proposal	Compliance
Signage permissibility	Pylon Signage would not be permitted in the Residential zone	Proposed pylon sign	Having regard for the residential designation of the site, a pylon sign would not be permissible under LPP5.
Standards for Wall Signs	Maximum 1 sign per lot in residential zone Maximum 1.2m ² area in aggregate	3 signs proposed on eastern elevation and 2 signs proposed on western elevation 7.6m ² signage area proposed on eastern elevation and 5.9m ² proposed on western elevation. Total: 13.5m ²	Having regard for the residential designation of the site, the wall signs would exceed the standards for signage size under LPP5.
Standards for Pylon Signs	Maximum height of 6m. Signage face shall have a maximum width and height of 2.5m. Maximum signage area of 4m ² .	Proposed 8.83m pylon sign. Proposed signage face height of 8.63m and width of 2.29m Proposed signage area of 17.69m ²	The proposed pylon sign does not comply with the general standards for a pylon sign under LPP5.

Local Planning Policy 6 – Water Sensitive Design

A Stormwater Management Concept Plan was prepared based on the initial layout and design. The plans indicates the proposed development is capable of achieving satisfactory storm water management measures, the concept plan has been included as attachment OCM041.12/05/18 to this report. The proposed amendments to the plan will not impact on the ability for stormwater to be effectively managed on site. A condition should be imposed should the application be approved for a Stormwater and Drainage Management Plan.

Local Planning Policy 24 – Designing Out Crime

Item	Requirement	Proposal	Compliance
Surveillance	Ensure clear sightlines to public realm areas from adjacent buildings.	It is unclear if the proposed colour-backed glass to the western and northern elevations will be visually permeable.	The proposed development may not comply, the non-compliance is minor and could be resolved through a condition if the application were to be approved.

Options and Implications

Council may resolve to endorse the RAR or resolve not to endorse the RAR.

Conclusion

The proposed land use is considered to be inconsistent with the local planning framework and intention for the subject site under the BSP. The proposed development would negatively impact on the established residential amenity of the locality due to the nature, bulk and scale of the development and the signage proposed. Approval of the proposed development is considered to be in conflict with the principles of proper and orderly planning and would set an undesirable precedent for the site inconsistent with previous decisions made. The application is not supported and has been recommended for refusal. Officers recommend Council endorse the RAR, which recommends refusal and forward the RAR to the JDAP for consideration.

Attachments

- [OCM041.1/05/18](#) – Revised Development Plans (E18/4506)
- [OCM041.2/05/18](#) – Responsible Authority Report (E18/4377)
- [OCM041.3/05/18](#) – Summary of Submissions (IN18/4809)
- [OCM041.4/05/18](#) – Clause 67 assessment (E18/4504)
- [OCM041.5/05/18](#) – Department of Water and Environment Regulation Submissions (E18/2140)
- [OCM041.6/05/18](#) – Main Roads WA Submission (E18/4507)
- [OCM041.7/05/18](#) – Road Safety Audit (E18/4508)
- [OCM041.8/05/18](#) – Updated Traffic Impact Assessment (E18/4509)
- [OCM041.9/05/18](#) – Loading and Servicing Management Plan (E18/4510)
- [OCM041.10/05/18](#) – Bushfire Attack Level Assessment (E18/4511)
- [OCM041.11/05/18](#) – Environmental Acoustic Assessment (E18/4512)
- [OCM041.12/05/18](#) – Drainage Concept Plan (E18/4516)
- [OCM041.13/05/18](#) – Addendum Main Roads Western Australia Comments (E18/5435)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil



Risk Implications

The Shire is not the determining authority for this application. Should Council reject the RAR, the JDAP will consider the application and make a determination without a recommendation from Council. There is a risk that the JDAP will make an unfavourable decision if a determination is made without an assessment presented.

Voting Requirements: Simple Majority

OCM041/05/18 Officer Recommendation

That Council:

1. Endorses the Responsible Authority Report contained in attachment OCM041.2/05/18; and
2. Forwards the Responsible Authority Report to the Metro East Joint Development Assessment Panel.

Voting Requirements: Simple Majority

OCM041/05/18 COUNCIL DECISION / Amended Officer Recommendation

Moved Cr See, seconded Cr McConkey

That Council:

1. **Endorses the Responsible Authority Report contained in attachment OCM041.2/05/18;**
2. **Updates the Responsible Authority Report to include the comments received from Main Roads WA dated 25 May 2018; and**
3. **Forwards the Responsible Authority Report to the Metro East Joint Development Assessment Panel.**

CARRIED UNANIMOUSLY 7/0

Reason for amended Officer Recommendation:

The Shire received comments from Main Roads WA after the Council Report and Responsible Authority Report had been finalised. Now that comments have been received, they should be included in the Responsible Authority Report to allow the JDAP to make an informed decision.



OCM042/05/18 - Section 31 Reconsideration - Proposed Amendment to Approval for 'Health Studio' at Lot 3, 821 South Western Highway, Byford (SJ2518)	
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer/s:	Ashwin Nair – Manager Statutory Planning and Compliance Andre Schonfeldt – Director Development Services
Date of Report:	23 April 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: B Luckens
Owner: B Luckens
Date of Receipt: 4 October 2017
Lot Area: 2589m²
Town Planning Scheme No 2 Zoning: 'Urban Development'
Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The purpose of this report is for Council to reconsider a development application for an amendment to the existing conditional approval for a 'Health Studio' at Lot 3, 821 South Western Highway, Byford. Council considered the initial application at its Ordinary Council Meeting on 26 February 2018 whereby a condition was imposed restricting the number of customers allowed at the premises.

Following the determination, the applicant applied to have this condition reviewed by the State Administrative Tribunal (SAT). The Officer attended a Directions Hearing at the SAT and the applicant has revised the number of customers to what was initially proposed, however this number varies the condition that was imposed by Council. The revised number of customers proposed reduces the initial amount outside of business hours and provides for a further reduction during business hours to ensure that the car parking demand can be facilitated. It is worth noting that the classes do not operate during the majority of business hours.

Subsequently, the SAT has invited Council to reconsider the decision in accordance with Section 31 (1) of the *State Administrative Tribunal Act 2004*. The report is presented to Council as Officers do not have delegation to vary a condition imposed by Council under delegation 11.1.1 - Determination of Development Applications. Officers recommend that the application is approved as it is considered that the initial concerns of Council have been satisfied.

Relevant Previous Decisions of Council

The 'Health Studio' was initially approved under delegation on 21 March 2017.

On 26 February 2018, Council approved an amendment to the approval, subject to conditions. It is condition 2 of this approval that is subject to the review.

Background

Existing Development

The subject site lies within the Town Centre of Byford, on the western side of South Western Highway. The building comprises of four tenancies. The subject tenancy, Unit 7, is currently used as a gym ('Health Studio').



Location Plan

Proposed Development

The application for review seeks approval to amend a condition to allow an increase in the number of customers allowed at the premises.

Initial Proposal

On 21 March 2017, development approval was granted for a 'Health Studio' subject to the following conditions:-

- "1. The Health Studio is permitted to operate between the hours of 6.00am and 7.00pm from Monday to Sunday.
2. The Health Studio is permitted to have a maximum class size of ten (10) clients at any one time.
3. Signage must be in accordance with Clauses 13.1 to 13.11 of Local Planning Policy No.31 – Byford Town Centre Built Form Guidelines.
4. Eight (8) short term bicycle parking spaces must be provided prior to occupation of the unit to the satisfaction of the Shire."

On 4 October 2017, the applicant applied to amend the conditions to allow for classes to take place as follows:

Day/s of week	Time of class	Members per class
Monday to Friday	5:30am	50
Monday to Friday	6:30am	50
Monday to Friday	9:15am	35
Monday to Friday	4:30pm	35
Monday to Friday	5:30pm	35
Monday to Friday	6:30pm	50
Saturday	6:00am	50



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Day/s of week	Time of class	Members per class
Saturday	7:00am	50
Saturday	8:00am	50
Sunday	7:00am	50
Sunday	8:00am	50

These hours of operation sought to vary condition 1 of the approval which allowed the 'Health Studio' to operate between the hours of 6.00am and 7.00pm from Monday to Sunday. It also sought to vary condition 2 which allowed only ten customers at any one time. In addition, the application provided details of the signage which condition 3 required to be in accordance with LPP31.

At the Ordinary Council meeting of 26 February 2018, Council considered the proposal and resolved to approve the application. However, in approving the application, Council amended the Officers recommendation which required the proposal to be carried out in accordance with the Parking Management Plan and added the following condition:

That the number of members per class be restricted to 20 in accordance with the following table:

Day/s of week	Time of class	Members per class
<i>Monday to Friday</i>	<i>5:30am</i>	<i>20</i>
<i>Monday to Friday</i>	<i>6:30am</i>	<i>20</i>
<i>Monday to Friday</i>	<i>9:15am</i>	<i>20</i>
<i>Monday to Friday</i>	<i>4:30pm</i>	<i>20</i>
<i>Monday to Friday</i>	<i>5:30pm</i>	<i>20</i>
<i>Monday to Friday</i>	<i>6:30pm</i>	<i>20</i>
<i>Saturday</i>	<i>6:00am</i>	<i>20</i>
<i>Saturday</i>	<i>7:00am</i>	<i>20</i>
<i>Saturday</i>	<i>8:00am</i>	<i>20</i>
<i>Sunday</i>	<i>7:00am</i>	<i>20</i>
<i>Sunday</i>	<i>8:00am</i>	<i>20</i>

This condition varied the number of customers applied for to attend the 'Health Studio' by 15 during business hours and 30 outside of business hours. For the purpose of this report, business hours are considered to be the classes held on Monday – Friday at 9:15am, 4:30pm and 5:30pm. This initial proposal, based on the Parking Management Plan, resulted in a shortfall of car parking bays during the classes held during business hours.

SAT Proceedings

The Officer attended the SAT offices for a Directions Hearing on 13 April 2018. At the hearing, the applicant advised that they wished to amend their proposal from 50 members outside of business hours to 40 members and from 35 members during business hours to 30 members. As such, the SAT Member drafted orders for Council to reconsider these amended numbers.



Revised Proposal

The revised proposal seeks approval for the following number of members per class:

Day/s of Week	Time of Class	Members per Class
Monday to Friday	5:30am	40
Monday to Friday	6:30am	40
Monday to Friday	9:15am	30
Monday to Friday	4:30pm	30
Monday to Friday	5:30pm	30
Monday to Friday	6:30pm	40
Saturday	6:00am	40
Saturday	7:00am	40
Saturday	8:00am	40
Sunday	7:00am	40
Sunday	8:00am	40

This proposal has been put forward to Council to try to overcome concerns in relation to parking in the town centre. The three classes held during business hours have been reduced to result in there being no shortfall of parking bays at these times.

Community / Stakeholder Consultation

Initially, advertising was carried out for a period of 21 days, from 6 November 2017 – 27 November 2017 whereby one submission was received. The amended proposal was not re-advertised as it is considered that the proposal has not materially changed and that re-advertising would not result in any objections raising additional concerns.

The previously received submission objected to the proposal for the reasons summarised and addressed in the table below. A copy of the submission is attached OCM042.2/05/18:

<i>Issue</i>	
NATURE OF CONCERN	APPLICANT RESPONSE
<ul style="list-style-type: none"> • Car Parking • The space required for each user is not compliant with what is required for a public building which is 3m² per person. • The toilet and shower facilities are not compliant with the Building Code of Australia 	<ul style="list-style-type: none"> • To date the applicant has not provided a response to the submission.
	OFFICER COMMENT



Statutory Environment

Legislation

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

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
- Shire of Serpentine Jarrahdale Local Planning Scheme NO. 3 (LSP3)
- Byford Structure Plan
- Byford Town Centre Local Structure Plan
- Byford Townsite Detailed Area Plan
- Local Planning Policy 31 – Byford Town Centre Built Form Guidelines (LPP31)
- Local Planning Policy 53 – George Street Construction Costs.

Planning Assessment

It is considered that the key issue relating to the number of customers, to which the condition being reviewed relates, concerns car parking. This issue is addressed in the following section of the report.

The planning framework or other details of the proposal have not changed since Council approved the previous application. The previous report and a comprehensive assessment in accordance with section 67 of the *Planning and Development Regulations 2015* can be viewed as part of attachment OCM042.3/05/18.

Car Parking

The initial proposal restricted the number of customers to ten at any one time. The amended application proposed 50 customers outside of business hours and 35 customers during standard business hours. However, this resulted in a car parking shortfall during business hours. Council approved the proposal and imposed a condition to only allow 20 customers raising concerns in relation to car parking.

The applicant has acknowledged the concerns surrounding car parking, however seeks approval for further customers than the condition allows. Based on the Parking Management Plan that was submitted as part of the initial proposal, the applicant considers that there is parking availability.

The Parking Management Plan report outlined how the car parking for the increased customer numbers could be managed. A survey was carried at each class time to show class size, number of cars parked using the 'Health Studio' (the survey identifies 82% of customers arrive by car), the parking required and the parking remaining available/shortfall. The parking available is based on 62 bays comprising of 32 bays fronting the buildings and 30 bays on George Street. The car parking areas are shown on a plan forming part of attachment OCM042.1/05/18.

The survey results showed the following:

Class Time	Class Size	F45 Gym Cars	Parking Spaces Utilised	Spare parking spaces (out of 62)
5:30am	28	23	40	22
6:30am	31	25	39	23
9:15am	22	18	50	12
4:30pm	14	12	40	22
5:30pm	19	16	46	16
6:30pm	13	11	28	34



Based on 82% of customers arriving by car, the car parking demand was calculated in the report based on the initial request for 50 customers at any one time. The parking spaces utilised column shows the cars that were counted during the initial survey and the predicted additional cars from the increased class size. The table below shows that the classes held at 9:15am, 4:30pm and 5:30pm would result in a car parking shortfall. It is considered that this resulted in Council reducing the customers from 50.

Class Time	Class Size	F45 Gym Cars (82%)	Parking Spaces Utilised	Spare Parking Spaces (out of 62)
5:30am	50	41	58	4
6:30am	50	41	55	7
9:15am	50	41	73	11 Shortfall
4:30pm	50	41	69	7 Shortfall
5:30pm	50	41	71	9 Shortfall
6:30pm	50	41	58	4

Shire Officers have used the figures from the Parking Management Plan Report as the basis to calculate the parking required for the proposed class sizes. The calculation includes the cars that were parked at the time the surveys were undertaken and the predicted additional cars from the increased class size. As shown in the table below, it is predicted that there will be no shortfall in parking bays due to the reduction in customers either during or outside of business hours.

Class Time	Class Size	F45 Gym Cars	Parking Spaces Utilised	Spare Parking Spaces (out of 62)
5:30am	40	33	50	12
6:30am	40	33	47	15
9:15am	30	25	57	5
4:30pm	30	25	53	9
5:30pm	30	25	55	7
6:30pm	40	33	50	12

Table V – Parking Requirements of TPS2 requires a ‘Health Studio’ to provide one car parking bay for every 15m² of gross leasable floor area (GLA) available to the public. The LSP requires a reduced amount of one car parking bay for every 20m² of GLA.

The existing car parking area for the entire site comprises of 32 bays located immediately in front of the seven units. When divided evenly between the tenancies, it would allow for 3.5 bays per unit. The floor area for this unit is 247m² resulting in a requirement of 17 or 13 car parking bays respectively. This results in a shortfall of 14 bays under TPS2 and 10 bays under the LSP. However, this doesn’t take into account parking bays that are available in close proximity to the subject site.

It is acknowledged that the land uses of the subject site have been approved with a car parking shortfall, however the parking requirements under both TPS2 and the LSP are based on the floor area of the tenancies and do not change depending on the numbers of customers or visitors to the building.

As identified in the previous report, the tenancies were originally approved as ‘Showroom’ land uses. Since the construction of the units, tenancies have all changed the use from ‘Showroom’ uses and currently includes two ‘health studios’, a tattoo shop and retail. None of the change of use applications have had conditions imposed in relation to car parking. It is not considered reasonable to apply a different standard to this proposal.

The proposal does not result in further parking requirements under the planning framework. The Parking Management Report Plan demonstrates the parking required for the site and, based on this information, would not result in a shortfall of spaces. The majority of classes are held outside of the opening hours of the other retail premises in the immediate locality to go further to reduce the potential of car parking issues in the town centre.



It is considered that imposing further car parking restrictions or cost contributions on this development could result in a hearing at the State Administrative Tribunal where the Shire would be likely to have to engage technical experts. It is considered that the Shire is not likely to be successful at a hearing in this instance.

In the future, Officers will be working on a concept plan for Byford Town Centre as part of the Local Development Strategy which will aim to address car parking issues experienced in the town centre. In addition, this will consider George Street construction costs and identify opportunities to improve the current parking situation.

Options and Implications

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

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

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

Option 1 is recommended.

Conclusion

The application seeks approval for amendments to a previously approved development application for a 'Health Studio'. The amendments would allow for additional customers for the business. As initially proposed, there was a shortfall in car parking for the three classes held during business hours. As proposed, it is calculated that there will not be a shortfall in parking bays during any of the class times. In any case, only three of the classes are held during business hours when the majority of surrounding premises require parking bays. The rest of the classes are held outside of business hours when there will be less of a demand for parking bays.

The car parking should not warrant refusal of the application due to the existing situation and the fact that the parking requirements are based solely on floor area and not numbers of occupants. The application is considered consistent with the planning framework.

It is considered that the proposal will not unduly impact on the car parking availability currently afforded to the town centre as demonstrated by the technical report. The proposal, for the reasons outlined in the report, is recommended for approval.

Attachments

- [OCM042.1/05/18](#) – Application Details (E18/150)
- [OCM042.2/05/18](#) - Submission (E18/151)
- [OCM042.3/05/18](#) – Clause 67 Checklist (E18/16)

Alignment with our Strategic Community Plan

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

The proposal allows for a less restrictive small business within the town centre of Byford, contributing towards the economy of the area. The proposal will support an existing local business and allow for more flexibility with regard to opening hours and numbers of customers.

Financial Implications

Nil.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council approving the development application	Likely (4)	Minor (2)	Moderate (5-9)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Officer Recommendation
Council refusing the development application	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

Risk Matrix

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

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



Voting Requirements: Simple Majority

OCM042/05/18 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Piipponen

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

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

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

Day/s of Week	Time of Class	Members per Class
Monday to Friday	5:30am	40
Monday to Friday	6:30am	40
Monday to Friday	9:15am	30
Monday to Friday	4:30pm	30
Monday to Friday	5:30pm	30
Monday to Friday	6:30pm	40
Saturday	6:00am	40
Saturday	7:00am	40
Saturday	8:00am	40
Sunday	7:00am	40
Sunday	8:00am	40

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

MOTION LOST 3/4

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

Councillors Atwell, Piipponen and See voted FOR the motion.

Councillors Rich, Byas, Denholm and McConkey voted AGAINST the motion.

Reason for change to Officers Recommendation

Council does not support the variation to carparking requested as part of the application.

**OCM043/05/18 – S31 Reconsideration of Proposed Radio, TV and Communication Installation (Telecommunication Facility) – Lot 57, 9 Cavanagh Close, Cardup (SJ2449)**

Author:	Heather Coles-Bayes
Senior Officer/s:	Ashwin Nair – Manager Statutory Planning and Compliance Andre Schonfeldt – Director Development Services
Date of Report:	26 April 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Catalyst One
Owner: Adam Edward Bednarczyk
Elisabeth Anderson
Date of Receipt: 23 March 2017
Lot Area: 1.94ha
Town Planning Scheme No 2 Zoning: 'Special Rural'
Metropolitan Region Scheme Zoning: 'Rural'

Introduction

The purpose of this report is for Council to reconsider a development application for a telecommunication facility at Lot 57, 9 Cavanagh Close, Cardup to improve mobile coverage in the Cardup area. Council considered the initial application at its Ordinary Council Meeting of 27 November 2017 whereby concerns were raised in relation to the requirement of an additional tower and its impact on the character and amenity of the locality. The motion was lost and the application was subsequently deemed refused.

Following the determination, the applicant applied to have the decision reviewed by the State Administrative Tribunal (SAT). Officers attended mediation on 27 February 2018 where the applicant was given the opportunity to provide supplementary information to demonstrate the suitability of the site. Subsequently, the SAT has invited Council to reconsider its decision in accordance with Section 31 (1) of the *State Administrative Tribunal Act 2004*.

The report is presented to Council as Officers do not have delegation to determine development applications that propose variations to Local Planning Policies under delegation 11.1.1 - Determination of Development Applications.

Relevant Previous Decisions of Council

OCM146/11/17 – the initial development application was considered where a motion to approve the planning application was debated. The motion was not carried as Council members debated concerns about the proposal, considered alternative sites and noted local community concerns. The application was subsequently deemed refused.

BackgroundSubject Site

The subject site features a single residential dwelling, water tank, and outbuildings associated with the single residential dwelling. The property is located on the corner of Cavanagh Close and Hopkinson Road,



approximately 800m south of Orton Road and 2.6km north of Bishop Road. Shire Officers note that immediately east of Hopkinson Road the land is reserved for the future Tonkin Highway extension.



Location Plan

Proposed Development

The proposal (OCM043.1/05/18) involves the construction of a 35m high monopole tower together with ancillary equipment and infrastructure including:

- Three new antennas mounted at the top of the tower;
- One new 600mm parabolic antenna; and
- One new equipment shelter, 7.5m² in area (coloured “Paperbark”), situated at the foot of the tower.

Community / Stakeholder Consultation

The supplementary information has not been re-advertised as it is considered that submissions would not raise any new concerns because the proposal has not materially changed.

The application was initially advertised to surrounding landowners for a period of 21 days from 1 June 2017 to 22 June 2017 in accordance with Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. During this period, 23 submissions were received by 17 different submitters. One submission was providing support for the proposal and 16 expressed objections.

The submissions have been summarised in the table below, full submissions and Shire Officers responses to concerns raised in the submissions are attached to this report (OCM043.2/5/18).

Nature of Concern	Shire Officer Comment
Visual Amenity	<p>Shire Officers acknowledge that the proposed monopole will be visible to nearby properties. Shire Officers consider the impacts of the proposed monopole to be acceptable, when balanced with the additional infrastructure service available to residents and businesses within the Shire. It is not a requirement for telecommunications facilities to be invisible.</p> <p>While the Applicant has not shown landscaping on the plan, Shire Officers have discussed the requirement for landscaping with the Applicant.</p>



Nature of Concern	Shire Officer Comment
	<p>Officers recommend a condition be added to any planning approval requiring the base of the monopole and the equipment shelter be screened by vegetation to the satisfaction of the Shire.</p> <p>This would need to be complied with for the life of the development. It would account for natural loss of vegetation and require replacement if vegetation dies or was damaged.</p> <p>Shire Officers note the existing vegetation both in the Hopkinson Road reserve and on the subject site which is considered likely to provide a partial screen to the proposed development and therefore minimise likely amenity impacts.</p> <p>The applicant has provided photomontages to provide further clarity as to the visual impact of the proposal.</p>
Health	The applicant has demonstrated that the proposed development is well under the maximum public exposure limit for electromagnetic energy (EME), at 0.51%.
Land Values	Shire Officers are not able to comment on the value of properties.
Possible Alternative Locations	<p>Shire Officers acknowledge that the proposed development is not consistent with the location requirements of Local Planning Policy 3, and that is why the application is being presented to Council for determination.</p> <p>The Applicant has investigated other nearby suitable sites, however they all have similar impacts on existing residents and development.</p> <p>Moving the location of the proposed development would decrease its effectiveness in providing continuous network coverage for the specific area.</p> <p>The applicant has undertaken further investigations into the opportunities for co-location that have been discussed under the relevant section of the report.</p>
Reduced Subdivision Potential	The proposed development will not have an impact on the ability to subdivide lots, which already have subdivision potential.
Traffic Impacts	<p>Construction works would affect traffic on Hopkinson Road. Traffic interruptions are typical for developments, which require large components to be delivered to a site.</p> <p>Shire Officers consider the proposed development would not have any safety impacts for vehicles travelling on Hopkinson Road. It is proposed to be further set back than existing vegetation, which is in close proximity to the road pavement.</p>



Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Metropolitan Region Scheme*
- *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 5.2 – Telecommunications Infrastructure

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013
- Local Planning Policy 3 – Telecommunications Infrastructure
- Local Planning Policy 27 – Stakeholder Engagement

Planning Assessment

Land Use

The proposal is consistent with the following definition of 'Radio, T.V. and Communication Installation' of TPS2:

“means any land or buildings used for the transmission, relay or reception of signals or pictures, both commercial and domestic, but does not include a communications antennae domestic.”

The subject lot is zoned 'Special Rural' under TPS2. A 'Radio, T.V. and Communication Installation' is an 'AA' land use in the 'Special Rural' zone in accordance with TPS2, which means that Council may, at its discretion, permit the use.

Orderly and Proper Planning

The Council needs to exercise its discretion before granting planning approval and give due regard to the elements of Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions).

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. Attachments OCM043.3/5/18 and OCM043.4/5/18 detail a comprehensive assessment of each of the 27 matters contained within Clause 67. For the purposes of this report, the supplementary information submitted is discussed OCM043.5/5/18.

Alternative sites/Co-location:

LPP3 states that *“carriers shall co-locate onto existing towers/monopoles, other existing structures or replace existing structures wherever possible”*. The policy also requires that where there is an existing facility in the locality, the applicant must demonstrate that the proposal cannot be co-located for technical or structural reasons.



The applicant's supplementary report confirms that initially nine sites were investigated for the subject proposal. Following Council's determination, a further six sites have been investigated. At a meeting held with Shire Officers, these further sites were discussed and it was concluded that for various reasons, including environmental and visual impacts, that these sites were either not suitable or were no more suitable than the subject site.

In addition, two further options of co-locating on existing towers were investigated. In both cases, even if the towers were increased in height, radio frequency engineers advised that neither location is adequately able to reach the target coverage area. Furthermore, the increase of the tower heights would cause interference with other facilities resulting in call drop-outs and reduction in overall speed.

The table and map below show all the alternative sites that have been investigated and the reasons why these are not considered appropriate:





Candidate	Site Details	Facility Type	Coordinates	Reason for discount:
A	681 Hopkinson Road, Cardup	GF	-32.250740°, 115.973913°	Property investment company, declined Optus offer.
B	15 Hopkinson Rd, Cardup	GF	-32.251333°, 115.976204°	Owner declined Optus offer. High visual impact. No existing screening, surrounded by lifestyle rural residential.
C	817 Hopkinson Road, Cardup	GF	-32.252307°, 115.976225°	High visual impact – No existing screening, surrounded by lifestyle rural residential. No response from landowner.
D	34, Beringar Elbow Cardup	GF	-32.251488°, 115.983385°	Tenure could not be secured.
E	8001 Cardup Siding Road, Cardup	GF	-32.240229°, 115.977138°	Low-density residential, aboriginal heritage, designated as Wetland Reserve on detailed area plan. Discounted by planning.
F	35 Beringar Elbow, Cardup	GF	-32.250996°, 115.982902°	High visual impact to properties to the south. Landowner advised not interested.
G	680 Hopkinson Road, Cardup	GF	-32.24178, 115.97298	Medium visual impact, backup candidate. Landowner withdrew interest.
H	35 Coleman Close, Cardup	GF	-32.251858°, 115.972046°	Zoned Rural Living A. Telecommunications Infrastructure a prohibited use.
I	9 Cavanagh Close, Cardup	GF	-32.24465, 115.97308	Selected candidate.
J	Lot 382 o Plan 72074	GF	-32.254686°, 115.973043°	Cardup Nature Reserve - A-Class Reserve.
K	Lot 381 on Plan 72073	GF	-32.254227°, 115.972422°	Land tenure could not be secured.
L	681 Hopkinson Road, Cardup	GF	-32.250740°, 115.973913°	Primary Regional Road reserve. Candidate can't be pursued.
M	9060 On Plan 404193	GF	-32.235910°, 115.974396°	Location is on the Glades Local Structure Plan. Area to be redeveloped into residential.
N	Lot 9001 On Plan 72073	GF	-32.254082, 115.972882	Tenure could not be secured.
O	Lot 9001 On Plan 72073	GF	-32.254200° 115.971394°	Tenure could not be secured.

Based on the additional information, Officers consider that the applicant has gone further to investigate other options and has adequately demonstrated that the proposal cannot be co-located for technical reasons, in accordance with LPP3.

*Form of Development and Amenity:*

State Planning Policy 5.2 – Telecommunications Infrastructure (SPP5.2) together with LPP3 requires that telecommunication facilities are located where they will not be visually prominent from significant viewing locations and they should be located to avoid detracting from a significant view of a heritage item or place. The applicant acknowledges that the monopole will be visible in particular from the nearby residence of 186 Bournbrook Avenue, Cardup. However, it is considered that the proposal is not located where it would adversely impact upon a view of heritage significance, landmark site, streetscape or public panorama.

As part of the supplementary information, the applicant has provided three photomontages of the proposal to show the visual impact of the proposal. The photomontage from the nearby residential properties is shown below:



As previously stated, it is acknowledged that the proposal would be visible, however Officers consider that it would not unduly impact the level of residential amenity currently afforded to these residents and therefore warrant refusal of the application.

SPP5.2 and LPP3 require that the design of monopoles are such that they have minimal impact on the visual amenity of the area. In this case, the monopole is considered slimline in design in comparison to a lattice style structure and therefore would not appear unduly obtrusive within the landscape. The applicant has advised that the monopole would be finished with non-reflective colours to further mitigate the visual impact of the proposal. If approval is granted, a condition would require a landscaping plan to be prepared to the satisfaction of Officers to provide further mitigation of the visual impact of the proposal.

Conclusion

The application seeks approval for a telecommunications facility to improve mobile coverage in the Cardup area. The proposed development will provide a service to the growing population of the Shire of Serpentine Jarrahdale and visitors to the local area.



It is considered that the supplementary information and further investigations carried out by the applicant goes further to demonstrate that the proposal is generally consistent with the planning framework. The additional information is considered to adequately address the previous concerns of Council by investigating a number of additional sites. Although the proposal would be visible it is considered that it would not adversely impact on the character of the area so significantly to warrant refusal.

Attachments

- [OCM043.1/05/18](#) – Application Details (IN17/11009)
- [OCM043.2/05/18](#) – Summary of Submissions (E17/4587)
- [OCM043.3/05/18](#) – Previous OCM Resolution (CR17/169)
- [OCM043.4/05/18](#) – Clause 67 Checklist (E17/10739)
- [OCM043.5/05/18](#) – Supplementary Information (IN18/11508)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1	Provide well planned and maintained public open spaces and community infrastructure

The proposed development will provide a service to the growing population of the Shire of Serpentine Jarrahdale and visitors to the local area. The proposed infrastructure will contribute towards a connected and inclusive community.

Financial Implications

Nil

Risk Implications

Risk has been assessed based on 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 of development application	Possible (3)	Minor (2)	Moderate (5-9)	Financial Impact - 2 Minor - \$50,000 - \$250,000	Accept Officer Recommendation

**Risk Matrix**

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

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

Voting Requirements: Simple Majority

OCM043/05/18 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr McConkey

That Council approves the development application submitted by Catalyst One on Lot 57, 9 Cavanagh Close, Cardup as contained in attachment OCM043.1/05/18 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following conditions:-

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

Plans and Specifications	P1-P3 received at the Shire's Offices on 23 March 2017
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- Upon decommissioning of the telecommunications facility, the monopole shall be removed and the site returned to its original condition at the cost of the landowner.
- All existing trees and vegetation on the subject lot not identified on the plans for removal, shall be retained and protected from damage prior to and during construction.
- Any proposed constructed road access to the telecommunications facility shall be designed, constructed and maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
- Prior to commencement, a landscape management plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The landscape management plan shall include a vegetation screen around the equipment shelter. Once approved, the landscape management plan shall be implemented within 60 days of the monopole being erected.

MOTION LOST 7/0

Reason for change to Officers Recommendation

Council does not support the variation to its LPP with regards to where these types of facilities should be provided.



10.2 Infrastructure Services reports

OCM044/05/18 – Landcare SJ Inc. Strategic Plan and Business Plan (SJ267)	
Author:	Penny Hollick – Environmental and Biodiversity Officer
Senior Officer/s:	Pascal Balley – Manager Infrastructure and Assets Steven Harding – Director Infrastructure Services
Date of Report:	1 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is to request Council to note Landcare SJ Inc.'s Strategic Plan and Business Plan, in satisfaction of the Key Performance Indicators stated in Annexure 2 of the *Agreement for Funding and Use of SJ Community Landcare Centre* as contained in Attachment OCM044.3/05/18.

Relevant Previous Decisions of Council

OCM064/05/17 – Approved support for the Shire of Serpentine Jarrahdale to enter into a service partnership with Landcare SJ and requested for the final form of agreement be presented to Council for formal ratification in July 2017.

OCM095/07/17 – Authorised the Chief Executive Officer to execute the Agreement under delegation.

Background

Landcare SJ Inc. is the premier land management organisation in the region, with State-wide recognition for excellence in Natural Resource Management (NRM) and community engagement. Highly successful in the competitive grant funding arena, with income diversification to include Shire of Serpentine Jarrahdale contributions, grant funding, enterprise income (including the Cockatube project), contract income and donations. Landcare SJ's strengths include community, stability, collaboration and demonstrated ability to deliver on-ground projects over a long period, with a 15-year history of successful NRM delivery and community engagement.

Landcare SJ Inc. coordinates delivery of Natural Resource Management and Landcare activities in the Shire of Serpentine Jarrahdale and North Murray. Particular priority is given to ongoing maintenance programs, enhancement and restoration of remnant natural areas containing nationally significant plant communities, and water quality improvement in rivers, wetlands and waterways. Operating in a dynamic political environment, in conjunction with community, government, industry and Non-Governmental Organisations (NGOs), Landcare SJ delivers Federal, State and Local government environmental priorities to address issues of sustainable agriculture, biodiversity resilience, water quality, biosecurity, and impacts of climate change.

Landcare SJ Inc. has been very successful in attracting local, regional, State and Australian Government funds in response to the natural resource management needs of the area. Since 2007, Landcare SJ has completed 135 funded projects, with \$1.7 million dollars awarded by 34 different funding programs through various agency programs across all Government levels, Non-Governmental Organisations (NGOs), and business. However, grant funding does not usually include any component for staff wages.

The Shire of Serpentine Jarrahdale and Landcare SJ entered into a three year agreement in 2017 for the delivery of Landcare services in the Shire. The agreement provides for a \$200,000 p.a. (CPI adjusted) contribution to Landcare SJ wages, and an additional \$35,000 p.a. in-kind, which includes utilities, building accommodation, maintenance and cleaning, and provision of payroll administration. Under the Agreement,



Landcare SJ must provide to the Shire a Strategic Plan in relation to the Landcare objectives, and a Business Plan in relation to the performance of the Landcare services.

These Plans are provided here for acceptance by Council.

Community / Stakeholder Consultation

No community consultation has been undertaken.

Statutory Environment

<u>Legislative Requirements</u>	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – s3.54</i> 	<ul style="list-style-type: none"> • Where Landcare SJ is applying its efforts to management and maintenance of land under the care, control and management of the Local Government, it is assisting Council to fulfil a general power of the Local Government under section 3.54 of the <i>Local Government Act 1995</i>.
<u>Other Plans, Frameworks, Documents Applicable to Policy</u>	<ul style="list-style-type: none"> • IN17/17356 – Landcare Serpentine Jarrahdale – Agreement for Funding and Use of SJ Landcare Centre 	<ul style="list-style-type: none"> • The agreement provides for a \$200,000 p.a. (CPI adjusted) contribution to Landcare SJ wages, and an additional \$35,000 p.a. in-kind for operations and accommodation. Landcare SJ must provide to the Shire a Strategic Plan and a Business Plan.
<u>Procedures, Processes, Maps, Work Instructions</u>	NA	NA

Comment

Landcare SJ Inc. is the premier land management organisation in the region, with State-wide recognition for excellence in Natural Resource Management (NRM) and community engagement. Highly successful in the competitive grant funding arena, with income diversification to include Shire of Serpentine Jarrahdale contributions, grant funding, enterprise income (including the Cockatube project), contract income and donations. Landcare SJ's strengths include community, stability, collaboration and demonstrated ability to deliver on-ground projects over a long period, with a 15-year history of successful NRM delivery and community engagement.

The Shire of Serpentine Jarrahdale contains many highly sensitive and nationally significant areas such as Brickwood Reserve, Serpentine River, Mundijong Road/Duckpond Reserve, Railway Reserve, and private property Threatened Ecological Communities (TECs). These areas require an ongoing commitment for dieback management, weed control, fire risk management and rehabilitation. Over the last ten years, Landcare SJ has carried out approximately one third of the management activities on Shire natural area reserves, including expenditure of grant funding, staff time, and volunteer labour.

Any investment in Landcare SJ, whether from Shire contributions, grant funding, enterprise or contract income, or donations, is multiplied many times in the value delivered to the community and environment of Serpentine Jarrahdale. Delivery of the works and programs currently run by Landcare SJ would cost many times more again if delivered by any other method.

Apart from the extensive land management work that has been achieved, the Serpentine Jarrahdale Landcare Centre, Board, Management Committee, community, and staff members have gained recognition as being NRM leaders in the State. Landcare SJ has a very unique product in terms of the way it has empowered the local community in caring for the environment, and this is the overriding value for the continued development of the Group. People are at the heart of all community matters and, as such, they are critical to the success of Landcare SJ Inc.



Landcare SJ coordinates delivery of Natural Resource Management and Landcare activities in the Shire of Serpentine Jarrahdale and North Murray. Particular priority is given to ongoing maintenance programs, enhancement and restoration of remnant natural areas containing nationally significant plant communities, and water quality improvement in rivers, wetlands and waterways. Operating in a dynamic political environment, in conjunction with community, government, industry and Non-Governmental Organisations (NGOs), Landcare SJ delivers Federal, State and Local government environmental priorities to address issues of sustainable agriculture, biodiversity resilience, water quality, biosecurity, and impacts of climate change. Stability in Board of management and staffing have contributed to long-term project delivery success and the development of strong local, regional and statewide networks.

Incorporated in 2002, Landcare SJ Inc. operates as a registered charity, managed by a volunteer Board, in partnership with the Shire of Serpentine Jarrahdale and the SJ Land Conservation District Committee. The Association coordinates activities of 12 active local community environmental groups, three schools and local landholders, working closely with Shire Officers, the Peel-Harvey Catchment Council, State Government Agencies and Regional NRM professionals. Landcare SJ has diversified its income to include Shire of Serpentine Jarrahdale contributions, grant funding, enterprise income, contract income and donations. The Cockatube project, initiated in 2005, supplies and distributes artificial nestboxes for Black Cockatoos across the State, providing a regular source of income and addressing vulnerable and endangered species of Black Cockatoo in WA.

The business plan considers an analysis of internal and external operating environments in determining a proposed program for 2018-2020, under the key directions of the Landcare SJ Strategic Plan 2018-2028:

- Community Engagement/Capacity Building;
- Sustainable Natural Resource Management;
- Income Support; and
- Governance.

The reports recommend a continuation of successful community engagement and NRM delivery that captures the needs of changing demographics and builds on networks, including strengthening the relationship with the Shire of Serpentine Jarrahdale through collaborative planning and delivery. Further recommendations include building resilience in operations by reviewing and improving income generation diversity and governance, including policies and procedures, human resources structure and addressing budget gaps. Key program delivery areas (subject to funding) for 2018-20 were identified as:

- Healthy Habitats Biodiversity Stewardship Program;
- Free verge plant program;
- Serpentine River, drains, waterways and wetlands;
- Equine Landcare;
- Cockatube enterprise/Fauna nestbox program;
- Urban Landcare (including Urban Forest Strategy);
- Sustainable Agriculture;
- Shire of Serpentine Jarrahdale Bushland Reserves;
- Biosecurity;
- Governance; and
- Income support.

As discussed above, Landcare SJ has diversified its income to include Shire of Serpentine Jarrahdale contributions, grant funding, enterprise income, contract income and donations, addressing the key objective of generating income to become less reliant on outside funding. The Cockatube project, initiated



in 2005, supplies and distributes artificial nestboxes for Black Cockatoos across the State, providing a regular source of income (approximately \$44,000 p.a.).

The budget presented in the Landcare SJ business plan does not include grant funding, with the exception of allocations for wages and administration, as the grants are for on-ground works. The projected shortfall in income for 2018-19 is due to the anticipated purchase of a new vehicle and IT system, which can be deferred if funding is unavailable. The profitability of Landcare SJ depends on receipt of grant funding, which is not certain. Five grants, worth \$148K, are due for acquittal mid-year; the total value of ongoing projects is \$164K (including \$38K fee-for-service), with applications pending for \$144K.

Initial Proposal

Option One

That Council accepts the Landcare SJ Inc. Strategic Plan and Business Plan.

Option Two

That Council does not accept the Landcare SJ Inc. Strategic Plan and Business Plan.

Options and Implications

Officer recommendation is for Council to accept the Landcare SJ Inc. Strategic Plan and Business Plan. The acceptance of these Plans will display Council's ongoing support for the vital Natural Resource Management and Landcare services provided by Landcare SJ to the community and environment of Serpentine Jarrahdale.

Conclusion

The acceptance of these Plans will display Council's ongoing support for the vital Natural Resource Management and Landcare services provided by Landcare SJ to the community and environment of Serpentine Jarrahdale.

Attachments

- [OCM044.1/05/18](#) – Landcare Serpentine Jarrahdale Inc – Strategic Plan 2018 / 2028 (IN18/9870)
- [OCM044.2/05/18](#) – Landcare Serpentine Jarrahdale Inc – Business Plan 2018 / 2020 – Draft (IN18/9869)
- [OCM044.3/05/18](#) – Landcare Serpentine Jarrahdale – Agreement for Funding and Use of SJ Landcare Centre– (IN17/17356)

Alignment with our Strategic Community Plan

Outcome 2.2	A sustainable natural environment
Strategy 2.2.1	Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves, and natural assets
Strategy 2.2.4	Support community groups (both new and existing), who are preserving and enhancing the natural environment
Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest

Financial Implications

The acceptance of these Plans has no financial implications for 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)
Council does not accept the Plans and they must be rewritten – 1. Financial	Unlikely (2)	Insignificant (1)	Low (1-4)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation
2. Impact on the Shire's reputation for supporting Landcare SJ	Unlikely (2)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept 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 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



Voting Requirements: Simple Majority

OCM044/05/18 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr McConkey

That Council:

1. Notes the Landcare SJ Inc. Strategic Plan 2018 to 2028 in attachment OCM044.1/05/18 and Business Plan 2018 to 2020 in attachment OCM044.2/05/18, in satisfaction of the KPIs stated in Annexure 2 of the *Agreement for Funding and Use of SJ Community Landcare Centre* as per attachment OCM044.3/05/18.
2. Recognises the significant contributions by Landcare SJ Inc. to the community and environment of the Shire of Serpentine Jarrahdale.

CARRIED UNANIMOUSLY 7/0



10.3 Corporate Services reports

Director Corporate Services, Frazer Sullivan, declared an Impartiality Interest in OCM045/05/18 and left the Chambers at 8.40pm while this item was discussed.

OCM045/05/18 – Byford Community Bank Shareholding Rights (SJ1352) (A1117)	
Author:	Les Mainwaring – Manager Finance
Senior Officer:	Frazer Sullivan – Director Corporate Services
Date of Report:	7 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

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

Relevant Previous Decisions of Council

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

Background

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

Community / Stakeholder Consultation

Nil

Statutory Environment

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

It is noted that in April 2012 regulation 19C of the *Local Government (Financial Management) Regulations 1996* were introduced to limit cash investments to authorised deposit taking institutions or the Western Australian Treasury Corporation, however this is not retrospective and does not affect the shareholding investment with BCB. Furthermore, regulation 19C does not restrict the Shire in investing in other kinds of investments so long as investments comply with the *Trustees Act 1962*.

Comment

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

The initial investment of \$10,000 was made in 2002 at a time when the community was being asked to pledge sufficient funds in the order of \$450,000 to enable a feasibility study into the viability of a community



bank to be undertaken. At this formative stage, Bendigo Bank wanted to see a community “buy in” of about 200+ shareholders to provide an indication of the viability of a reasonable customer base.

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

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

Sixteen years have passed since the formation of the Byford Community Bank, and for all intents and purposes it has proved to be a successful enterprise in monetary terms, has provided a benefit to the community and Council could consider that it has fulfilled its initial community and strategic obligation. The success of the Byford Community Bank can be measured by the regular dividends that have been received by Council after the initial set up phase. This would probably go some way to explain why Council has not seen a need to maintain any Board representation in recent years.

Council has continued to support the BCB by the investment of surplus funds which continues to contribute to the ongoing commercial viability of the Bank. The question remains though that after sixteen years, is the Council still fulfilling its strategic objectives, as reviewed in the Strategic Community Plan, by maintaining an equity stake in a Banking institution which is in addition to any commercial support through regular investment activity. Alternatively does Council maintain a duty of care to actively support the community institution for the benefit of the community because of its origins.

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

Options and Implications

The options available to Council would be:

Option 1

Divest the shareholding

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

Option 2

Remain a passive shareholder

Remain a passive shareholder of BCB by adopting a position that clearly states that Council will not exercise any voting rights and therefore will not become involved operationally with BCB in a similar way



that Council may not operationally influence any other commercial enterprise. This position continues the status quo, but retains an equity stake that could be activated in the future depending upon the operational fortunes of the BCB.

Option 3

Exercise the voting rights of share ownership

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

An ideal candidate for Board Nomination would be the Director Corporate Services, Frazer Sullivan, given that Frazer has a history of five years in external audit and 13 years of large local government experience including investment management over a portfolio of \$120 million.

Conclusion

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

Option 3 is recommended.

Attachments

- Nil

Alignment with our Strategic Community Plan

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

Financial Implications

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

Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Option 1	Unlikely (2)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key	Accept Risk



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)
				stakeholder trust, low profile or no media item	
Option 2	Possible (3)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Control through policy development
Option 3	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Control through Policy development...

Risk Matrix

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

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



Voting Requirements: Simple Majority

OCM045/05/18 Officer Recommendation

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

Voting Requirements: Simple Majority

OCM045/05/18 COUNCIL DECISION / Councillor Recommendation

Moved Cr Byas, Seconded Cr See

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

Mr Frazer Sullivan, Director Corporate Services, returned to the meeting at 8.41pm.

Shire President Councillor Rich advised Mr Sullivan that a Procedural Motion to defer Item OCM045/05/18 to the Ordinary Council Meeting to be held on 25 June 2018 was carried unanimously.



OCM046/05/18 - Confirmation of Payment of Creditors (SJ801)	
Author:	Vicki Woods – Finance Officer
Senior Officer/s:	Frazer Sullivan – Director Corporate Services
Date of Report:	3 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Statutory Environment

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

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

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

Comment

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

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

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

A detailed list of invoices for the period 1 April 2018 to 30 April 2018 is provided per attachment OCM046.1/05/18. Transactions made by purchasing cards are detailed in the Purchasing Card Report 6 March 2018 to 5 April 2018 as per attachment OCM046.2/05/18.



Attachments

- [OCM046.1/05/18](#) - Creditors List of Accounts 1 April 2018 to 30 April 2018. (E18/4292)
- [OCM046.2/05/18](#) – Purchasing Card Report 6 March 2018 to 5 April 2018. (E18/4295)

Alignment with our Strategic Community Plan

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

Financial Implications

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

Risk Implications

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

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

Risk Matrix

Consequence		Likelihood				
		Insignificant	Minor	Moderate	Major	Catastrophic
5		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.



Continued

Ordinary Council Meeting Minutes
Monday 28 May 2018

Voting Requirements: Simple Majority

OCM046/05/18 COUNCIL DECISION / Officer Recommendation

Moved Cr McConkey, seconded Cr Byas

That Council records the accounts as paid under delegated authority for April 2018, totalling \$2,041,389.53 as attached, covering:

- 1. EFT Vouchers EFT50847 to EFT51185 including Purchasing Card Payment totalling \$1,925,611.30.**
- 2. Municipal Cheque Vouchers CHQ45909 to CHQ45914 totalling \$1,652.11.**
- 3. Municipal Direct Debits DD46049.1 to DD46109.31 totalling \$114,126.12.**

CARRIED UNANIMOUSLY 7/0



OCM047/05/18 – Monthly Financial Report – April 2018 (SJ801)	
Author:	Nick Grant – Senior Accountant
Senior Officer:	Les Mainwaring – Manager Finance
Date of Report:	7 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

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

This report is about the financial position of the Shire as at 30 April 2018.

Relevant Previous Decisions of Council

The original budget for 2017/2018 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 2017/2018 for reporting material variances, as resolved by Council, shall be:

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

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

Background

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

Community / Stakeholder Consultation

No community consultation was undertaken / required.

Statutory Environment

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

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



Comment

Monthly Financial Report

The attached report as detailed in OCM047.1/05/18 shows our month end position as at the end of April. The municipal surplus for the month ending 30 April 2018 is \$10,192,828, which is favourable, compared to a budgeted deficit for the same period of \$5,330. This variance is attributable to the timing of capital and operating expenditure, most of which relates to the timing of the Abernethy Road project.

Description	YTD Budget	30 April 2018 Actual	Variance (unfavourable)
Opening Surplus at 1 July 2017	3,105,535	3,105,535	-
Proceeds from sale of assets	449,000	67,000	(382,000)
Changes to net transfers to and from Reserves	4,138,202	4,089,000	(49,202)
Changes to net transfers to and from Restricted Cash	-	(285)	(285)
Loan principal Drawdown (New loans)	2,761,924	-	(2,761,924)
Loan principal repayments	(201,459)	(201,459)	-
Capital expenditure	(21,222,328)	(8,270,568)	12,951,760
Capital revenue (cash items)	6,262,880	3,795,027	(2,467,853)
Operating revenue (cash items)	31,143,691	30,935,497	(208,194)
Operating expenditure (cash items)	(26,442,774)	(23,326,920)	3,115,854
	(5,330)	10,192,828	10,198,156

A more detailed explanation of these variances can be found in Attachment OCM047.1/05/18. The main variances contributing to the current decreased surplus position are timing issues relating to expenditure.

Attachments

- [OCM047.1/05/18](#) – Monthly Financial Report April 2018 (E18/4520)

Alignment with our Strategic Community Plan

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

Financial Implications

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



Risk Implications

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

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

Risk Matrix

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

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

Voting Requirements: Simple Majority

OCM047/05/18 COUNCIL DECISION / Officer Recommendation

Moved Cr Byas, seconded Cr Denholm

That Council receives the Monthly Financial Report for April 2018, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment OCM047.1/05/18.

CARRIED UNANIMOUSLY 7/0



OCM048/05/18 – March 2018 Quarterly Budget Review	
Author:	Megan Hodgson – Strategic Financial Planner
Senior Officer:	Frazer Sullivan – Director of Corporate Services
Date of Report:	7 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

Council is requested to approve adjustments to the 2017/2018 budget as per the recommendations contained in this report.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this report.

Background

The original 2017/2018 budget was adopted by Council in July 2017. The budget is reviewed quarterly and the following commentary and attachment to this report outline the reasons for the proposed adjustments to the 2017/2018 budget.

Community / Stakeholder Consultation

The progress of year to date expenditure against budget expenditure has been reviewed by the Management and the Executive Management Group through the Financial Costing and Review process. Recommendations for budget adjustments have stemmed from these discussions.

Statutory Environment

Section 6.8 of the *Local Government Act 1995* requires a local government is not to incur expenditure from municipal funds for an additional purpose except where the expenditure:

- is incurred in a financial year before the adoption of the annual budget by the local government;
- is authorised in advance by Council resolution; and
- is authorised in advance by the President in an emergency.

**Comment**

Approval is sought for the following budget adjustments for the reasons specified:

Account Number	Type	Description	Debit \$	Credit \$
EXE600	Increase Expenditure	Executive Services Communications Expenditure	55,000	
MOC525	Decrease Expenditure	Members of Council Community Consultation/PR		6,294
CEO502	Decrease Expenditure	CEO Consulting Fees		48,706

Reason:

To fund continued support from external media consultants, a community perceptions survey, and the purchase of promotional material.

Account Number	Type	Description	Debit \$	Credit \$
TPP502	Increase Expenditure	Town Planning Consulting Fees	42,000	
DCO502	Decrease Expenditure	Compliance Consulting Fees		10,000
EDT525	Decrease Expenditure	Engineering Design Consulting Fees - Asset Finder		32,000

Reason:

To adjust the Town Planning consulting fees budget in line with YTD actual expenditure. Compliance consulting fees are no longer required. Original budget was for the extractive industries audit. This has now been completed by internal resources. \$80,000 budgeted in EDT525 for the Asset Finder Software also no longer required.

Account Number	Type	Description	Debit \$	Credit \$
BUI356	Decrease Income	Building Permits Income	40,000	
EDT525	Decrease Expenditure	Engineering Design Consulting Fees - Asset Finder		40,000

Reason:

To recognise lower than expected building permit fees based on year to date trends. \$80,000 budgeted in EDT525 for the Asset Finder Software are no longer required.

Account Number	Type	Description	Debit \$	Credit \$
011003	Return to Reserve	Transfer to Parks & Gardens Renewal Reserve	40,000	
PLA950	Decrease Expenditure	Bill Hicks Playground Renewal		40,000

Reason:

Bill Hicks playground renewal will not be completed this financial year. Budgeted funds returned to reserve to go towards the urgent replacement of the Serpentine Polocrosse Bore.



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Account Number	Type	Description	Debit \$	Credit \$
RSS901	Increase Expenditure	Bore and Pump - Serpentine Polocrosse	140,000	
011003	Transfer from Reserve	Transfer from Parks & Gardens Renewal Reserve		113,000
HIA901	Decrease Expenditure	Health Billboard		25,000
EDT525	Decrease Expenditure	Engineering Design Consulting Fees - Asset Finder		2,000

Reason:

The bore and pump at Serpentine Polocrosse Grounds is no longer operational and urgently requires replacement. Funds for Health Billboard and \$80,000 budgeted in EDT525 for the Asset Finder Software are no longer required.

Account Number	Type	Description	Debit \$	Credit \$
KAL901	Increase Expenditure	Kalimna Cricket Pitch	20,700	
BPC900	Decrease Expenditure	Briggs Park Cricket Pitch		8,390
EDT525	Decrease Expenditure	Engineering Design Consulting Fees		6,000
CEO502	Decrease Expenditure	CEO Consulting Fees		5,794
1010020	Decrease Municipal Funds	Municipal Cash		516

Reason:

To fund the installation of a centre cricket wicket at Kalimna Oval, to support an increase in club membership particularly junior participation.

Account Number	Type	Description	Debit \$	Credit \$
CDA104	Decrease Income	Grants - Perth Bike Network	105,000	
1010020	Increase Municipal Funds	Municipal Cash	105,000	
RC132	Decrease Expenditure	Soldiers Road Footpath		210,000

Reason:

Additional funding required to complete Percy's Park Toilets, including connection to the sewerage system. Soldiers Road footpath will not be proceeding this year as the job has been held up by authorities. Has been rebudgeted next year.



Account Number	Type	Description	Debit \$	Credit \$
PPT900	Increase Expenditure	Percy's Park Toilets	104,484	
1010020	Decrease Municipal Funds	Municipal Cash		104,484

Reason:

Additional funding required to complete Percy's Park Toilets, including connection to the sewerage system. Soldiers Road footpath will not be proceeding this year as the job has been held up by authorities. Has been rebudgeted next year.

Account Number	Type	Description	Debit \$	Credit \$
MOC901	Increase Expenditure	Administration Building	55,000	
011003	Transfer from Reserve	Transfer from Administration Building Reserve		55,000

Reason:

To replace the administration buildings alarm system and to allow additional funds for the completion of the front counter modifications.

Account Number	Type	Description	Debit \$	Credit \$
ESD901	Increase Expenditure	Emergency Services - Plant replacement	274,532	
ESD403	Increase Income	FESA Capital Grant		274,532

Reason:

To recognise the purchase of 2 x Toyota LandCruiser fire engines for the Mundijong and Keysbrook stations, funded by FESA grants.

Account Number	Type	Description	Debit \$	Credit \$
011003	Transfer to Reserve	Transfer to Public Art Reserve	17,500	
TPL189	Increase Income	Public Art Fund		17,500

Reason:

As per Local Planning Policy (Number 59) a Public Art fund is required for the purposes of accumulating cash-in-lieu contributions made under the policy. The funds are required to be used by the Shire for the provision of public art. The first contribution of its kind was received by the Shire in December 2017 and this adjustment is to recognise the creation of a new Public Art Reserve, and to transfer the contribution received into it.



Account Number	Type	Description	Debit \$	Credit \$
BPP900	Increase Expenditure	Briggs Park Lower Oval Upgrade	200,000	
OSR100	Increase Income	Non-operating Grants – Briggs Park		200,000
Reason: To recognise the local projects grant received for Briggs Park construction.				

Conclusion

It is recommended that Council approve the requested adjustments to the 2017/18 budget.

Attachments

- Nil

Alignment with our Strategic Community Plan

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

Financial Implications

The financial implications are detailed in this report.

Risk Implications

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

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

**Risk Matrix**

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

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

Voting Requirements: Absolute Majority

OCM048/05/18

Officer Recommendation

That Council:

- Pursuant to section 6.8 of the *Local Government Act 1995*, approves the schedule of variations to the 2017/2018 Budget as presented below, resulting in no change to the closing budget municipal surplus of \$3,835 as at 30 June 2018:

Account Number	Description	Debit \$	Credit \$
EXE600	Executive Services Communications Expenditure	55,000	
MOC525	Members of Council Community Consultation/PR		6,294
CEO502	CEO Consulting Fees		48,706
TPP502	Town Planning Consulting Fees	42,000	
DCO502	Compliance Consulting Fees		10,000
EDT525	Engineering Design Consulting Fees - Asset Finder		32,000
BUI356	Building Permits Income	40,000	
EDT525	Engineering Design Consulting Fees - Asset Finder		40,000
011003	Transfer to Parks & Gardens Renewal Reserve	40,000	
PLA950	Bill Hicks Playground Renewal		40,000
RSS901	Bore and Pump - Serpentine Polocrosse	140,000	
011003	Transfer from Parks & Gardens Renewal Reserve		113,000
HIA901	Health Billboard		25,000
EDT525	Engineering Design Consulting Fees - Asset Finder		2,000
KAL901	Kalimna Cricket Pitch	20,700	
BPC900	Briggs Park Cricket Pitch		8,390



Account Number	Description	Debit \$	Credit \$
EDT525	Engineering Design Consulting Fees		6,000
CEO502	CEO Consulting Fees		5,794
1010020	Municipal Cash		516
CDA104	Grants - Perth Bike Network	105,000	
1010020	Municipal Cash	105,000	
RC132	Soldiers Road Footpath		210,000
PPT900	Percy's Park Toilets	104,484	
1010020	Municipal Cash		104,484
MOC901	Administration Building	55,000	
011003	Transfer from Administration Building Reserve		55,000
ESD901	Emergency Services - Plant replacement	274,532	
ESD403	FESA Capital Grant		274,532
011003	Transfer to Public Art Reserve	17,500	
TPL189	Public Art Fund		17,500
011003	Transfer to Polocrosse Grounds Redevelopment Reserve	75,000	
011003	Transfer from Serpentine Jarrahdale Sporting Precinct		75,000
BPP900	Briggs Park Lower Oval Upgrade	200,000	
OSR100	Non-operating Grants – Briggs Park		200,000

2. Resolves to establish a reserve under s6.11 of the *Local Government Act 1995*, called 'Public Art Reserve' for the purpose of public art development and provision.

Voting Requirements: Absolute Majority

OCM048/05/18 COUNCIL DECISION / Amended Officer Recommendation

Moved Cr See, seconded Cr McConkey

That Council:

1. Pursuant to section 6.8 of the *Local Government Act 1995*, approves the schedule of variations to the 2017/2018 Budget as presented below, resulting in no change to the closing budget municipal surplus of \$3,835 as at 30 June 2018:

Account Number	Description	Debit \$	Credit \$
EXE600	Executive Services Communications Expenditure	55,000	
MOC525	Members of Council Community Consultation/PR		6,294
CEO502	CEO Consulting Fees		48,706
TPP502	Town Planning Consulting Fees	42,000	
DCO502	Compliance Consulting Fees		10,000
EDT525	Engineering Design Consulting Fees - Asset Finder		32,000
BUI356	Building Permits Income	40,000	
EDT525	Engineering Design Consulting Fees - Asset Finder		40,000



Account Number	Description	Debit \$	Credit \$
011003	Transfer to Parks & Gardens Renewal Reserve	40,000	
PLA950	Bill Hicks Playground Renewal		40,000
RSS901	Bore and Pump - Serpentine Polocrosse	140,000	
011003	Transfer from Parks & Gardens Renewal Reserve		113,000
HIA901	Health Billboard		25,000
EDT525	Engineering Design Consulting Fees - Asset Finder		2,000
KAL901	Kalimna Cricket Pitch	20,700	
BPC900	Briggs Park Cricket Pitch		8,390
EDT525	Engineering Design Consulting Fees		6,000
CEO502	CEO Consulting Fees		5,794
1010020	Municipal Cash		516
CDA104	Grants - Perth Bike Network	105,000	
1010020	Municipal Cash	105,000	
RC132	Soldiers Road Footpath		210,000
PPT900	Percy's Park Toilets	104,484	
1010020	Municipal Cash		104,484
MOC901	Administration Building	55,000	
011003	Transfer from Administration Building Reserve		55,000
ESD901	Emergency Services - Plant replacement	274,532	
ESD403	FESA Capital Grant		274,532
011003	Transfer to Public Art Reserve	17,500	
TPL189	Public Art Fund		17,500
BPP900	Briggs Park Lower Oval Upgrade	200,000	
OSR100	Non-operating Grants – Briggs Park		200,000

2. Resolves to establish a reserve under s6.11 of the *Local Government Act 1995*, called 'Public Art Reserve' for the purpose of public art development and provision.

CARRIED BY ABSOLUTE MAJORITY 7/0

Officer Reason for amended Report and Recommendation:

The budget adjustments pertaining to the Polocrosse Grounds Redevelopment Reserve has been removed from this report as Council resolution OCM011/02/17 – 27 February 2017 previously resolved to establish the Polocrosse Grounds Redevelopment Reserve account and to transfer \$75,000 into that Reserve.

The funds were transferred to the incorrect Reserve due to a clerical error. The error can be rectified without a further Council resolution.

**OCM049/05/18 – Review of Council Policy 3.2.4 – Purchasing (SJ526-02)**

Author:	Kellie Bartley – Manager Corporate Services Les Mainwaring – Manager Finance Services
Senior Officer:	Frazer Sullivan – Director Corporate Services
Date of Report:	7 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

A review of Council Policy 3.2.4 - Purchasing has been undertaken and is recommended for Council endorsement.

Relevant Previous Decisions of Council

OCM179/12/17 – Review of Council Policies 2017

Background

The Purchasing Policy has been reviewed to ensure that the Shire satisfies its legislative requirements for the management of Council's purchasing and procurement processes. This review provides for the enhancement of the policy and introduces elements that will facilitate the monitoring and control of purchasing to be conducted through a centre led Procurement Team. The policy will now provide an important basis for Procurement Team operations.

The revised Purchasing Policy as contained in Attachment OCM049.1/05/18 identifies the changes including the additional information with the requirements for the management of Council's procurement function. This policy reinforces Council's ongoing commitment to maintaining the Shire's strategic and operational objectives.

The Policy underpins the organisation's ability to:

- attain best value for money
- achieve sustainable benefits
- provide consistent, efficient and accountable decision making and processes
- promote fair and equitable competition
- achieve probity and integrity
- achieve compliance
- promote risk mitigation
- create appropriate records
- protect commercial-in-confidence information

Community / Stakeholder Consultation

The Executive Management Group (EMG) discussed the review of the Purchasing Policy through Procurement discussions and consideration.



Statutory Environment

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* it is the role of Council to determine the Local Government policies.

Under Section 3.57 of the *Local Government Act 1995*, a local government is required to invite tenders before it enters into a contract of a prescribed kind according to Regulation that designates a tender threshold of over \$150,000:

The *Local Government (Functions and General) Regulations 1996*, Regulation 11A requires the Shire to have a written Purchasing Policy for the supply of goods and services worth \$150,000 or less.

Comment

A revision of the Shire's Purchasing Policy is prudent to support the activation of our online purchase requisitioning system in June 2018 whereby all purchasing requisitions will be assessed by the Procurement Team prior to the raising and releasing of purchase orders.

The revised Purchasing Policy as found at Attached OCM049.2/05/18 is a key document for underpinning the guidelines for the operation of the centre led Procurement Team.

Purchasing thresholds between \$5,000 and \$150,000 have been amended to support the implementation of the new Procurement Team, which was created during the August 2017 organisation restructure and will provide a more centralised control over the procurement function.

In terms of purchasing thresholds, there is no change below \$5,000 which was set in December 2017.

Any purchasing above \$5,000 now requires a minimum of three quotes, rather than two, and the requirement for three quotes extends through to \$75,000.

Any purchasing above \$75,000 now requires intervention by the Procurement Team prior to the purchase to provide guidance and support for a formal Request for Quotation (RFQ) exercise. This threshold level for required intervention from the procurement department is deemed reasonable in reference to the statutory tender threshold.

All purchasing above \$150,000 requires a formal public Request for Tender (RFT), which will be guided and supported by the Procurement Team prior to the seeking of tenders.

The balance in contents of the draft policy are designed to meet policy objectives in purchasing rather than including procedural processes which are contained within Business Operating Procedure.

New inclusions are the introduction of:

- The Shire's Code of Conduct added to the Ethics and Integrity section;
- Sole source supplier approval arrangements for purchases over \$5,000;
- The necessity to appoint Evaluation Panels of not less than three persons for tender processes facilitated by the Procurement Team; and
- Purchasing Policy Non-Compliance, which will now be the subject of financial, and performance monitoring through the Procurement Team.

Other changes have included a review of:

- The objectives to be more specific around sustainability, consistency and probity;
- The Value for Money principle now includes references to critical assessments, safety requirements and triple bottom line principles;
- Sustainability Procurement has been linked to the value for money principle;
- Anti-Avoidance has been further clarified in terms of Regulation 12; and



- The Authorising of Purchase Orders will now be strictly controlled and monitored by the Procurement Team.

Attachments

- [OCM049.1/05/18](#) – Current Council Policy 3.2.4 – Purchasing (E17/11227)
- [OCM049.2/05/18](#) – Track Changes version Council Policy 3.2.4 – Purchasing (E18/4850)
- [OCM049.3/05/18](#) – Proposed final version Council Policy 3.2.4 – Purchasing (E18/4851)

Alignment with our Strategic Community Plan

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

Financial Implications

Nil

Risk Implications

The Shire's Policy 3.2.4 - Purchasing.

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)
The Council does not adopt the Purchasing Policy	Possible (3)	Major (4)	High (10-16)	Compliance - 4 Major - Non-compliance results in termination of services or imposed penalties	Accept Officer Recommendation

**Risk Matrix**

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

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

Voting Requirements: Simple Majority

OCM049/05/18 COUNCIL DECISION / Officer Recommendation

Moved Cr McConkey, seconded Cr See

That Council adopts the amended Council Policy – 3.2.4 Purchasing as contained in attachment OCM049.3/05/18.

CARRIED UNANIMOUSLY 7/0



OCM050/05/18 – Reporting on Corporate Business Plan 2017/2018 (SJ940)	
Author:	Kellie Bartley – Manager Corporate Services
Senior Officer/s:	Frazer Sullivan – Director Corporate Services
Date of Report:	24 April 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to receive the status and outcomes achieved on the objectives and actions of the Shire's Corporate Business Plan during the 2017/2018 period. This has been developed from the new Corporate Business Plan 2017/2021 adopted by Council in July 2017. The Audit, Risk and Governance Committee received this report at their Meeting held on 15 May 2018 (ARG005/05/18).

Relevant Previous Decisions of Council

OCM087/07/17 – Adoption of 2017/2021 - Corporate Business Plan.

Background

The Shire's Corporate Business Plan 2017/2021 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. Business Unit Managers have reviewed the Corporate Business Plan and provided a status against responsible activities. Further discussions were conducted with each Directorate and endorsed by the Executive Management Group.

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 2017/2021 report for 2017/2018 provides information on progress against milestones for the 2017/2018 projects and programs within the Corporate Business Plan.

A commentary is provided against each milestone on the actions completed and project status reported as per attachment (OCM050.1/05/18). The progress table uses a colour coding system where Green is proceeding to plan, Orange is manageable issues exist, Red is serious issues – need help, Blue is completed and Yellow is projects carried forward to the following year. A description of the progress update for each individual project is provided to give a summary of its current status.

The report shows that of the 90 actions identified in the Corporate Business Plan to be commenced or completed in the current financial year.

- Seven (7) have been completed;
- Sixty (60) are on track and are proceeding to plan;
- Eleven (11) that are manageable with issues that exist and are being addressed in the process;
- Four (4) projects have been identified to be carried forward to the following financial year; and
- Eight (8) are not yet started due to resourcing or budget and/or are not due to commence within this year.

An explanation for each is provided in the report.

Corporate business planning is critical to achieve Council's strategic priorities. Regular progress and updates and review ensures that the Shire's projects, services and operations are aligned to the strategic direction and priorities of Council, and that workforce and financial resources availability is considered to ensure that commitments can be successfully delivered.

Informing strategies such as the Workforce Plan, Asset Management Plan and the Long Term Financial Plan are being actively reviewed and their preparation will support the Strategic Community Plan. These



informing strategies will also help assist the Shire to have some sound documents which will be presented to Council over the coming months.

Attachments

- [OCM050.1/05/18](#) – Report on Corporate Business 2017/2018 (E18/4396)

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	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 has been guided by the allocation of resources in the 2017/2018 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)
That Council does not accept the report.	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
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 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

OCM050/05/18 COUNCIL DECISION / Audit, Risk and Governance Committee Decision / Officer Recommendation:

Moved Cr Byas, seconded Cr See

That Council, in accordance with Regulation 19DA(4), *Local Government (Administration) Regulations 1996* receives the report on the status actions on the Corporate Business Plan 2017/2021 for the period 2017/2018 as per attachment OCM050.1/05/18.

CARRIED BY ABSOLUTE MAJORITY 7/0



10.4 Community Services reports

OCM051/05/18 – Access and Inclusion Advisory Committee – Dates and Expressions of Interest (SJ2432)	
Author:	Sarah Farrance – Coordinator Community Development
Senior Officer/s:	Rebecca Steinki – Manager Community Development Helen Sarcich – Director Community Services
Date of Report:	8 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

The purpose of this report is for Council to consider the appointment of community delegates to the Access and Inclusion Advisory Committee (AIAC), as per the current Terms of Reference (OCM154.3/11/17), and adoption of the meeting dates and location for 2018/2019.

Relevant Previous Decisions of Council

OCM154/11/17 – The Access and Inclusion Plan 2018 – 2022 and the Implementation Plan 2018 - 2022 were endorsed and the Access and Inclusion Advisory Committee was established at the Ordinary Meeting of Council on 27 November 2017.

Councillors Coales and Denholm (Delegates) and Councillors Atwell and Rich (Deputies) were appointed to the Access and Inclusion Advisory Committee for the period ending in October 2019.

Background

The *Disability Services Act 1993* requires local governments to develop and implement an Access and Inclusion Plan to ensure that people with disability have equity of access and inclusion to functions, facilities and services.

At the Ordinary Council Meeting on 27 November 2017, the Shire's Access and Inclusion Plan 2018 - 2022 and the Implementation Plan 2018 – 2022 were endorsed (OCM051.3/05/18 and OCM051.4/05/18). In consultation with stakeholders and throughout the development of this plan, a need was identified to establish an Access and Inclusion Advisory Committee to monitor progress and achievements of the Plan.

The Terms of Reference (OCM051.2/05/18) stipulates the purpose of the Committee is to provide advice to Council on the development, implementation, review and evaluation of the Access and Inclusion Plan to ensure Council meets its obligations under the *Disability Services Act 1993 (amended 2004)*.

The Committee is to:

- Contribute to the collation and development of information to inform Council on disability access and inclusion issues in the Shire of Serpentine Jarrahdale.
- To assist the engagement of a broad cross-section of the Shire of Serpentine Jarrahdale Community, both residents and visitors, through consultative processes.
- Contribute to the development, implementation and review of the Access and Inclusion Plan and projects that contribute to achieving the objectives of the Access and Inclusion Plan.
- Make recommendations to the Council in relation to access and inclusion strategies to overcome barriers in the Shire of Serpentine Jarrahdale.



The Terms of Reference for the Committee do not stipulate a designated number of community delegates. The Councillor handbook states the frequency of Committee meetings to be quarterly however under the endorsed Terms of Reference the meetings frequency is six monthly or as required.

Community / Stakeholder Consultation

A call for Expressions of Interest (EOI) for community representation on the Access and Inclusion Advisory Committee was advertised via Facebook, website and Public Notice (including the Examiner Newspaper and Public Noticeboards in the Library and Administration Buildings). The EOI was also emailed to relevant community database contacts.

Dates of advertisement were as follows, with submissions closing on 8 March 2018:

- Website – from 16 February 2018.
- Noticeboards/Letter to groups – from 16 February 2018.
- Examiner – 22 February 2018.
- Facebook – from 19 February 2018.

Officers continued to consult with members of the community to obtain additional submissions following the closing date to ensure a breadth of relevant representation.

Statutory Environment

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

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

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

Comment

Expressions of interest were sought from:

- People with a disability.
- Carers of those with a disability.
- Representatives from local community-based organisations.
- Representatives from disability support services.

As part of the EOI process, applicants were requested to indicate their interest, knowledge and experience relevant to the Access and Inclusion Advisory Committee. Three EOI's were received, summarised and are attached to this report as Confidential OCM051.1/05/18.

Each of the applicants have been carefully reviewed and are considered suitable candidates for the Committee. All have demonstrated relevant skills and experience that will assist in achieving the Committee's objectives.

Options and Implications

Option One (Officers Recommendation):

It is recommended that Council appoints three (3) community delegates, from the three (3) applications received as contained in the Confidential OCM051.1/05/18.



Meetings to be held as per endorsed Terms of Reference at six monthly intervals or as required (identified by the AIAC). The proposed dates for the Access and Inclusion Advisory Committee meetings up to the next ordinary Local Government Election as are as follows (to be advertised):

- Monday 13 August 2018.
- Monday 11 February 2019.
- Monday 8 July 2019.

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

Option Two:

Council appoint one (1) or two (2) community delegates, from the three (3) applications received as contained in the Confidential OCM051.1/05/18.

Proposed dates and times for the Access and Inclusion Advisory Committee meetings to be selected by Council (quarterly meetings may be selected under this option).

Option Three:

Council do not appoint any community delegates from the submissions received in the Confidential OCM051.1/05/18 and direct Officers to readvertise for Expressions of Interest.

Conclusion

Council is to consider the appointment of three (3) community delegates to the Access and Inclusion Advisory Committee, for six monthly meetings (or as required) as per the current Terms of Reference. The Officer's recommendation is based on information contained within the three (3) EOI's received, and is suggested in order to provide the most conversant Committee, necessary to provide knowledgeable, practical and reasoned guidance to Council.

Attachments

- **CONFIDENTIAL OCM051.1/05/18** - Summary of EOI's received (E18/3252)
- [OCM051.2/05/18](#) - Terms of Reference – Access and Inclusion Advisory Committee (E18/1446)
- [OCM051.3/05/18](#) – Shire of Serpentine Jarrahdale Access and Inclusion Plan 2018 – 2022 (E18/1729)
- [OCM051.4/05/18](#) – Shire of Serpentine Jarrahdale Access and Inclusion Implementation Plan 2018 – 2022 (E18/1731)

Alignment with our Strategic Community Plan

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

Outcome 1.1	A healthy, active, connected and inclusive community.
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure.
Strategy 1.1.2	Provide a healthy community environment
Outcome 1.3	A safe place to live
Strategy 1.3.1	Comply with relevant local and state laws, in the interests of the community

Financial Implications

There are no financial implications relevant to this matter.



Risk Implications

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

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Appointments not made to Access and Inclusion Advisory Committee.	Unlikely (2)	Insignificant (1)	Low (1-4)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

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

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



Voting Requirements: Simple Majority

OCM051/05/18 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr McConkey

That Council:

1. Pursuant to Section 5.8 of the *Local Government Act 1995* appoints three (3) community delegates from the Expressions of Interest received as contained in Confidential Attachment OCM051.1/05/18 to the Access and Inclusion Advisory Committee:

Community Delegate 1: Louise Hansen

Community Delegate 2: Elizabeth Brown

Community Delegate 3: Kim Johnson

2. a) Adopts the Meeting Schedule dates for the 2018/19 financial year as follows, 4.30pm in the Civic Centre, Shire of Serpentine Jarrahdale, 6 Paterson Street, Mundijong:

- Monday 13 August 2018.
- Monday 11 February 2019.
- Monday 8 July 2019.

- b) In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, advertises by local public notice the Access and Inclusion Advisory Committee dates for the 2018/19 financial year.

CARRIED UNANIMOUSLY 7/0



OCM052/05/18 – Declared Pest Rate – Peel Harvey Biosecurity Group (SJ939)	
Author:	Helen Sarcich
Senior Officer/s:	Kenn Donohoe - Chief Executive Officer
Date of Report:	8 May 2018
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

Council is requested to adopt a position on a proposed declared pest rate that would see landholders, with a property one hectare and above, contribute \$30 per year. The rate would be collected by the Office of State Revenue, matched dollar for dollar by the State Government, and transferred in full to the Peel Harvey Biosecurity Group. The funds would be spent according to an approved operational plan targeting priority pests, including weeds and feral animals that are declared under the *Biosecurity and Agriculture Management Act of 2007* (BAM Act).

Council is requested to encourage relevant property owners to participate in the upcoming consultation process with regards to the proposed declared pest rate.

Council is also requested to consider appointing an Elected Member to represent the Shire on the committee of the Peel Harvey Biosecurity Group.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

Background

The Department of Primary Industries and Regional Development (DPIRD), formerly the Department of Agriculture and Food of Western Australia, has developed a model for dealing with declared pests that are considered to be widespread under the *Biosecurity and Agriculture Management Act of 2007* (BAM Act).

The legislation requires that the pests prescribed under the Act be controlled within property boundaries and not spread to other properties. It is considered by DPIRD that this will only be practically achievable where there is direct community support for such efforts in the form of a Recognised Biosecurity Group (RBG).

The Shire of Serpentine Jarrahdale took a strong lead in the set-up of the Peel Harvey Biosecurity Group (PHBG), and through an MOU, Landcare SJ took on the administration of the Group between 2014 and 2017. This was initially undertaken as a means to help address the spread of cotton bush and was the only realistic means under current legislation.

The PHBG has since transitioned to become a successful stand-alone organisation. With incorporation and its own financial systems and governance in place, the Minister for Agriculture formally recognised the PHBG in 2017. The PHBG has expanded its scope beyond cotton bush, and now has other weeds (such as apple of Sodom, arum lily, blackberry, Cape tulip and Paterson's curse), feral animals (such as rabbits, foxes and feral pigs) and fruit fly on its list of priorities. In 2017 the PHBG had close to 300 people attend its events on pest management options.

In the past, the PHBG was funded by local governments within the region, State Government and through grants. Reliance on this funding model in the long term is not sustainable. The BAM Act provides a



mechanism for long term management of RBG's across the State, and by inference established pests, through what it calls a Declared Pest Rate (DPR).

The PHBG has requested a rate which seeks to charge landholders of property one hectare and over in size, a flat and fixed rate of \$30 per annum. The rate is collected by the Office of State Revenue, and matched dollar for dollar by the State government for use by the RBG through its approved operational plan.

Community / Stakeholder Consultation

Throughout February 2018, the PHBG provided opportunities for members of the public to ask questions about the proposed pest rate. The Mundijong Library hosted the face-to-face sessions conducted in the Shire of Serpentine Jarrahdale. A report on the typical questions asked, and the responses, is provided as attachment OCM052.1/05/18.

During March 2018, the PHBG provided an opportunity for each local government to seek a briefing on the proposed declared pest rate, to full Council and/or to senior staff. The PHBG met with executive staff at the Shire of Serpentine Jarrahdale on the 22 March 2018.

Formal public consultation will occur in May 2018, initiated through a public notice by the Minister for Agriculture and coordinated by the Department of Primary Industries and Regional Development.

It is intended that information will be provided during the formal advertising process to inform the community of the background to the rate and that the responsible authority collecting this revenue is the Office of State Revenue rather than the Shire.

Statutory Environment

The framework through which this rate is imposed is provided through the *Biosecurity and Agriculture Management Act of 2007* which is administered by the Department of Primary Industries and Regional Development.

Comment

The PHBG provides both a regional and local approach to the management of declared pests, and is the State Government's preferred delivery mechanism.

The Group places a high level of importance on the involvement of the local government authorities of Serpentine Jarrahdale, as well as Murray, Mandurah, Harvey and Waroona. This is reflected in its governance structure whereby each local government has a permanent position on the committee. It is also demonstrated by opportunities provided to local government for Officer training (e.g. herbicide resistance workshop) and joint events for landholder education and engagement (e.g. rabbit control workshop). Local relevance is assured with the opportunity for three landholders per local government authority to hold positions on the PHBG management committee.

Options and Implications

Option One - Recommended

That Council supports the proposed Declared Pest Rate and provides feedback through the formal public consultation phase initiated by the Minister for Agriculture and coordinated by the Department of Primary Industries and Regional Development.

That Council encourages relevant property owners to participate in the upcoming consultation process with regards to the proposed declared pest rate.

That Council appoints an Elected Member to represent the Shire on the Committee of the Peel Harvey Biosecurity Group. Representation of the Shire at committee meetings of the PHBG has been sporadic over the past two years, likely due to staff being unavailable for night meetings (usually held in Waroona).



Having an Elected Member, with voting rights, will be an efficient and effective way to ensure a two way dialogue between the two organisations, with the outcome being that the Shire has an active voice in setting regional priorities; is taking a lead in setting operational plans – and ultimately, has a say in the expenditure of the declared pest rate.

Option Two

That Council not support the proposed Declared Pest Rate. If a rate is not imposed the PHBG may fail. This will likely negate the achievements made by the Group to date. It may lead to inaction, with increased population densities and/or distributions of pests in the Shire. Concurrently, this will likely see increased concerns raised by landholders with the Shire given the negative impacts of pests on agricultural productivity, environmental values and social amenity.

That Council appoints an Elected Member to represent the Shire on the Committee of the Peel Harvey Biosecurity Group. Representation of the Shire at committee meetings of the PHBG has been sporadic over the past two years, likely due to staff being unavailable for night meetings (usually held in Waroona). Having an Elected Member, with voting rights, will be an efficient and effective way to ensure a two way dialogue between the two organisations, with the outcome being that the Shire has an active voice in setting regional priorities; is taking a lead in setting operational plans – and ultimately, has a say in the expenditure of the declared pest rate.

Option Three

That Council not support the proposed Declared Pest Rate. If a rate is not imposed the PHBG may fail. This will likely negate the achievements made by the Group to date. It may lead to inaction, with increased population densities and/or distributions of pests in the Shire. Concurrently, this will likely see increased concerns raised by landholders with the Shire given the negative impacts of pests on agricultural productivity, environmental values and social amenity.

That Council opts not to appoint an Elected Member to represent the Shire on the Committee of the Peel Harvey Biosecurity Group.

Conclusion

Recognised Biosecurity Groups are the Department of Primary Industries and Regional Development's preferred partnership arrangement for the management and control of declared pests. The work undertaken by biosecurity groups is intended to add value to pest control undertaken by individual landholders and is not intended to replace individual responsibilities.

The Shire was integral in the initial set up of the PHBG. However, its direct involvement in the committee of the PHBG has declined over the past two years, despite the Group's public profile and scope of work increasing. With the PHBG being formally recognised by the Minister for Agriculture in 2017, and the proposal to implement a declared pest rate, it is timely for the Shire to re-engage with the PHBG through an Elected Member (who will have voting rights on the committee).

The proposed declared pest rate offers an opportunity to bring tax dollars back into the region, with every dollar raised locally matched by the State Government. Funds are transferred from the Declared Pest Account to the PHBG, who will expend the funds according to an approved operational plan. This model offers a more direct means to match regional and local priorities to expenditure.

Attachments

- [OCM052.1/05/18](#) – Declared Pest Rate Consultation Report (E18/4532)



Alignment with our Strategic Community Plan

Outcome 2.2	A sustainable natural environment.
Strategy 2.2.4	Support community groups (both new and existing), who are preserving and enhancing the natural environment.

Financial Implications

The Department of Primary Industries and Regional Development as has advised that Shire owned land will not be rated.

Any funds raised locally will be matched dollar for dollar by the State Government. The funds are transferred to the Peel Harvey Biosecurity Group, to be expended according to an approved operational plan. The Shire plays no part in the collection of the Declared Pest Rate. Collection is administered through the Office of State Revenue.

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 ratepayers will view this as a Shire imposed rate.	Likely (4)	Minor (2)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Control through informing the community of the formal advertising period and information surrounding the proposed rate administered through the Office of State Revenue.
That by not supporting an Elected Member to be on the Committee, the relationship with the PHBG will be weakened.	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

**Risk Matrix**

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

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

OCM052/05/18 Officer Recommendation

That Council:

1. Supports the State Government intent to raise a Declared Pest Rate through the *Biosecurity and Agriculture Management Act of 2007* that would see landholders of property one hectare and over within the Shire of Serpentine Jarrahdale be charged a proposed rate of \$30 per annum;
2. Appoints Councillor _____ as a representative on the Peel Harvey Biosecurity Group Committee.



Voting Requirements: Absolute Majority

OCM052/05/18 Alternative Councillor Motion

Moved Cr Atwell, Seconded Cr Denholm

That Council:

1. Supports in principle the intention of the State Government to raise a Declared Pest Rate that would see landholders of property one hectare and over within the Shire of Serpentine Jarrahdale charged a rate of \$30 per annum;
2. Appoints two Councillors being Councillor _____ and Councillor _____ as Council representatives and one Shire Officer to be determined by the Chief Executive Officer on the Peel Harvey Biosecurity Group Committee.
3. Requests the Shire President and Chief Executive Officer write to the Department of Primary Industries and Regional Development (DPIRD) as part of the formal submission process, expressing concern in regards to the lack of information provided to date regarding the Declared Pest Rate, the lack of detailed data on the number of landowners within the Shire who will be impacted by the Declared Pest Rate, and a desire to see further work undertaken on a comprehensive plan for delivery of services to be funded by the Declared Pest Rate.

CARRIED BY ABSOLUTE MAJORITY 6/1

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

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

Reason for difference to Officer Recommendation:

It is anticipated that residents of Serpentine Jarrahdale will be the largest contributors to the Declared Pest Rate in the Peel Harvey Biosecurity Group catchment area, for this reason it is important that Council is confident that the money collected from Shire residents will be spent in the Shire and that it is clear how the money will be spent targeting the control and eradication of pests.

Council agreed to elect two Councillor representatives for the Peel Harvey Biosecurity Group at a future OCM, once a response to the letter to the Department of Primary Industries and Regional Development has been received and further information regarding the expenditure of the funds collected through the rate is known.



10.5 Office of the CEO reports

Nil

10.6 Confidential reports

Nil

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 8.58pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 25 June 2018.

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Presiding Member

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Date