



Shire of  
Serpentine  
Jarrahdale

# Ordinary Council Meeting Confirmed Minutes

7pm

Monday, 17 April 2023

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## Contact Us

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### In Person

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



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



### Councillor Attendance Register

In accordance with the 11 April 2022 Ordinary Council Meeting, Council Resolution OCM067/04/22, clause 1 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings, Q & A briefings for Ordinary Council Meetings, Q & A briefings for Special Council Meetings, Councillor Workshops held for Project Briefings, Councillor Workshops held for Budget Preparations and Policy Concept Forums.”

In accordance with the 12 December 2022 Ordinary Council Meeting, Council Resolution OCM313/12/22, clause 6 – “That Council requests that the Councillor Attendance Register published in the Agenda and Minutes displays attendances for the calendar year and notes that the full Councillor Attendance Register, including previous calendar years, will continue to be published on the Shire’s website.”

### Council 1 January 2023 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
17/04/23	Q & A cont. (OCM)	✓	✓	A	✓	✓	✓	✓	A	✓
11/04/23	Q & A (OCM)	✓	✓	✓	A	A	✓	✓	A	A
03/04/23	PCF	✓	✓	A	✓	A	✓	✓	✓	✓
27/03/23	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/03/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
13/03/23	Q & A (OCM)	✓	A	✓	✓	✓	✓	✓	✓	A
08/03/23	WORKSHOP (Status update / report on 2022-23 CEO KPIs)	✓	A	A	A	A	A	✓	✓	A
02/03/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/02/23	SCM	✓	✓	✓	✓	✓	✓	✓	A	✓
27/02/23	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
20/02/23	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
20/02/23	Q & A cont. (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
15/02/23	WORKSHOP (Community Perception Survey)	✓	✓	✓	✓	✓	✓	✓	✓	A



Continued

## Ordinary Council Meeting Minutes Monday, 17 April 2023

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
13/02/23	Q & A (OCM)	✓	✓	A	✓	A	✓	A	✓	✓
06/02/23	PCF	✓	A	✓	✓	A	✓	✓	✓	✓
06/02/23	SCM	✓	A	✓	✓	A	✓	✓	✓	✓
30/01/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/01/23	Q & A (SCM – 6 February 2023)	✓	✓	✓	✓	✓	✓	✓	✓	A
23/01/23	Q & A (SCM – 30 January 2023)	✓	✓	✓	✓	✓	✓	A	✓	✓
23/01/23	WORKSHOP (Catalyse Presentation - Community Perception Scorecard)	✓	✓	✓	✓	✓	✓	A	✓	✓

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



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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 of 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 resolution 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.

At the 20 June 2022 Ordinary Council Meeting, Council resolved that Council and Committee Meetings will be audio recorded in accordance with Council Policy. If you are asking a public question or making a statement or deputation to the meeting this will be audio recorded. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.



Minutes of the Ordinary Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 17 April 2023 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7:01pm and welcomed Councillors, Staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to the Elders Past, Present and Emerging.

The Shire President, Councillor Rich advised members of the gallery that the meeting is being audio recorded, in accordance with Council Policy. If you are asking a public question or making a statement or deputation to the meeting this will be audio recorded. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.

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## Minutes

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

#### Attendees:

**Councillors:** M Rich.....Presiding Member

D Atwell

R Coales

M Dagostino

T Duggin

S Mack

D Strautins

**Officers:** Mr P Martin.....Chief Executive Officer

Mr R Najafzadeh.....Director Infrastructure Services

Mr B Oliver.....Director Community Engagement

Mr F Sullivan .....Director Corporate Services

Mr A Trosic .....Director Development Services

Dr K Parker .....Manager Governance and Strategy

Ms M Gibson.....Governance Officer – Council and Committees

(Minute Taker)

**Leave of Absence:** Nil.

**Apologies:** Councillor M Byas

Councillor L Strange

**Observers:** 21



**2. Public question time:**

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

**Ordinary Council Meeting – Monday, 20 March 2023**

Amended response to Question 2 asked by Ms Pauline Holmes at the Ordinary Council Meeting held on Monday, 20 March 2023.

The following correspondence was sent to Ms Holmes on Thursday, 30 March 2023 (OC23/6245).

*In further investigation it came to our attention that our response to your question 2 at the Meeting was imprecise. In particular, requests to provide training certificates were made to at least one other Councillor around this time, however no records were located of requests to all Councillors on all occasions. Our amended response is provided below for your information:*

Question 2

*Does the Shire hold a certificate of completion for this training?*

*Response (Director Corporate Services)*

*No, in response to a public question at a recent Council Meeting, Officers contacted all training providers that had provided training to Councillors in the period posed by the question where certificates of completion were not immediately able to be sourced from Shire held records. In this case, the Australian Institute of Company Directors advised that while its privacy policy prevented disclosing details or providing a copy of the certificate, the Councillor had completed the training.*

**2.2 Public questions:**

**Public question time commenced at 7:03pm.**

**Mr Matt Lanternier, Byford WA 6122**

Question 1

Why hasn't recruitment occurred to fill the two full time Youth Work positions that became vacant late December 2022?

*Response (Chief Executive Officer)*

*When both youth staff members left at the end of last calendar year, I asked that a review be undertaken to see if the services we are providing and the staffing structure was appropriate to meet the needs of young people and manage risk within budget allocations. This review was finalised in March 2023.*

*Furthermore, I have been reviewing the replacement of each vacant position in light of cost increases being faced by the Shire and the ability to keep rate rises to a minimum in the upcoming budget at this time with high cost of living pressures on ratepayers. The financial challenges and potential rate rises were discussed with Councillors in late March.*

*Following both the review being completed and the budget discussions occurring with Councillors, I approved the recruitment of the two roles in early April.*

*Advertising for these two roles will be commencing this week.*



Question 2

Why at the Special Council Meeting 25 of July 2022 did Council reduce Youth facility 'Critical Safety Upgrades' from \$101,000 to \$21,682, a cut of \$79,318?

*Response (Director Community Engagement)*

*This was one of the amendments that Council made to the 2022/23 Budget to adopt a Balanced Budget in line with the proposed rate increases. Council also resolved for the Chief Executive Officer to prepare a costed plan for the Youth Services – Critical Safety Upgrades and Facilities Planning. The review of the Youth Services Team and Programming identified the Briggs Park Pavilion is not suitably designed for youth programming or fit for purpose, and a Business Case for the Critical Safety Upgrades and Facilities Planning has been developed as per Council's resolution at the 25 July 2022 Special Council Meeting. This Business Case has been submitted as part of the Shire's 2023/24 Budget and will be considered along with other facility renewal requests.*

Question 3

Will the Council honour their commitment from the 25 of July 2022 Special Council Meeting, to retain existing staffing levels (as of July 2022) and provide \$25,000 for additional casual wages to ensure sufficient staffing levels, to meet increasing demand for Youths Service Provision?

*Response (Director Community Engagement)*

*At the 25 July 2022 Special Council Meeting, Council considered a request by the administration to create a senior Youth Development Officer position and 2 permanent part time positions (an equivalent of 1.23 FTE). This request was not supported by Council to achieve a balanced budget. However, Council resolved to retain existing staff levels for the Youth Services Team (2 x full time FTE) and provide an additional \$25,000 for casual wages within the Youth Services Team Budget, taking the total casual budget allocation to \$62,000 for the 2022/23 Financial Year.*

*There are no proposed changes to the July 2022 staffing levels for the Youth Services Team at this time.*

**Mr Michael van den Dool, Mundijong WA 6123**

Question 1

Are you able to please provide information re: a response from the federal government seeing as we are now in April 2023, and if you have not received any have you as Shire been active in following this matter up?

*Response (Director Infrastructure Services)*

*In February 2023, the Shire was advised that the funding applications for both the Adonis Street and Richardson Street footpaths were unsuccessful in receiving funding.*

*The feedback provided to the Shire by the funding body, Western Australia Bike Networks grants, was as follows:*



*“The 2022 Program intake was highly competitive, with many quality applications. While your application was deemed eligible, unfortunately it did not fall within the available funding allocation, and we cannot offer you funding at this time.*

*Your application will be placed on the Reserve List for consideration if additional Program funding becomes available. Importantly, please note this does not guarantee a future funding offer.”*

#### Question 2

Could some clarity please be provided for statement 2 from the letter received 7 November 2022, “Requests the Chief Executive Officer to prepare a business case for funding consideration of each stage at a future budgeting process by Council”, and has this been happening?

*Response (Director Infrastructure Services)*

*Yes, two business cases have been prepared for funding these projects and submitted for consideration by Executive and Council as part of the Shire’s 2023/24 budget, one for Adonis Street, at a cost of \$153,830 and another one for Richardson Street, at a cost of \$195,143. The outcome of the business cases will be determined through the budget approval process.*

#### Question 3

Would the SJ Shire consider placing a portion or maybe the entire project of the footpath on the upcoming budget?

I realise that there would be many budget items for consideration, impacting many people in different ways, however, I ask you respectfully if you would give this matter urgent consideration. It would not be untruthful to say that every day many pedestrians, including the aged, families, children off to school and even fully disabled people with a carer walk these roads at risk to their own safety. Many cars drive at high speeds and do not make room for pedestrians. We see it every day. I often think how impressed the local community would be if this petition did actually lead to a footpath being installed in the near future. By providing a safe route to local amenities it truly would change many local residents’ lives!

*Response (Director Infrastructure Services)*

*Business cases have been submitted for funding and construction of these footpaths during 2023/24 financial year. The business cases will be assessed with the rest of the capital projects business cases for the Shire as part of the 2023/24 budget approval process and the outcome will be determined by Council when the budget is adopted, refer also to answer to question 2 above.*

#### **Mrs Lee Bond, Box 44 Armadale WA 6122**

#### Question 1

Explain comprehensively what protections will be provided for the ballot boxes during the October 2023 council elections e.g. who will be overseeing these boxes at all times?



*Response (Director Corporate Services)*

*At this evening's meeting Council has the opportunity to consider the arrangements for the October 2023 ordinary local government election including the preferred method of conducting the election and who will be conducting the election.*

*The provisions concerning the security of ballot boxes is dealt with in Regulations 59, 76 and 77 of the Local Government (Elections) Regulations 1997.*

*In the event that the 2023 ordinary local government election is conducted as a voting in-person method, Regulation 59 provides that the Returning Officer is to make sure that any ballot box into which early votes are put is supervised or otherwise secure at all times.*

*In the case of both postal and in-person voting elections, Regulation 76 states that before a ballot box is used to take ballot papers or envelopes the Returning Officer is to satisfy themselves that it is empty and then secure it with a security device in a way that ensures that nothing can be removed from it without breaking the security device.*

*Likewise, Regulation 77 goes on to state that ballot boxes that are to be used on election day are to be displayed and secured under Regulation 76(4) in the presence of any electoral officers and scrutineers present. At the close of the poll at a polling place the presiding officer is to secure each ballot box used at the polling place by sealing the box with a security device that will break on being opened and deliver the ballot boxes as soon as possible to a place as directed by the Returning Officer.*

*Officers are recommending that the Western Australian Electoral Commission is appointed to conduct the 2023 Ordinary Local Government Election and function as the Returning Officer.*

*Depending on Council's resolution on the matter, Officers will be working with the Returning Officer on the detailed logistics associated with the election in the coming weeks and months to ensure its success.*

Question 2

So there can be no ignorance in the ballot counting room at the upcoming Council elections, would Council provide a specific complaint form for scrutineers and other workers in that room should they believe there is reason for a complaint to the returning officer before the election is declared and the returning officer make an announcement to this effect before calling the election?

*Response (Director Corporate Services)*

*Officers are recommending that the Western Australian Electoral Commission (WAEC) is appointed to conduct the 2023 Ordinary Local Government Election and function as the Returning Officer. If Council agree with this recommendation, the form in which complaints on election night will be received will be a matter for the Returning Officer independent of the Council. This would be consistent with the provisions of Regulations 71 and 72 of the Local Government (Elections) Regulations 1997 which relate to the rights and restrictions of scrutineers.*

*The WAEC guidance material related to scrutineers provides that all enquiries go to the Returning Officer. At most elections these enquiries relate to the formality of*



*ballot papers and are resolved quickly in a discussion between the scrutineer and Returning Officer.*

*In managing complaints on the evening the Returning Officer also has the experience and expertise of the experts at the WAEC who conduct more than 80 local government elections on behalf of the sector each election cycle.*

*Within 14 days of the declaration of the result, section 4.79 of the Local Government Act 1995 requires the returning officer to prepare a report for the Minister on the conduct of the election.*

*Complaints can be derived from many motivations, and should not derail the announcement of an election result. Anybody wishing to contest an election result, has other avenues in legislation.*

### Question 3

When is Council going to make a decent decision on the control of cats in the Shire, keeping them restrained in the owners home or a special cat run, sterilisation, bells and microchips do not stop a cat killing for fun?

*Response (Director Development Services)*

*A local governments powers to make a local law pertaining to the control of cats is limited by the Cat Act 2011 and associated regulations.*

*At the March 2023 meeting, Council resolved to make a Draft Cat Local Law, which has a purpose to provide and update relevant management and enforcement processes in respect to the keeping and control of cats and cat facilities within the Shire of Serpentine Jarrahdale. In accordance with Council's decision and the processes of local law making under the Local Government Act 1995, this will be given public notice whereby submissions will be invited on the Draft Local Law from the community. In terms of cat control, the Draft Local Law proposes the introduction of controls to prohibit cats in environmentally sensitive public places, particularly Conservation Reserves and the State Forrest. These are listed in the Draft Local Law. While the Draft Local Law is not able to prohibit cat ownership, it does propose to introduce heightened controls and associated enforcement penalties as a result.*

### **Ms Pauline Holmes, Byford WA 6122**

Page 4 of the Shire's Code of Conduct for Councilors, Committee Members and candidates states:

#### *Confidentiality*

*An allegation of an alleged breach must not be disclosed unless it is for the purposes of dealing with the complaint or otherwise in accordance with legislation or this code.*

*In accordance with s5.23(2)(f) the meeting that the matter is to be discussed is to be closed to the public as it could reasonably be expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.*

*When Council has found that a breach has occurred, it may under Regulation 29A of the Local Government (Administration) Regulations 1996, resolve that the completed complaint form and response form be made available for public inspection by including them as attachments to the minutes of the meeting.*



Question 1

Where is the integrity of process for item 10.6.1 – Confidential – Allegation of breach of code of conduct – SJ2023-1 (SJ3105) on tonight’s agenda when confidential information has been disclosed to Facebook on “The Real Oakford Community Page” on 21 March 2023 by Mrs Lee Bond?

*Response (Chief Executive Officer)*

*The Chief Executive Officer advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.*

Question 2

What avenue is available to residents when we find select elected members are working with Facebook trolls to undermine our Council and Shire for personal political gain and trying to destroy the reputation and standing of other elected members?

*Response (Chief Executive Officer)*

*The Chief Executive Officer advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.*

**Mr and Mrs Leeann and Steven Schneider**

Question 1

When was the Serpentine Jarrahdale Shire Town Planning Scheme changed relating to the distance, that now allows further projections building entirely outside of a building envelope in the Claire Morris Estate in Darling Downs, as per planning applicant PA23/94 current submission for proposed outbuilding Lot 601, 142 Bruns Drive Darling Downs has been submitted to be entirely outside the building envelope?

*Response (Shire President)*

*The Shire President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.*

Question 2

Why are you considering approving the submission PA23/94 for a property outbuilding to be erected facing North and South which will detract from the streetscape and visual amenity of neighbouring residents in the Claire Morris Estate on Lot 601, 142 Bruns Drive Darling Downs, the exact same position that we applied for in 2010 and were denied on multiple applications, when all adjoining neighbouring properties outbuildings have only been approved as facing East and West?

*Response (Shire President)*

*The Shire President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.*



Question 3

Your Manager of Statutory Planning and Compliance, has advised us via email, that every building application received by the SJ Shire are processed on individual merit.

Can you please advise why some applications are approved on merit alone and without further consultation, as our applications were disapproved on multiple occasions for building outside of the building envelope “location - shed to be relocated to minimise any projections beyond building envelope”, as per the Council Town Planning Scheme laws and guidelines?

*Response (Shire President)*

*The Shire President advised the question will be taken on notice. In accordance with Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting, a written response will be provided.*

**Public question time concluded at 7:28pm.**

**3. Public statement time:**

**Public statement time commenced at 7:28pm.**

**Mr Matt Lanternier, Byford WA 6122**

Good evening, Happy Youth Week! ‘Becoming: with others we dream.’ This year’s theme focuses on how young people can dream themselves a better world (no matter how big or small), and then use their skills, love, care, and knowledge to bring others up with them to help realise it. Actions and achievements of the individual are nothing without the context of their community.

I must respectfully acknowledge that the Shire is hosting a Youth Week event ‘Youth Fest’ however I note the absence of Youth Workers and remember young people deserve great Youth Workers.

I am concerned that with the increasing demand for youth services within our community that the Shire is yet to recruit for the two Youth Worker positions who resigned over the Christmas period. I am led to believe that recruitment has been delayed due to previous safety concerns for staff at the Briggs Park Pavilion Youth Centre. I am further concerned that the Critical Safety Upgrades for \$101,000 was reduced to \$21,682 and pushed back for Council consideration until the 23/24 budget. I really hope this doesn’t mean we will have no direct youth service provision until the next budget.

I have also had several conversations with Councillors and reflected on previous Council minutes. That information coupled with the delay of recruitment for Youth Work staff (leaving the Shire with no qualified Youth Workers for the last four months) would allude that Youth Services are not a priority of the current Council. I am led to believe there is an idea by some Council staff that critical youth services are unnecessary to the community’s needs based on the interpretation of recent community surveys.

As a professional that works in this space, having worked with the Shire’s previous Youth Team and being part of the SJ Youth Community resilient network, I would argue that the community surveys have not captured the needs of our young people. I urge Councillors and Council staff to make themselves aware of the work the outgoing Youth Development Officers and SJ Youth Community Resilient Network have conducted, including: 1. Youth Space Survey Report; 2. Mission Australia Youth Survey Report 2021 (Shire of Serpentine



Jarrahdale Region); 3. Peel Away the Mask III Report, before making any decisions regarding Youth Services. (<https://farlane.com.au/peel-away-the-mask>).

Top 3 Issues of personal concern to young people:

*Mission Australia Youth Survey Report 2021 (Shire of Serpentine Jarrahdale Region)*

	WA %	SSJ %	SSJ females %	SSJ males %
Coping with stress	40.1	55.8	67.6	38.2
Mental health	38.4	50.4	66.2	25.0
School or study problems	35.9	44.5	60.3	23.6

The 2023 Mission Australia Youth Survey will be running again later this year, it will be interesting to compare the data once available.

In addition to the critical safety upgrade budget cuts, I am extremely concerned that the advice to Council is that the organisation is taking a cautious approach to recruitment, and that Council will have to consider possibly not replacing critical youth services vacancies in the upcoming budget process factoring increase in fixed costs, high inflation, and a limited rate rise.

Youth services are a critical service area and by having no direct service provision puts extreme added pressure on the very limited services we have in our Shire. Ultimately this increases a high level of risk to our young people including anti-social behaviour, alcohol and drug use, increased mental health issues/episodes, homelessness (sleeping at the youth pavilion and skate park) and suicide.

I need to remind the Council that it was not that long ago that the community lost a young man and that service provisions, SJ Youth Community resilient network, extra funding, staffing, and programs were put in place to reduce this risk. To now have a significant reduction to no service at all, at a time when community pressures are only rising is extremely irresponsible of Council. I urge Councillors to work with the Shire Officers and external professional bodies such as Youth Work WA to expedite the recruitment of qualified Youth Workers as well as make urgent considerations on the critical safety upgrades to Briggs Park Pavilion Youth Centre.

**Ms Kelly Berry, Byford WA 6122**

At the 20 March 2023 Council meeting a question was raised regarding the spending of \$7,235 on a Course for a Councillor. The Councillor was revealed to be Cr Rob Coales. In response, Cr Coales offered to show his Certificate of Company Directors Course to any ratepayer. This was 29 days ago. 27 days ago, on 22 March 2023 I emailed Cr Coales requesting a copy of the certificate. His reply stated, "I would hope that you have some trust in me." 27 days later I have still not seen this certificate and any small amount of Trust that I had in Cr Coales is now non-existent.

Will we ever receive a true and correct copy of the Certificate to prove Cr Coales did actually complete this course competently? This course cost ratepayers \$7,235. This equates to almost four regular households ratepayers' rates. This is a disgusting misuse of funds if Cr Coales did not actually complete this course. Is Cr Coales willing to repay the Shire the full amount of the Course under these circumstances?

Cr Coales' profile on the Shire's website states that he is "an Associate of the Australian Institute of Company Directors". The Australian Institute of Company Directors do NOT have an associate category. Why is Cr Coales misrepresenting this to ratepayers and voters?



With in-person voting at the Byford Library being discussed at the March 23 OCM, what is the Shire doing to protect their staff from the bullying and aggressive actions of Councillors or Candidates that were seen at last year's in-person polling there.

**Mr Michael van den Dool, Mundijong WA 6123**

Regarding the Footpath Petition accepted by the SJ Shire last year, all the petitioners have had a copy delivered of the above-mentioned letter from the SJ Shire and a cover letter from myself.

**Mrs Lee Bond, Box 44 Armadale WA 6122**

Why has Briggs Park been overlooked in favour of Keirnan Street? How much longer will the laughable dog pound conditions be ignored? When are decent lights going to be erected on Hopkinson Rd / Orton Road, Hopkinson Road / Abernethy Road in the interests of safety. It would be a good idea to stop paying for the useless flashing speed sign on Hopkinson Road and provide lights for the intersections. Has any Councillor given any thought to providing special unique play areas for children, not regimented nonsense good old fashioned fun for children. This would of course take a lot of community involvement, perhaps I am hoping for too much. The amount of anti-social behaviour in this Shire is astounding and not long now it will become much worse. There needs to be change. Neither me and many others are interested in your pathetic excuses claiming insurance. This can be worked out for everyone's benefit and eventually anti-social behaviour causing damage and costs to the ratepayer will be significantly reduced. Stop wasting money on useless Council wants and provide something our Shire can be proud of that no other Councils have. It will take a huge amount of common sense.

**Ms Pauline Holmes, Byford WA 6122**

It has become clear to all who pay attention to Council proceedings that a solid voting block of 5 has emerged since the fresh election held in October 2022. What this voting block shows is the length they are willing to go to in tearing our Council and Shire down to feed their personal egos and agendas.

**OCM063/04/23**

**COUNCIL RESOLUTION**

**Moved Cr Coales, seconded Cr Duggin**

**In accordance with clause 15.6 of the *Standing Orders Local Law 2002 (as Amended)* moves a motion of dissent with the ruling of the Presiding Member.**

**CARRIED 5/2**

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

*Councillors Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.  
Councillors Rich and Atwell voted AGAINST the motion.*

The confidential information fed to another ratepayer for her to use in her online attacks on other elected members is a disgrace and has gone on for far too long. Those 5 elected members who have stood on a platform of integrity and provide wrong, incorrect and misleading information to residents have no place in any representative role.

**Public statement time concluded at 7:53pm.**



#### 4. Petitions and deputations:

##### **Mr and Mrs Leeann and Steven Schneider regarding item 10.1.1 - Development Application for Outbuilding - Lot 601, 142 Bruns Drive, Darling Downs (PA23/94)**

Good evening and thank you for your time to consider our statement and questions. Summary of understanding, re: Objection to PA23/94.

It is your obligation as Councillors to understand why we are objecting to planning application number PA23/94.

We were refused multiple building applications to build exactly what is being considered for approval on Lot 601, 142 Bruns Drive Darling Downs. We do not object to the neighbours having a shed, we are objecting to the placement facing North/South and being entirely outside the building envelope. The Council disapproves one resident's application and then considers approving on merit the adjoining neighbour to build a mirror image of what has been declined for us as the neighbour.

This should not happen again, as you are causing conflict between the residents of the community in the Claire Morris Estate, because of the law and individual merit that you apply between applicants.

Our original date for Outbuilding planning approval was submitted to the Serpentine Shire 10 November 2010, for the same positioning seeking approval of North and South orientation on our property and entirely outside our building envelope, and was rejected on multiple applications.

We were advised in writing by the Serpentine Council, "*Location - Shed to be relocated to minimise any projections beyond building envelope*".

After meeting with the Senior Planning Officer, 28 February 2011 to discuss our building applications, in light of this discussion the Shire provided us with 3 options to enable our application to progress, inclusive of revising plans to build within the building envelope according to Council Town Planning laws (no merit was given on our application), tabling at Council Meeting and re-advertising to surrounding landowners. We received final approval 6 December 2011 to build within the building envelope. We can provide copies of correspondence to show how we were treated by the Shire during this lengthy process, which took 13 months for Council to approve after multiple interactions.

The grounds for refusal of our applications were, that the Council believed "*the proposed Outbuildings will detract from the streetscape and the visual amenity of residents and neighbouring properties inclusive from the South Western Highway*", in relation to the orientation and appearance of this development.

The Council should ensure that all landowners are not discriminated against and are treated equally, and ensure the Town Planning laws and guidelines are applied to the planning applicant PA23/94 development at Lot 601, 142 Bruns Drive Darling Downs.

#### 5. President's Report:

Good evening, and welcome to the Ordinary Council Meeting for April 2023.

It's great to see everyone back following the Easter break, which I hope you all enjoyed with family and friends.



Attention now turns towards the Shire’s Anzac Day commemorations, which will be held at the Mundijong War Memorial next Tuesday.

This year will see the Serpentine Jarrahdale RSL and the Shire teaming up to deliver a Dawn Service and Traditional Commemorative Service. A full schedule of Anzac Day commemorations can be found on the Shire’s website.

In exciting news for residents of our Shire’s northern corridor, Stage 1 works to upgrade Kargotich Road will kick off this Wednesday, 19 April.

Stage 1 works will include road widening, surface treatment, street lighting and the installation of crash barriers between Rowley Road and Thomas Road.

The works are being funded as part of an \$18 million State Government election commitment and will provide long term safety for local traffic.

These important works follow other significant roads projects such as the Shire’s Road Reseal Program and upgrades to the Mundijong/Kargotich Road roundabout.

We understand these works will cause delays for regular commuters along Kargotich Road. Please visit the Shire’s website for the latest information.

Moving on, it has been wonderful to see the SJ community embrace the Shire’s Shape Our Future – SJ 2033 campaign over the past month.

The campaign was all about engaging with our residents as we review the Shire’s Strategic Community Plan, with Shire staff and Councillors attending several events, workshops and pop-up stalls in recent weeks.

It was great to hear so many fresh ideas and such strong feedback from our passionate locals. This has been an exciting time for our Shire, so a big thank you to everyone who took the time to complete a survey or stop by for a chat.

The engagement period closed earlier this month, and your feedback is now being reviewed as we consider the best ways to implement it in our future planning.

Stay tuned to the Shire’s website and social media channels for further updates on this important project.

In other news, I was proud to sign the WA Local Government Association’s Climate Change Declaration on behalf of Council and the Shire at a special SJ Farmer’s Market event last month.

By signing the declaration, the Shire recommits to addressing the impacts of climate change in our community. We will continue to work with local groups and residents to ensure we are doing all we can to reduce greenhouse gas emissions.

Thank you, and as always, my full calendar can be viewed on the following pages:

20 March 2023	Shape Our future - Mobile Library Service	Mundijong
	Special Q&A Agenda Briefing	Civic Chambers
	Ordinary Council Meeting	Civic Chambers
21 March 2023	WALGA Best Practice Governance Review	Online
	Australian Citizenship Ceremony	Civic Centre
22 March 2023	South East Metropolitan Regional Road Sub-Group Meeting	Gosnells
	Shape Our Future - Byford Skate Park	Byford



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	Post OCM Video Filming	Byford
23 March 2023	Shape our Future - Seniors Morning Tea	Byford
24 March 2023	Landcare SJ Board Meeting	Mundijong
	Food Truck Fiesta - SJ Rocks	Mundijong
27 March 2023	Policy Concept Forum	Civic Chambers
28 March 2023	WALGA - Medium Density Code Elected Member Briefing	Online
	Oakford Fire Station Photo Op	Oakford
	Shape our Future: Community Groups Forum	Shire Offices
29 March 2023	Shape our Future: SJ Business Breakfast	Shire Offices
	Weekly Meeting with Shire President	Shire Offices
	Discussion on Cardup Fire Station Project	Shire Offices
30 March 2023	Combined Peel Trails Committee/Peel Trails Technical Group Meeting	Shire Offices
	Parliament House Luncheon with Hugh Jones	Perth
	Meeting with Hon Stephen Dawson - Minister for Minister for Emergency Services; Innovation and the Digital Economy; Medical Research; Volunteering	Perth
31 March 2023	Shape our Future Pop Up - Keysbrook Hall	Keysbrook
1 April 2023	Shape our Future Pop Up - SJ Farmers Markets	Mundijong
	Heritage FM Radio Segment	Gosnells
3 April 2023	Policy Concept Forum	Civic Chambers
4 April 2023	Shape our Future Pop Up - SJ Rec Centre	Byford
5 April 2023	Concentric Circles Trail Project Workshops	Dwellingup
6 April 2023	West Byford Primary School - ANZAC Assembly	Byford
11 April 2023	Q&A Agenda Briefing	Civic Chambers
12 April 2023	Weekly meeting with CEO	Shire Offices
13 April 2023	Peel Regional Leaders Forum	Online
	WALGA Peel Zone	Online

### 6. Declaration of Councillors and Officer's interest:

Councillor David Atwell declared a Proximity Interest in item 10.1.2 – Proposed Road Naming - Lot 14 Scott Road, Mundijong and Lot 112, 1087 Kargotich Road, Mundijong (SJ500-04). The nature of the interest is proximity. The extent of the interest is part owner of property adjacent. Councillor Atwell will leave the Chambers while this item is discussed.

Chief Executive Officer, Mr Paul Martin, has declared a Financial Interest in item 10.5.1 - Status Report of CEO KPI's for the 2022/23 FY (SJ4082) as, as CEO, Council is assessing the performance and achievement of Mr Martin's KPIs.



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

**7.1 Ordinary Council Meeting – 20 March 2023**

**OCM064/04/23**

**COUNCIL RESOLUTION**

**Moved Cr Duggin, seconded Cr Atwell**

**That the minutes of the Ordinary Council Meeting held on 20 March 2023 be CONFIRMED (E23/4074).**

**CARRIED UNANIMOUSLY 7/0**

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

Nil.

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

<b>9.1 - Notice of Motion – Validity of elections policy (SJ4082)</b>	
<b>Councillor</b>	Councillor Mack
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Notice of Motion**

A Notice of Motion was received from Councillor Mack via email on Thursday, 6 April 2023.

The Notice of Motion is “That Council REQUESTS that the Chief Executive Officer prepare a policy for Council’s consideration by 30 June 2024 regarding the validity of elections under Part 4, Division 10 of the *Local Government Act 1995*.”

**Officer Comment**

Section 4.80 of the *Local Government Act 1995* (the Act) provides that a person who is dissatisfied with the result of an election or with the way in which an election was conducted may make an invalidity complaint. Section 4.81 of the Act goes on to provide that a complaint is to be made to a Court of Disputed Returns, constituted by a Magistrate, but can only be made within 28 days after notice is given of the result of the election.

The provisions concerning challenging the result of an election through the courts is a consistent feature of Australia’s political system and is used in Federal, State and local government across Australia as well as other democracies internationally.

Anecdotally, Officers understand that in Western Australia local government challenges to the validity of elections are not common but do occur from time to time.

Officers are of the understanding that the majority of invalidity complaints relate to matters such as the electoral material and eligibility of candidates (particularly candidates that are eligible by virtue of leases).

The threshold for declaring an election invalid is high. Section 4.83 of the Act states that:

*“An election is not invalid because of —*

- (a) a failure to do something in connection with the election within the time, or for the period or before the date allowed or required under this Act, so long as the failure does not affect the result of the election; or*
- (b) an irregularity or defect in the appointment or authorisation of an electoral officer; or*
- (c) a formal omission, irregularity or defect in a document, declaration, publication or other thing that a person has made, issued or done in good faith.”*

In 2021, the election result in the Shire of Serpentine Jarrahdale’s north ward was challenged in two separate applications to the Court which were heard jointly by the Magistrate. One of these challenges was initiated through resolution of the Council which Officers were advised by the Department and the Western Australian Electoral Commission was unusual.



The publicly available Officer Reports prepared for Council at the time noted that prior to presenting the matter to Council that Officers had sought advice from a legal firm, the Department and the Western Australian Electoral Commission. However, neither Officers nor Council had a Council Policy that could be used to inform decision making in this complex and sensitive matter.

In this case, the offenders pleading guilty for theft was an important threshold for Officers in bringing a report to Council. These circumstances appear unusual and are not typical to invalidity claims.

While invalidity complaints are uncommon and even less frequently upheld, the preparation of a policy in regards to this matter could aid the Shire into the future. The types of matters that a policy could include are:

- the process, criteria and threshold for determining if an invalidity complaint should be lodged by the Shire of Serpentine Jarrahdale with the Court of Disputed Returns;
- the process, criteria and threshold in scenarios where an action is commenced by another person and the Shire of Serpentine Jarrahdale could join as party to the matter to oppose an invalidity complaint;
- the process; criteria and threshold in scenarios where another person seeks the Shire to commence an action or join as party to a matter on their behalf;
- what investigation the Shire would perform to ascertain the robustness of claims made by a person seeking that the Shire commence an action or join as party to a matter either independently or on their behalf;
- the process for determining what evidence can be collected and presented by the Shire and/or its legal representatives;
- the mechanics associated with action where one or more Councillors may be impacted by the action and the capacity of Council to act as a decision maker in these circumstances; and
- the process for informing Council on the matter and the ongoing role of Council if it agrees that the Shire is to lodge or become a party to an invalidity complaint in support or opposition.

A policy must simultaneously provide a framework for where the Shire will take action and protect the Shire from costs and reputational damage associated with appeals for the Shire to join an action or commence an action on behalf of another person where the reasons for the claim are spurious, politically motivated or unsubstantiated.

Costs can occur even when a local government is drawn into claims of election invalidity and does not resolve to join as a party. In 2022 the Town of Cambridge resolved not to join as a party to an invalidity complaint made by a sitting councillor concerning the election of another councillor. While the Town resolved not to join the action, the Town's legal costs dealing with the matter were publicly reported to be in excess of \$50,000.

A robust policy for the Shire could assist Council and Officers to navigate this challenging domain.

The timetable proposed by the notice of motion reflects the inherent complexity of preparing such a policy. Preparation of a draft policy will require considerable investigation, engagement with State Government, local government peak bodies and obtaining legal advice.

Such an approach would accommodate the organisation's activities in this regard which include embedding the Shire's project management framework, planning and delivery of the 2023-24 audit program, preparing the draft 2023-24 Corporate Business Plan, annual delegations review,



Continued

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progressing the policy review schedule, and making preparations for the 2023 ordinary local government election.

While the absence of a policy for the 2023 ordinary local government election is a risk, Officers are of the view that a policy prepared in an expediated fashion to commence in time for the 2023 ordinary local government election could represent a greater risk, particularly if that policy creates an obligation for Council to commence or join an invalidity complaint, especially those actions that are commenced or joined on another person's behalf, that may not be in the best interests of the district at large and may conflict with Officer's and Councillor's legal obligations.

**Voting Requirements:** Simple Majority

### **OCM065/04/23**

#### **COUNCIL RESOLUTION / Councillor Recommendation**

**Moved Cr Mack, seconded Cr Strautins**

**That Council REQUESTS that the Chief Executive Officer prepare a policy for Council's consideration by 30 June 2024 regarding the validity of elections under Part 4, Division 10 of the *Local Government Act 1995*.**

**CARRIED UNANIMOUSLY 7/0**



## 9.2 - Notice of Motion – Review of Standing Orders Local Law (SJ4082)

<b>Councillor</b>	Councillor Mack
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Notice of Motion

A Notice of Motion was received from Councillor Mack via email on Thursday, 6 April 2023.

The Notice of Motion is “That Council REQUESTS that the Chief Executive Officer conduct a review of the *Shire of Serpentine Jarrahdale Standing Orders Local Law 2002* in early 2024 and consider the proposed change to local government laws as introduced by the State Government.”

### Officer Comment

The *Shire of Serpentine Jarrahdale Standing Orders Local Law 2002* governs the processes and procedures for council and committee meetings at the Shire of Serpentine Jarrahdale. Adopted in 2002 it was last amended in 2010 and provides a framework for the conduct of council and committee meetings to enable debate, deliberation and decision-making through the majority decision of Council or a Committee.

The Shire’s Standing Orders are based on a model local law and were last reviewed in October 2018 as part of the statutory local law review.

Officers do not support a review of Standing Orders at this time for three reasons:

1. Officers believe that the current Standing Orders serve the Shire well, are consistent with the Department’s ‘*A guide to council and committee meetings*’ and provide a robust framework for debate and decision making through a majority of Councillors which conforms to practices in local governments across the state;
2. as the amendments to the *Local Government Act 1995* to occur within the timetable proposed by the Notice of Motion will result in a mandatory and uniform Meeting Procedures for local governments across the State, a review of the Standing Orders would be a duplication of effort and likely result in the work being made obsolete by the introduction of the uniform Standing Orders; and
3. Over the past few years Officers have not found the current standing orders lacking in any quality required for the practical management of Council meetings.

The Shire’s Standing Orders are a local law created under section 3.5 of the *Local Government Act 1995* (the Act). As a local law, the process to amend the Standing Orders must follow the process set out in section 3.12 of the Act. This involves a two stage process of Council first proposing to make amendments, a mandatory community consultation process where the input of the Minister in question must be obtained, before the local government formally makes the amendments. Once made, the law is then considered by the Joint Standing Committee on Delegated Legislation (JSCDL), who in around one-third of cases, orders that the local law be further amended which may restart the entire process.

Amending a local law takes approximately six months from initiation to receiving the ‘all clear’ from the JSCDL. Reviewing a local law also involves direct and indirect costs to the Shire. Direct



costs occur through the mandatory advertising period which costs several hundred dollars as well as legal review and assistance in drafting to minimise the likelihood of JSCDL disallowance. The use of external legal advisors when preparing local laws is recommended in the Department's guideline and can cost several thousand dollars depending on the complexity of the issue.

As amendments to the *Local Government Act 1995* are being pursued by the State Government that will repeal and replace all local government standing orders and meeting procedures, Officers do not believe that the direct and indirect investment in reviewing the Shire's Standing Orders at this time is optimal.

The *Local Government Amendment Bill 2023* currently before Parliament establishes a head of power for uniform meeting procedures across all local governments across the State. According to the Department's website the purpose of the uniform set of regulations is to ensure that local governments' meetings all operate in a comparable way.

In briefings to the sector in March 2023, the Department of Local Government advised that following the introduction of Regulations, all existing local government Standing Order / Meeting Procedures local laws would be abolished by Governor's Orders. This means that any and all Standing Orders / Meeting Procedures adopted by the Shire would be repealed at that time and that the provisions of the Regulations would commence.

While the details of the Regulations are not known, the head of power created by Clause 62 of the *Local Government Amendment Bill 2023* is broad:

- (1) *Regulations may make provision in relation to meetings of councils, committees or electors.*
- (2) *Without limiting subsection (1), regulations made for the purposes of that subsection may make provision in relation to any of the following —*
  - (a) *the matters to be dealt with at meetings;*
  - (b) *the procedure to be followed at, or in respect of, meetings;*
  - (c) *the holding of meetings by telephone, video conference or other electronic means;*
  - (d) *methods of voting at meetings;*
  - (e) *the circumstances and manner in which a decision made at a meeting may be revoked or changed (which may differ from the manner in which the decision was made);*
  - (f) *the content and confirmation of minutes of meetings;*
  - (g) *the keeping and preserving of documents that relate to meetings;*
  - (h) *the publication or otherwise making available for inspection by the public (including in advance of meetings) of documents that relate to meetings;*
  - (i) *the giving of public notice of the date and agenda for meetings;*
  - (j) *the giving of directions, by the person presiding at a meeting, to a council or committee member or to any other person;*
  - (k) *the exclusion from a meeting of a council or committee member or any other person —*
    - (i) *who fails to comply with a direction given by the person presiding at the meeting; or*
    - (ii) *whose conduct at the meeting is offensive or disruptive or otherwise not conducive to the proper conduct of the meeting;*
  - (l) *the steps to be taken if a council or committee member, or any other person, refuses to leave a meeting after having been excluded as referred to in paragraph (k).*



- (3) *If regulations made for the purposes of subsection (1) provide for meetings to be held by telephone, video conference or other electronic means, regulations may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.*
- (4) *In subsection (2)(g) and (h), references to documents that relate to meetings include (without limitation) the following —*
- (a) minutes of meetings (confirmed or unconfirmed);*
  - (b) notice papers or agendas for meetings;*
  - (c) reports or other documents that are tabled, produced or presented at meetings;*
  - (d) reports or other documents that are intended to be tabled, produced or presented at meetings.*
- (5) *Regulations made for the purposes of subsection (1) may, in relation to a member of the public who raises a question at a meeting under section 5.24, make provision about how the member is to be referred to in a document that is made available for inspection under section 5.94(n) or (p) or is published under section 5.96A(1)(f) or (h).*
- (6) *Regulations made for the purposes of subsection (1) may prescribe model provisions that must or may be adopted by a local government.*

Likewise, while a timetable for the commencement of the Regulations is not known, with the priority given to the electoral reforms, Officers believe that the Regulations would be drafted and commence sometime in 2024. This commencement of the Regulations would interpret any review of the Shire's Standing Orders. If the Regulations commenced after Standing Orders amendments occurred the newly amended Standing Orders would still be repealed.

The introduction of uniform meeting procedures could be a significant change for the sector. However, the variation between meeting procedures across local governments tends to be in the areas of public participation with rules concerning the moving of motions and debate already largely uniform across local governments. The comments from the Department in sector briefings also reflect this.

While the focus of the Department's efforts are on electoral reform, Officers continue to monitor the Local Government legislative reforms noting that these will result in significant change for the Shire and the preparation of guidance material for the public, Councillors and Officers alike.

**Voting Requirements:** Simple Majority

#### Councillor Recommendation

That Council REQUESTS that the Chief Executive Officer conduct a review of the *Shire of Serpentine Jarrahdale Standing Orders Local Law 2002* in early 2024 and consider the proposed change to local government laws as introduced by the State Government.

#### Alternate Officer Recommendation

That Council NOTES that the *Local Government Amendment Bill 2023* will introduce a head of power for Regulations to be created which will establish mandatory and uniform meeting procedures across all local governments and that, when introduced, the *Shire of Serpentine Jarrahdale Standing Orders Local Law 2002* and any subsequent amendments will be repealed through Governor's Orders.



**OCM066/04/23**

**COUNCIL RESOLUTION / Councillor Recommendation**

**Moved Cr Mack, seconded Cr Dagostino**

**That Council REQUESTS that the Chief Executive Officer conduct a review of the *Shire of Serpentine Jarrahdale Standing Orders Local Law 2002* in early 2024 and consider the proposed change to local government laws as introduced by the State Government.**

**CARRIED 4/3**

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

*Councillors Coales, Dagostino, Mack and Strautins voted FOR the motion.*

*Councillors Rich, Atwell and Duggin voted AGAINST the motion.*

**9.3 - Notice of Motion – Review of Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question & Answer Agenda Forums and Workshops (SJ4082)**

<b>Councillor</b>	Councillor Rich
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Notice of Motion**

A Notice of Motion was received from Councillor Rich via email on Monday, 10 April 2023.

The Notice of Motion is “That Council REQUESTS that the Chief Executive Officer conducts a review of Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question & Answer Agenda Forums and Workshops and presents recommendations for Council’s consideration.”

**Officer Comment**

Council Policy 1.1.14 - Forums of Council – Policy Concept Forums, Question & Answer Agenda Forums and Workshops was adopted by Council in 2017. The Policy provides a framework for the conduct of Policy Concept Forums, Question & Answer Agenda Forums and Council Workshops.

The Policy broadly aligns with the Department of Local Government’s Operational Guidelines Number 5 – Council Forums.

In respect to policy review, in June 2022 Council noted a proposed forward calendar of routine policy review.

The timetable noted by Council had the Council Policy 1.1.14 - Forums of Council – Policy Concept Forums, Question & Answer Agenda Forums and Workshops to be reviewed between February to March 2024. This timeframe had been selected by Officers to enable the Council to reconsider the policy following the 2023 ordinary local government elections.

If Council wished to bring forward a review of Council Policy 1.1.14 - Forums of Council – Policy Concept Forums, Question & Answer Agenda Forums and Workshops it could resolve to do so but Officers would recommend that Council resolve to defer consideration of a policy within the schedule where substantial work is yet to commence.

The two policies that meet this criteria are:

- the keeping of three to six dogs; and
- trails

With the Dog Local Law process underway, Officers consider that there is greater merit in advancing the policy review associated with the keeping of three to six dogs. Accordingly, if Council wished to bring forward the review of Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question & Answer Agenda Forums and Workshops, Officers would recommend that Council also agrees to defer work on the trails policy.

Such an approach would accommodate the organisation’s activities in this regard which include embedding the Shire’s project management framework, planning and delivery of the 2023-24 audit program, preparing the draft 2023-24 Corporate Business Plan, annual delegations review,



progressing the policy review schedule, and making preparations for the 2023 ordinary local government election.

**Voting Requirements:** Simple Majority

#### Councillor Recommendation

That Council REQUESTS that the Chief Executive Officer conducts a review of Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question & Answer Agenda Forums and Workshops and presents recommendations for Council’s consideration.

#### Alternate Officer Recommendation

That Council:

1. REQUESTS that the Chief Executive Officer conducts a review of Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question & Answer Agenda Forums and Workshops and presents recommendations for Council’s consideration; and
2. RESOLVES that Council Policy 2.1.1 – Trails is deferred to the February to March 2024 timeframe within the policy review forward program to facilitate point 1.

#### **OCM067/04/23**

#### **MOTION / Alternate Officer Recommendation**

**Moved Cr Rich, seconded Cr Atwell**

**That Council:**

1. **REQUESTS that the Chief Executive Officer conducts a review of Council Policy 1.1.14 – Forums of Council – Policy Concept Forums, Question & Answer Agenda Forums and Workshops and presents recommendations for Council’s consideration; and**
2. **RESOLVES that Council Policy 2.1.1 – Trails is deferred to the February to March 2024 timeframe within the policy review forward program to facilitate point 1.**

**MOTION LOST 3/4**

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

*Councillors Rich, Atwell and Coales voted FOR the motion.*

*Councillors Dagostino, Duggin, Mack and Strautins voted AGAINST the motion.*



## 10. Chief Executive Officer reports:

### 10.1 Development Services reports:

<b>10.1.1 - Development Application for Outbuilding - Lot 601, 142 Bruns Drive, Darling Downs (PA23/94)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Simon Busby
Owners:	Graham and Sandra Gilchrist
Date of Receipt:	6 February 2023
Lot Area:	5816m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	'Rural Living A'
Metropolitan Region Scheme Zoning:	'Rural'

### Report Purpose

The purpose of this report is for Council to consider a development application for an outbuilding at Lot 601, 142 Bruns Drive, Darling Downs.

The application is presented to Council as an objection was received during the advertising period. The objection relates to the location of the outbuilding in proximity to the northern lot boundary and development being located outside the building envelope.

Officers do not have delegated authority to determine development applications where objections cannot be addressed by way of amendments or through the imposition of planning conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

Notwithstanding the objection received, Officers consider that the proposal is consistent with the planning framework and character of the locality. The application is therefore recommended for approval subject to conditions.

### Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.



## Background

### Existing Development

The subject site is 5,816m<sup>2</sup> in size, adjoins Southwestern Highway to the east and is located within a rural residential area of Darling Downs. The site contains an existing dwelling with an associated outbuilding and water tank. There is mature vegetation present towards the rear of the property. There is a sealed car parking area towards the front of the site and a driveway which extends along the northern lot boundary providing vehicular access to the existing outbuilding. There is also a large tree adjoining the vehicle access way on the south side of the driveway area, and the main cleared area being where the application is proposed.



Figure 1: Locality Plan

### Proposed Development

The application seeks development approval for an outbuilding located towards the rear portion of the lot. A portion of the structure being open framed towards the north boundary. The applicant has provided information that the outbuilding is to be used solely for the storage of personal items (i.e. cars and motorbikes).

The outbuilding has dimensions of 8.06m by 16.04m (floor area of 129.28m<sup>2</sup>). The development is proposed to be set back 79.78m from the Bruns Drive frontage and 45.18m from the eastern boundary (rear). In terms of the northern boundary (side), the open frame portion of the development is proposed to be set back 4m, with the wall of the outbuilding set back 8m from the boundary.

The outbuilding has a wall height of 4.2m and a ridge height of 5.28m. The outbuilding is to be constructed of 'Colorbond' finished in the colour of 'Surfmist' (off white).



The site plan and elevations of the outbuilding are detailed below, full details of the proposal are contained within **attachment 1**.

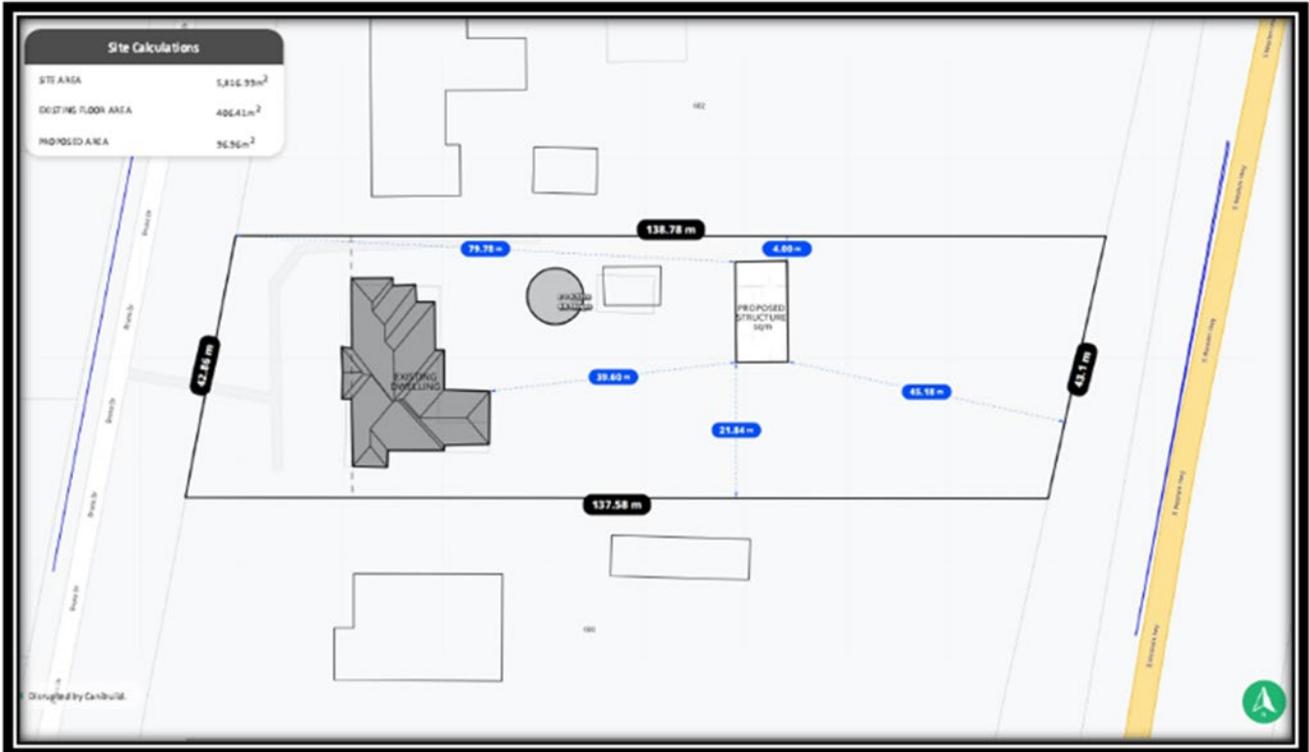


Figure 2: Site Plan

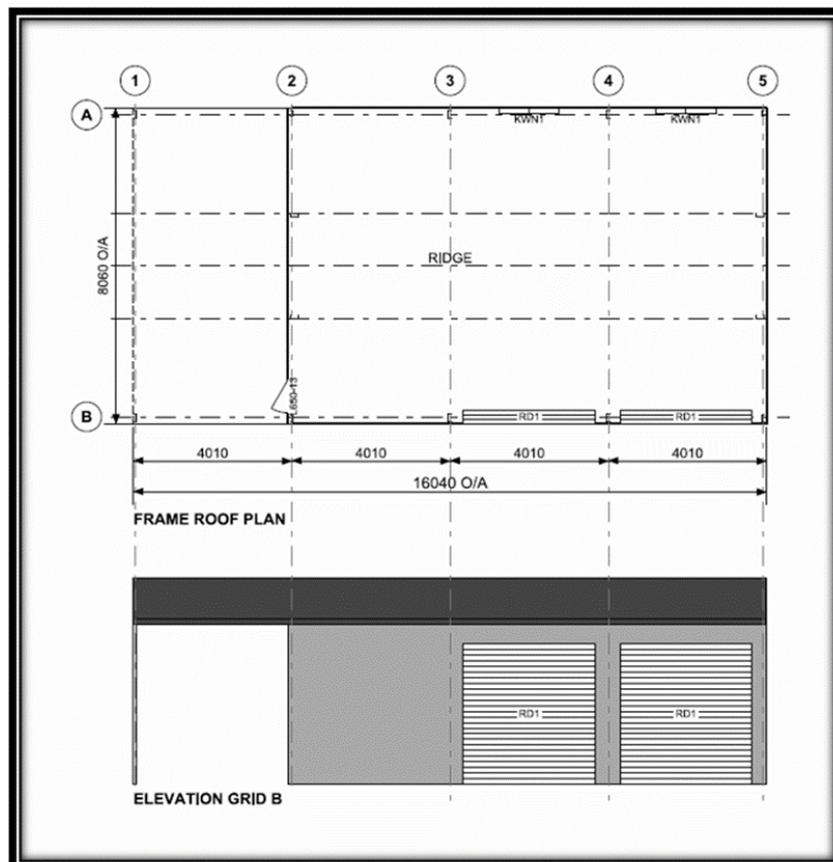


Figure 3: Floor Plan and West Elevation

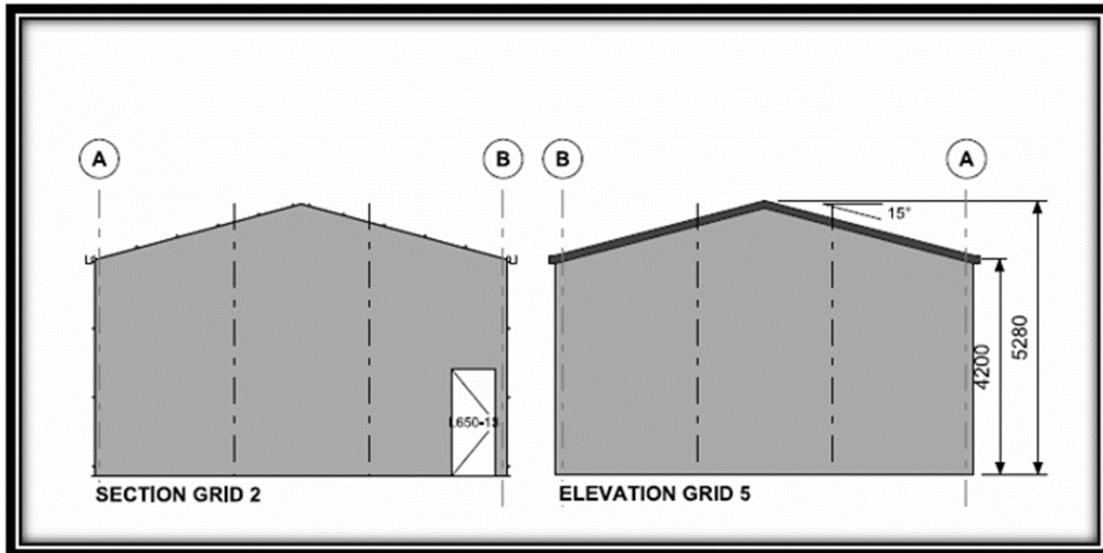


Figure 4: North and South Elevation

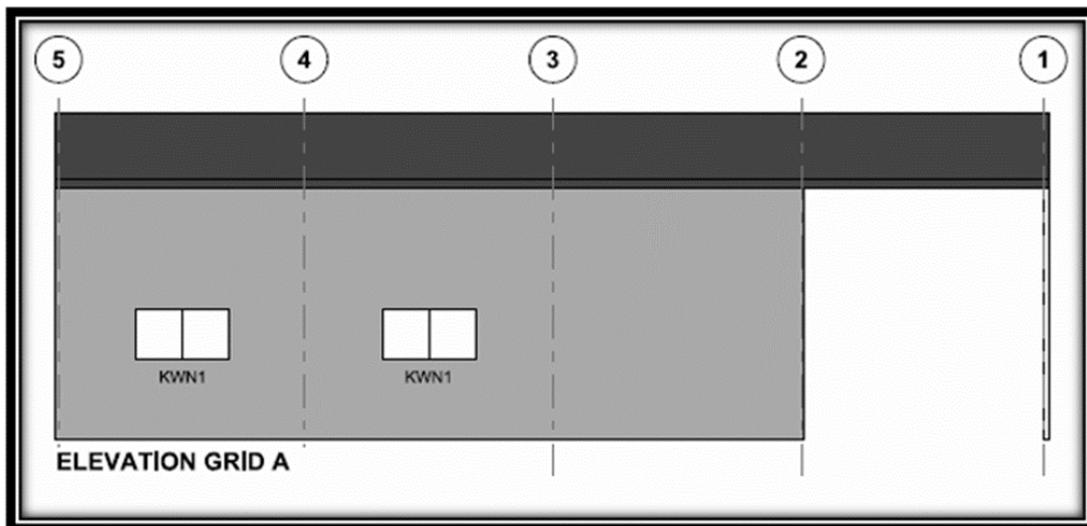


Figure 5: East Elevation

### Community / Stakeholder Consultation

The application was advertised to the adjoining landowner for a period of 14 days from 13 February 2023 to 27 February 2023, in accordance with Local Planning Policy 1.4 - Consultation for Planning Matters. One submission was received objecting to the proposal for the following reasons:

- Location and Visual Amenity- *“I do not approve the placement of and application of this building on my adjoining boundary/fence-line”.*
- Building Envelope - *“As per our own dealing with building placements, I believe this application is outside the building envelope and should not be approved for placement there”.*

#### Officer Comment:

The location / visual amenity and building envelope concerns are discussed in the planning assessment section of this report.

A full copy of the submission and the applicant’s response is contained within **attachment 2**.



## Statutory Environment

### Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- State Planning Policy 7.3 - Residential Design Codes Volume 1

### Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Shire of Serpentine Jarrahdale Draft Local Planning Scheme No. 3
- Local Planning Policy 4.19 - Outbuildings, Sheds, Garden Sheds and Sea Containers

## Planning Assessment

A full technical assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions. The Clause 67 assessment can be viewed in **attachment 3**. For the purpose of this report, discussion is confined to the objection, which resulted in the item being presented to Council and where Council is required to exercise discretion.

### Land Use

The subject site is zoned 'Rural Living A' under TPS2. The proposal is for an outbuilding to be used in association with the existing 'Residential - Single House' land use which is a permitted use in the 'Rural Living Zone' zone. The use is therefore considered consistent with the planning framework.

### LPP4.19 - Outbuildings, sheds, Garden Sheds and Sea Containers (LPP 4.19)

LPP 4.19 varies the 'Deemed to Comply' outbuilding provisions of the R-Codes acknowledging the expectation of the size of outbuildings vary in different zones of the Shire due to lot sizes. The policy provides for relevant considerations for outbuildings within the Shire and provides guiding principles that should be considered where exceedances are sought to the acceptable standards.

An assessment of the proposal against LPP4.19 requirements are provided in the table below:

	<b>Large and multiple Outbuildings</b>		
	<b>LPP4.19</b>	<b>Proposal</b>	<b>Variation</b>
Floor Area	150 m <sup>2</sup>	The proposed outbuilding has a floor area of 129.28m <sup>2</sup> while the existing outbuilding has a floor area of 71m <sup>2</sup> . Therefore the accumulative floor area is 200.28m <sup>2</sup>	<b>50.28m<sup>2</sup></b>
Lot boundary setback	10m	North - 4m	<b>6m variation</b>
Wall height	4.2m	4.2m	<b>Compliant</b>
Ridge height	5m	5.28m	<b>0.28m variation</b>



Part 2 of LPP4.19 also sets out considerations for outbuildings where a variation is sought. The relevant considerations in relation to the location of the outbuilding relates to the visibility of the proposed structure from the neighbouring property and whether sufficient screening exists. The relevant objective of LPP 4.19 is to “*Ensure that outbuildings/sheds do not have a detrimental visual impact which adversely affects the amenity of the surrounding area or that of adjoining landowners.* Furthermore, the relevant ‘Design Principle’ of the R-Codes required to be given consideration as part of a variation to the outbuilding requirements of LPP 4.19 is “*outbuildings to not detract from the streetscape or visual amenity of residents or neighbouring properties*”.

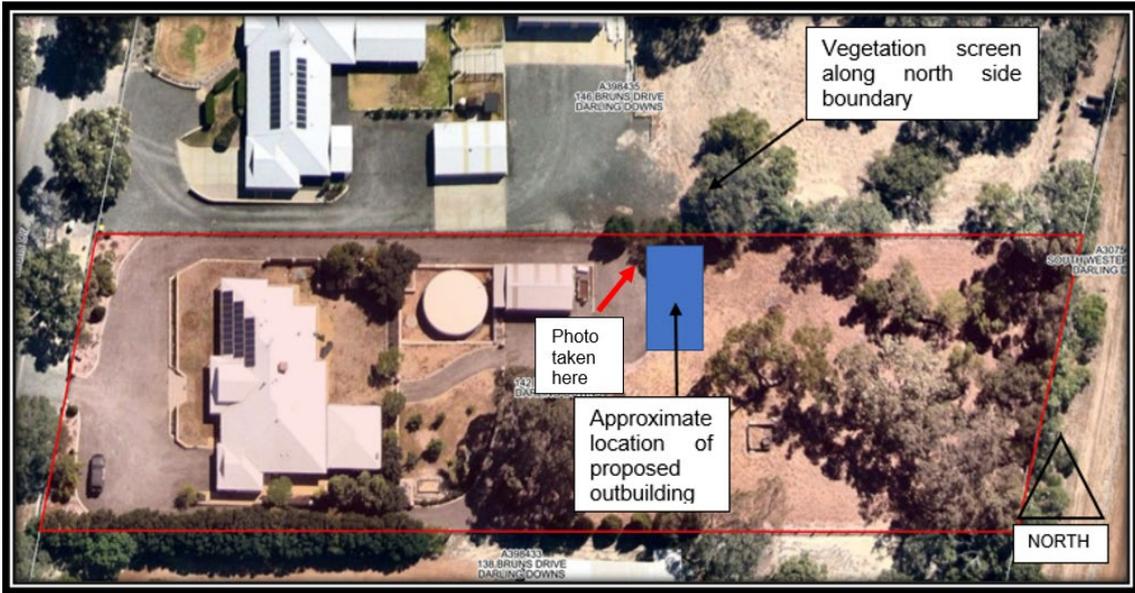
An assessment of the development against the aforementioned objective and ‘Design Principle’ are discussed below. The streetscape impacts are not considered relevant in this application due to the setback proposed to Bruns Drive (79m) and as the development will generally be located behind the existing dwelling, outbuilding and water tank, providing for a high degree of screening of the development from the street.

### Visual Amenity

The open framed portion of the outbuilding is proposed to be set back 4m from the northern boundary. The actual north facing external wall of the outbuilding however, is set back a further 4m, being 8m from the boundary. Views of the structure from the neighbouring property to the north will be screened by existing mature vegetation present along the boundary as depicted below:



**Figure 6: View from the south-west of vegetation along the north side boundary adjacent proposed outbuilding**



The vegetation as a result will provide filtered views of the development from the adjoining property, softening the appearance of the outbuilding. Furthermore, the open side of the outbuilding is located closest to the northern boundary, which is considered to further reduce the presence of the outbuilding.

The single dwelling on the adjoining property is configured with a garage and outbuilding on the south side of the property, which separates sensitive private amenity areas from the proposed location of the outbuilding as sought by this application. Specifically, the development is located approximately 50m in a south-east direction from key habitable areas of the dwelling on the adjoining property. The outbuilding as a result will not form part of the neighbouring vistas of the habitable areas of that dwelling. The neighbouring property currently has vistas directly east which comprise of their outbuilding, vegetation and views of the Scarp which will be maintained. The minor ridge height variation of 0.28m is not considered to detract from these existing vistas.



Figure 8: Aerial image showing direction of vista from primary outdoor living area for property at 146 Bruns Drive



In terms of floor area variation, the site cumulatively exceeds the 150m<sup>2</sup> exemption provision under LPP4.19 for lots located within the 'Rural Living A' zone. The floor area provision under the policy seeks to ensure that outbuildings do not dominate the appearance of a site when viewed from adjoining properties and the street. Ensuring outbuildings are appropriately scaled to align with the expected form of rural residential development within the zone.

In this regard, the development poses an increase of 50.28m<sup>2</sup> to the 150m<sup>2</sup> acceptable standard of LPP4.19. The departure is not considered to significantly increase the presence of outbuildings across the site nor detract from the rural residential appearance of the property when viewed from neighbouring properties. The site retains its sense of openness and its landscape features such as vegetation, and importantly vistas of the Scarp which are characteristics of the rural residential properties within the immediate locality. Furthermore, the development complies with the open space calculations under the R2 density requirements of the R-Codes ensuring the site does not appear as overdeveloped, again consistent with rural residential character of the locality.

Overall, it is considered that the outbuilding is a modest sized structure that combined with an open sided northern section of the building (resulting in an 8m setback of the wall of the outbuilding from the boundary) and vegetation screening would not visually impact upon the amenity currently afforded to the neighbouring property. As such, Officers consider that the proposal is consistent with the Design Principles of the R-Codes and objective of LPP4.19 in that the development will not visually impact upon the amenity of the neighbouring property.

#### Building Envelope

The concerns raised by the objector include the location of the outbuilding outside the approved building envelope.

The building envelope has dimensions of 30m by 40m and is set back 12m from the primary street boundary and 5m from the north and south lot boundaries as seen within Figure 9 below. The proposed outbuilding is sited entirely outside the building envelope.

The purpose of the building envelope is to provide an area within a lot where development is generally to be located. The placement of building envelopes is used as part of the subdivision process to protect environmental assets and landscape features. They are also used to maintain a pattern of development establishing the character of a locality.

Clause 5.12.9(d) of TPS2 states that *'no building shall be constructed on a lot other than within the approved building envelope without the written approval of the Council'*. This allows for discretion to be exercised to approve development outside a building envelope where it is considered it would not adversely impact the character of the locality or be to the detriment of any environmental assets.

In this case, siting the proposed outbuilding outside the building envelope is considered to be acceptable given the outbuilding is behind the existing main residence / outbuilding / water tank, relatively modest in size and scale, and is screened by boundary vegetation. Importantly, the outbuilding has been sited within a cleared area and does not require the removal of the any canopy trees scattered across the site. Neither does the development impact upon the neighbouring vistas of the Scarp.

Furthermore, Officers advise that the location of the outbuilding outside of the building envelope is consistent with the existing pattern of development within the locality. Generally, outbuildings have been sited outside building envelopes as illustrated in the following image. Residential dwellings are predominantly the form of development located within the designated building envelopes of a site. As such, the development is considered to align with the established character of the locality and is supported.



Figure 9: Existing development pattern with building envelopes (blue) and the proposed location of the outbuilding (red)



## Options and Implications

### Option 1

That Council APPROVES the development application for the outbuilding at Lot 601, 142 Bruns Drive, Darling Downs as contained in **attachment 1**, subject to the following conditions:

- a. 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 to P4 received at the Shire's offices on 6 February 2023 and 2 March 2023
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- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.

### Option 2

That Council REFUSES the retrospective development application for sea container at Lot 601, 142 Bruns Drive, Darling Downs as contained within **attachment 1** for the following reason:

- a. The location of the development of the outbuilding with a reduced setback to the boundary is considered to visually impact upon the amenity currently afforded to the adjoining landowner

Option 1 is recommended.

## Conclusion

The application seeks approval for an outbuilding which varies the requirements of the R-Codes and LPP4.19 by way of cumulative floor area, lot boundary setbacks and ridge height. Officers consider that the proposed outbuilding is consistent with the Design Principles of the R-Codes and objectives of LPP4.19 and as a result would not visually impact upon the amenity of the neighbouring property and broader locality.

## Attachments (available under separate cover)

- 10.1.1 - attachment 1 - Development Plans (E23/3532)
- 10.1.1 - attachment 2 - Summary of Submissions (E23/2625)
- 10.1.1 - attachment 3 - Technical Assessment (E23/2427)

## Alignment with our Strategic Community Plan

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

## Financial Implications

Nil.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered to not present any strategic or operational risks.						
2	That Council refuses the application, and an appeal is lodged with the State Administrative Tribunal which requires independent planning representation in order to defend the decision.	Reasons for refusal reflecting valid planning concerns.	Financial	Possible	Minor	MODERATE	Ensure that reasons for refusal are based on valid planning reasons.

**Voting Requirements:** Simple Majority

### Officer Recommendation

That Council APPROVES the development application for the outbuilding at Lot 601, 142 Bruns Drive, Darling Downs as contained in attachment 1, subject to the following conditions:

- a. 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 to P4 received at the Shire's offices on 6 February 2023 and 2 March 2023
--------------------------	--

- b. All stormwater shall be retained within the property to the satisfaction of the Shire of Serpentine Jarrahdale.

### OCM068/04/23

#### COUNCIL RESOLUTION

**Moved Cr Rich, seconded Cr Dagostino**

**That Council DEFER the matter to a future Ordinary Council Meeting once the Shire has responded to the FOI application.**

**CARRIED UNANIMOUSLY 7/0**



**Councillor Atwell declared a Proximity Interest in item 10.1.2 and left the Meeting at 8:17pm prior to this item being discussed.**

<b>10.1.2 - Proposed Road Naming - Lot 14 Scott Road, Mundijong and Lot 112, 1087 Kargotich Road, Mundijong (SJ500-04)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Harley Dykstra
Owner:	Remfire Pty Ltd and CTJ (WA) Pty Ltd
Date of Receipt:	21 February 2023
Lot Area:	24.8ha
Town Planning Scheme No 2 Zoning:	'Urban Development'
Metropolitan Region Scheme Zoning:	'Industrial'

### Report Purpose

The purpose of this report is for Council to consider a proposal for two new road names associated with a subdivision at Lot 14 Scott Road, Mundijong and Lot 112, 1087 Kargotich Road, Mundijong. Two alternative names are also presented to Council for endorsement in the instance Landgate do not support any of the preferred names.

Officers recommend that Council endorse the proposed road names based on compliance with the Policies and Standards for Geographical Naming in Western Australia (Landgate Policy) and Local Planning Policy 1.7 - Road Naming (LPP 1.7).

### Relevant Previous Decisions of Council

There are no previous decisions of Council relating to this application.

### Background

The proposal relates to the subdivision of the subject site, which will result in the creation of two new roads. The roads created as part of this subdivision are reflective of the intended road network for the locality, within the West Mundijong Industrial Area Structure Plan. An aerial view of the subject site is provided below.

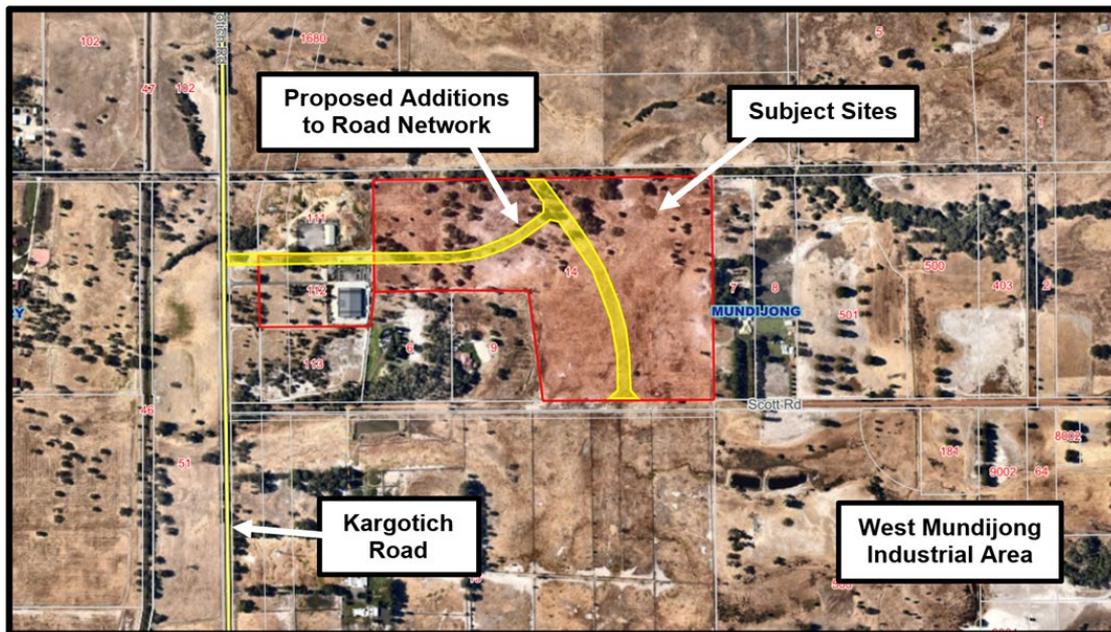


Figure 1: Aerial imagery of the subject sites

Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*. The naming process requires the relevant Local Government to endorse names for roads created as part of subdivision. Those names endorsed by the Local Government must then be forwarded to Landgate for final approval. Landgate has delegated authority from the responsible Minister to grant final approval for road names.

### Proposal

The application proposes the naming of two new roads to be created as part of an approved subdivision within Mundijong. The applicant has also submitted two names to be endorsed as second preference names in the instance there are issues with any of the preferred names. The roads and their proposed names are shown in the following plan and reference table.

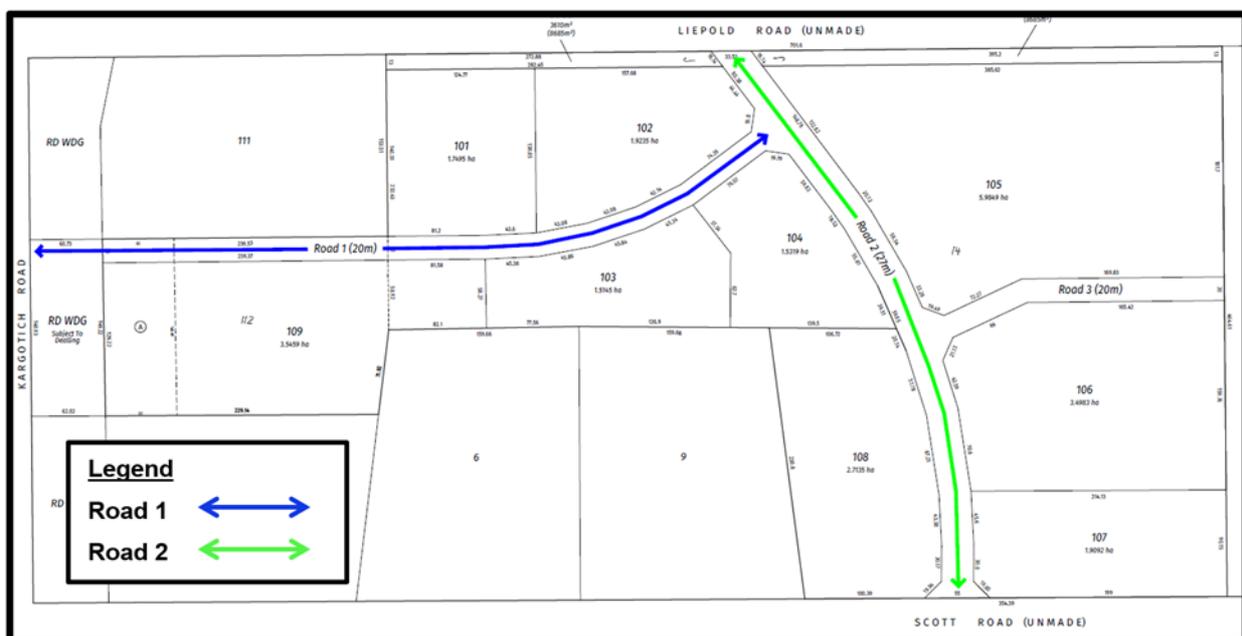
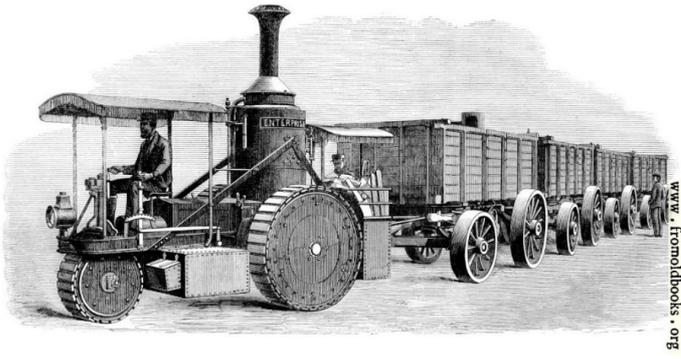


Figure 2: Subdivision Road Layout Plan



The proposed and backup names along with their backgrounds in summary have been provided in the following table.

<b>Road Name Table</b>	
<b>Proposed Preferred Names</b>	<b>Background</b>
<p>Road 1: Thompson Road</p> 	<p>The Jarrahdale timber milling enterprise was established during the 1860/70s. A railway was established during 1872 in order to transport timber product between Jarrahdale and Rockingham. The 'Thompson' Road Steamer was the first mechanical device used to haul timber milling equipment into the Jarrahdale and Mundijong area.</p>
<p>Road 2: Samson Drive</p>  <p><small>Beyer, Peacock 2-4-0T locomotive SAMSON at Jarrahdale Mill, WA circa 1884-89. Photo: John Ray Collection, courtesy of Bill Weedon</small></p>	<p>Shortly after the establishment of the Jarrahdale timber milling enterprise, several locomotives were purchased to assist with the hauling of the timber product. These locomotives would travel the 38km distance between Jarrahdale and the Rockingham Port. Two of these locomotives were called 'Samson No.1' and 'Samson No.2'.</p>
<b>Reserve Names</b>	<b>Background</b>
<p>Steamer Drive</p>	<p>'Steamer' and 'Locomotive' are descriptive names both relating to the vehicles utilised in the Jarrahdale timber milling enterprise. These therefore relate strongly to the railway heritage theme.</p>
<p>Locomotive Way</p>	

A road layout plan providing the location of the road names and the background list of the names is found within **attachment 1**.

**Community / Stakeholder Consultation**

No consultation is required in accordance with Shire and Landgate policy.



## Statutory Environment

### Legislation

- *Land Administration Act 1997*

### State Government Policies

- Policies and Standards for Geographical naming in Western Australia (Landgate Policy)

### Local Planning Framework

- Local Planning Policy 1.7 - Road Naming (LPP1.7)

## Planning Assessment

LPP1.7 states that where more than five road names are proposed, then an overall theme should be proposed by the applicant. As the proposal entails two names, no road name theme is required to be put forward by the applicant. However, the applicant has given regard to names tied to a heritage theme, being the Jarrahdale Timber Mill as the railway line servicing the timber mill historically traversed through Mundijong.

For an emerging industrial area, this theme of connection to the industrial timber milling past of Jarrahdale is considered relevant and appropriate. It helps to reveal an important industrial past story, by being a theme for the Shire's next major industrial area of West Mundijong.

An assessment of the proposed road names against the provisions of LPP 1.7 is as follows:

<b>Policy Assessment</b>	
<b>Policy Requirement</b>	<b>Officer Comment</b>
Consideration of current and future street names	<p>The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the Shire. No duplicates in surrounding Local Government areas have been identified either.</p> <p>A number of the names proposed are in use in other local government areas within the Perth metropolitan area. However, they maintain suitable separation distances as per the Landgate Policy. These distances are 10km to any duplicates in the metropolitan area and 50km in rural areas.</p> <p>There is another instance of 'Thompson Road' in the suburb of Roleystone, within the City of Armadale Local Government Area. However, this is more than 19km away from the proposed road and so is not considered to conflict with the Landgate Policy. The distance to the duplicate would not result in any confusion for residents or emergency services. Landgate may also resolve to modify the suffix at their discretion at the stage of final approval.</p>



<b>Policy Assessment</b>	
<b>Policy Requirement</b>	<b>Officer Comment</b>
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	Officers consider the proposal to be acceptable in light of the existing and future street numbering for the area.
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed road names have been documented in the road name table, earlier in this report.
Names shall not be offensive or likely to given offence, incongruous or commercial in nature	The proposed names are not considered to be offensive, incongruous, or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	In terms of easiness to read, spell and pronounce, the names are short, simple to read or pronounce, and so would not cause complexities for emergency services, service providers or the travelling public.
Unduly long names and names that comprise of two or more words should generally be avoided	The proposed preferred names comprise of no more than nine letters, with one backup name being 10 letters in length and are no more than one word in length.
Proposals for road names shall include an appropriate road type suffix	The proposed suffixes are considered to be appropriate and consistent with suffix definitions under the Landgate policy. Road (Rd) - Open way or public passage primarily for vehicles. Drive (Dr) - Wide thoroughfare allowing a steady flow of traffic without many cross-streets. Way (Way) - Roadway affording passage from one place to another. Usually not as straight as an avenue or street. The proposed suffixes are considered suitable as they generally are reflective of the proposed carriageways.
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	As shown on the road name plan earlier in this report, the road names are commensurate with the length of the road and are considered to be practical.

Based on the above, the recommended names are considered appropriate.



## Options and Implications

### Option 1

That Council:

1. ENDORSES the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the proposed road names as contained within **attachment 1** to Landgate for final approval:
  - a. Thompson Road
  - b. Samson Drive
2. ENDORSES the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference name is not deemed acceptable by Landgate:
  - a. Steamer Drive
  - b. Locomotive Way
3. ENDORSES a general naming theme for the West Mundijong Industrial Area based upon the industrial timber milling history of the Shire.

### Option 2

That Council:

1. REFUSES TO ENDORSE the proposed road names.
2. ADVISES the applicant to consider different naming options.

Option 1 is recommended.

## Conclusion

Council endorsement is sought for two proposed road names to be used as part of the subdivision at the subject site. The proposed road names have been based upon a heritage theme that is supported by Officers. The proposed names are consistent with the requirements of LPP1.7 and Landgate's road naming policy.

Officers support the proposal and recommend that Council endorse the proposed names. It is also recommended that Council endorse a general theme of the industrial timber milling past of the Shire, as the theme for future road naming within West Mundijong.

## Attachments (available under separate cover)

- **10.1.2 - attachment 1 - Road Layout Plan (E23/4123)**

## Alignment with our Strategic Community Plan

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

## Financial Implications

Nil.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	Council not support the names causing a delay in the application	Policies and Standards for Geographical naming in Western Australia Local Planning Policy 1.7 - Road Naming	Social / Community Outcomes	Possible	Moderate	MODERATE	Give reasons for decision

**Voting Requirements:** Simple Majority

**OCM069/04/23**

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Mack

That Council:

1. **ENDORSES** the following road names in accordance with section 26A(3) of the *Land Administration Act 1997*; and forwards the proposed road names as contained within attachment 1 to Landgate for final approval:
  - a. Thompson Road
  - b. Samson Drive
2. **ENDORSES** the following second preference road names in accordance with section 26A(3) of the *Land Administration Act 1997*; to be used in the event that the first preference name is not deemed acceptable by Landgate:
  - a. Steamer Drive
  - b. Locomotive Way
3. **ENDORSES** a general naming theme for the West Mundijong Industrial Area based upon the industrial timber milling history of the Shire.

**CARRIED UNANIMOUSLY 6/0**

Councillor Atwell returned to the Chambers at 8:17pm.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.2.



**10.1.3 - Proposed List of Names for Roads/Streets taken from the Approved Local Heritage Survey (SJ500-04)**

<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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**Report Purpose**

The purpose of this report is for Council to consider a list of 150 items based on the Local Heritage Survey for new road names in Serpentine Jarrahdale. The intent is to make these names available for applicants to consider utilising when new roads are proposed by way of subdivision, in the Shire.

While not intended to diminish choice, having the list based upon the heritage of the Shire enables an improved prospect of names being chosen that can help communicate an important piece of the Shire's past history.

Officers recommend that Council endorse the proposed road name list, for the purposes of being available for use by applicants creating new roads.

**Relevant Previous Decisions of Council**

There are no previous Council decisions relating to this matter.

**Background**

Roads created by subdivision are required to be named in accordance with Clause 26A of the *Land Administration Act 1997*. The naming process requires the relevant Local Government to endorse names for roads created as part of subdivision. Those names endorsed by the Local Government must then be forwarded to Landgate for final approval. Landgate has delegated authority from the responsible Minister to grant final approval for road names.

LPP 1.7 identifies that in accordance with the Geographic Names Committee (GNC) Guidelines suitable sources of road names include:

- a. Aboriginal languages currently or formerly identified with the general area;
- b. Pioneers of the State or area;
- c. Citizens who have made a significant community contribution;
- d. War casualty lists and thematic names (e.g. nautical, sporting etc.);
- e. Ethnic and gender diversity is encouraged;



- f. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication. All name proposals must clearly identify the origin of the name and provide relevant references to allow for the verification of the name.

Council recently approved the Shire's new Local Heritage Survey, which provides an up-to-date inventory of the cultural heritage of the district. This includes a rich data source of new and/or updated information pertaining to aspects of the Shire's history. Based upon the Local Heritage Survey, which itself was subject to extensive community consultation, a table of proposed names and their significance is within **attachment 1**. The table consists of a list of heritage aspects that have significance in the history of the Shire, and a list of names of people and places that have been identified to have local heritage significance.

If adopted by Council, the table of names would be promoted for applicants to consider choosing from in respect of where they are creating new road names for consideration.

### **Community / Stakeholder Consultation**

Extensive community consultation was undertaken as part of the formulation of the Local Heritage Survey. This included district wide communication, direct letters to landowners with nominated places, and meetings with community groups where such were requested.

Should Council support the proposed list of names from the Local Heritage Survey, there will be future processes at Council to determine specific applications for road naming.

### **Statutory Environment**

#### Legislation

- *Land Administration Act 1997*

#### State Government Policies

- Policies and Standards for Geographical naming in Western Australia (Landgate Policy)

#### Local Planning Framework

- Local Planning Policy 1.7 - Road Naming (LPP1.7)

### **Planning Assessment**

Formulating a proposed list of names for roads, based on the recent Local Heritage Survey approval, provides a supporting mechanism for applicants who are creating new roads and require naming. While it is not proposed to only limit an applicant's choice to the list, there is potential savings for the applicant on the basis that Officers have formulated the list and done extensive research for each name.

Analysis of the name list has also been undertaken against the Shire's LPP1.7 in the following table:

<b>Policy Assessment</b>	
<b>Policy Requirement</b>	<b>Officer Comment</b>
Consideration of current and future street names	The proposed road names are not currently in use within the Shire area and have not been proposed to be used in the future for any other estates within the



<b>Policy Assessment</b>	
<b>Policy Requirement</b>	<b>Officer Comment</b>
	<p>Shire. No duplicates in surrounding Local Government areas have been identified either.</p> <p>A number of the names proposed are in use in other local government areas within the Perth metropolitan area. However, they maintain suitable separation distances as per the Landgate Policy. These distances are 10km to any duplicates in the metropolitan area and 50km in rural areas.</p>
Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases	This aspect will be addressed when the proposed road names are formally brought to Council with subdivision applications.
The origin of each name shall be clearly stated and subsequently recorded	The origin and background of the proposed road names have been documented in the road name table. This has been done as part of the recent Local Heritage Survey process, which was undertaken in a very collaborative and communicative process with the community.
Names shall not be offensive or likely to give offence, incongruous or commercial in nature	The proposed names are not considered to be offensive, incongruous, or commercial in nature.
Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public	<p>The proposed names have been selected to align with roads with a theme relating to the Local Heritage Survey.</p> <p>The majority of names are short, simple to read or pronounce, and so would not cause complexities for emergency services, service providers or the travelling public.</p>
Unduly long names and names that comprise of two or more words should generally be avoided	Eight of the names are longer than ten letters but none more than twelve. Five of the proposals have two words that cannot be split at the risks of losing their meaning.
Proposals for road names shall include an appropriate road type suffix	The list does not propose any suffixes, and this will be left up to the subdivider to decide when submitting the road names on the subdivision.
Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads	The list does not link names to plans. This will be left up to the subdivider to decide when submitting the road names on the subdivision.



Based on the above, the recommended names are considered appropriate. If endorsed by Council, it will be the first time the Shire has developed a road naming list that has been based upon the rich cultural heritage of the district. With the rate of change underway, it is considered very important to adopt a list so that every opportunity can be taken to represent the past, for the benefit and knowledge of the current and future generations.

As mentioned, Council is still the only delegated entity to make a recommendation to the GNC on road naming applications, and thus this list will not change the requirement for reporting. It will, if adopted, assist applicants in their choice of potential name options for consideration.

### **Options and Implications**

#### Option 1

That Council:

1. ENDORSES the list of road names based on the Shire's Local Heritage Survey.
2. NOTES these will be made available for applicants to consider as part of proposing road names for future subdivisions, in accordance with clause 26A(3) of the *Land Administration Act 1997*.

#### Option 2

That Council DOES NOT ENDORSE the list.

Option 1 is recommended.

### **Conclusion**

Council endorsement is sought for a list of 150 items from the Local Heritage Survey for new road names in Serpentine Jarrahdale. The proposed names are considered to be consistent with the requirements of LPP1.7 and Landgate's road naming policy. They are considered to be an important improvement to how applicants may consider options for road naming applications they propose to the Shire.

Officers recommend that Council endorse the proposed names.

### **Attachments (available under separate cover)**

- **10.1.3 - attachment 1** - Thematic Road Names List based on the Local Heritage Survey (E23/2889)

### **Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

### **Financial Implications**

Nil.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option as the list will provide a list of local heritage names following a consistent theme, and applications for formal naming will still be required to be provided to Council for consideration.						
2	Officers may soon run out of road names for new subdivisions resulting in ad-hoc names being used.	Policies and Standards for Geographical naming in Western Australia  Local Planning Policy 1.7 - Road Naming	Social / Community Outcomes	Possible	Moderate	MODERATE	Give reasons for decision

**Voting Requirements:** Simple Majority

### OCM070/04/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Dagostino

That Council:

1. **ENDORSES** the list of road names as per attachment 1 based on the Shire's Local Heritage Survey.
2. **NOTES** these will be made available for applicants to consider as part of proposing road names for future subdivisions, in accordance with clause 26A(3) of the *Land Administration Act 1997*.

**CARRIED UNANIMOUSLY 7/0**



**10.1.4 - Implementation of an Opt-In Text Message System for the Shire of Serpentine Jarrahdale (SJ3770 / SJ361)**

<b>Responsible Officer:</b>	Coordinator Emergency Services
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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**Report Purpose**

The purpose of this report is to provide Council information pertaining to the following matters:

- a. Implementation of an opt-in text message system for the Shire of Serpentine Jarrahdale for days of Total Fire Bans and/or Vehicle and Harvest Movement Bans.
- b. The process of how this could be achieved.
- c. The cost of implementation; and
- d. The standardisation of information to be contained in the messaging.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 12 December 2022 – OCM294/12/22 - COUNCIL RESOLUTION / Officer Recommendation*

*COUNCIL RESOLUTION / Councillor Recommendation*

*That Council:*

1. *REQUESTS the Chief Executive Officer bring a report to Council no later than 30 April 2023, that covers the following:*
  - a. *Implementation of an opt-in text message system for the Shire of Serpentine Jarrahdale for days of Total Fire Bans and/or Vehicle and Harvest Movement Bans.*
  - b. *The process of how this could be achieved.*
  - c. *The cost of implementation; and*
  - d. *The standardisation of information to be contained in the messaging.*



## Background

The declaration and communication of information relating to Total Fire Bans (TFBs) and/or Harvest and Vehicle Movement Bans (HVMBs), is an important mechanism to manage the extreme risks associated with such fire danger conditions.

Current methods used in this respect include:

- Emergency WA website (<https://www.emergency.wa.gov.au>);
- The Shire's website and associated social media platforms, which link to the official Emergency WA website;
- Bureau of Meteorology websites and apps;
- Television/radio;
- Bushfire Ready Group network.

TFBs are declared centrally by the Department of Fire and Emergency Services (DFES) on days when fires are most likely to threaten lives and property.

HVMBs are issued by the Shire and are put in place when the Chief Bushfire Control Officer (CBCO) identifies the use of engines, vehicles, plant or machinery as high bushfire risk activities, during particular times of the day.

The communication of TFBs is centrally coordinated by the declaration from the DFES Commissioner. This is communicated through the Emergency WA Website, and broadcast via a number of mixed media channels including television, radio and social media. There are also a range of official DFES communication networks that link to regions and to local government, through the CSM and Chief Bushfire Control Officer communication networks.

HVMBs are declared locally by the CBCO, under the head of power of section 27 of the *Bushfires Act*. This is done in coordination with DFES District Officer and local Fire Control Officers, and are communicated to the community through the HVMB standard communications plan, the Shire's website and social media pages, email communication networks and (by request) through ABC News Radio broadcast.

## Community / Stakeholder Consultation

Officers undertook discussions with surrounding Local Governments, to understand what they do in respect of text message type systems for TFBs and HVMBs. This is shown in the following table:

Locality	System	Responsible Party	Membership	Used For	Number of Recipients	Cost
The City of Kalamunda	Vodaphone SMSer	City EMT	Register Online	TFB, HVMB, Restricted, Open, Extreme and Catastrophic FBI	1,200	\$9 per mth 10c per Message
City of Gosnells	Nil Email List	-	-	-	-	-



Locality	System	Responsible Party	Membership	Used For	Number of Recipients	Cost
Shire of Mundaring	Telstra TIMS	Shire Officer	Register online	TFB, HVMB, Fire Danger	2,300	9c Per message up to 159 Characters
City of Cockburn	Nil Investigating	-	-	-	-	-
City of Armadale	Telstra TIMS	CBFCO	Register for permit	TFB, HVMB, Fire Danger Withdraw of Permits	2,300	9c Per message up to 159 Characters

Armadale, Mundaring and Kalamunda, which generally reflect similar contexts to that of the Shire, currently operate text message type systems for TFBs and HVMBs.

### Statutory Environment

In relation to the communication of HVMBs, TFBs, Fire Danger Ratings and suspension of permits to burn, there is no direct references in either the Act or Regulations.

If the Shire were to add a further system of communication with its residents in addition to what it currently does, Officers consider this would further aid prevention and preparedness aspects of hazard management. The more people that register for a system, the more effectively the Shire is able to disseminate priority information. A text message system could further aid in this respect, however such comes with a range of issues that need consideration and of course resources that would need to be determined for allocation. These matters are explored further in the comment section of this report.

### Comment

#### 1. Implementation

Implementation of an opt-in text message system for the Shire of Serpentine Jarrahdale for days of TFBs and/or Vehicle and HVMBs would provide the Shire's Emergency Management and Recovery Team with an additional tool for the dissemination of important messaging to supplement the existing communication methods. To ensure the Shire responsibly managed associated risks of a text message system (data integrity, privacy, system failure etc), the Shire's Information Communication Technology Team would be engaged to ensure the implementation of a text message system complied with relevant data, communication and privacy policies.

#### 2. Process

An opt-in text process could be achieved through the procurement of a proprietary text messaging platform in line with the Shire's Procurement Policy.

Residents and/or members of the public could opt-in to text message alerts for days of TFBs and/or Vehicle and HVMBs through an online form, which would form part of the Shire's customer services database to broadcast the correct messages as required.

The text messaging system would be able to send a range of informative text messages to inform residents who have opted into the system. This could include:



- Total Fire Bans;
- Harvest and Vehicle Movement Bans;
- Cancellation or suspension of Permits due to weather conditions;
- High, Extreme or Catastrophic Fire Danger Ratings.

### 3. Cost

The cost of the system is approximately \$0.09c per message per recipient for up to 159 characters. Any additional characters would trigger a second message and an additional \$0.09c fee.

Over a 12 month period, it is expected that the Shire could utilise the service for the following:

- Changes to the prohibited and restricted burning periods - five per year;
- Declaration and lifting of HVMBs - 20 per year;
- Declaration of Total Fire Bans (TFBs) - 10 per year.

Based on a cost of \$0.09c per message x 35 (159-character messages) x per 1,000 = \$3,150 per annum for 1,000 registered customers. 10,000 customers could see an annual cost exceeding \$30,000.

Set up costs would need to also be considered, particularly if additional hardware or software was needed. There would also need to be a detailed Business Operating Procedure developed to ensure consistent use of the system. This would occur prior to such a system going live.

A service based on 'opt-in' would likely require residents to provide their full name, residential address and mobile telephone number. It would also need to be considered whether multiple phone numbers would be acceptable for a property, for example to ensure all residents of the property with a phone could receive a message.

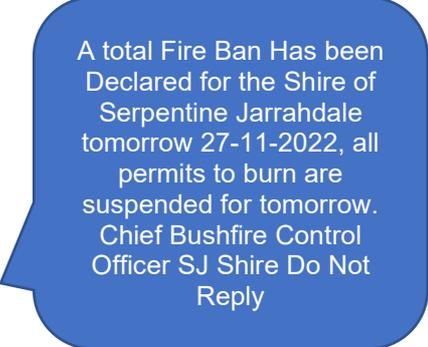
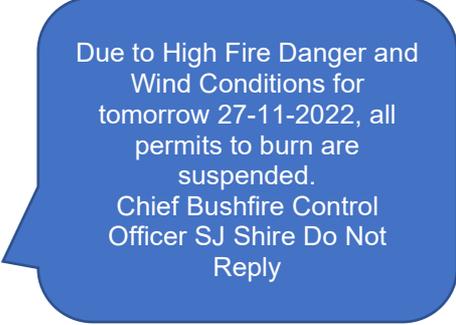
It would also need to be carefully disclaimed that any SMS System is a supplementary service, and should not be relied upon for emergency planning or in the place of emergency broadcasts provided by DFES or WA Police.

### 4. Messaging

To ensure clear communications a series of standardised messages could be developed in coordination with the Shire's Communications Team to ensure clarity in the messaging. These would also learn from the experiences of other local governments who have been operating systems already.



Some examples of possible Messages include:

Purpose	Example Message
Notification of Total Fire Ban	
Cancellation of Permits due to Fire Danger	
Notification of Harvest and Vehicle Movement Ban	

## Options and Implications

### Option 1

That Council:

1. NOTES the information provided in this report regarding the implementation of an Opt-In Text Message System for days of Total Fire Bans and/or Vehicle and Harvest Movement Bans for the Shire.
2. REQUESTS the Chief Executive Officer to present a business case for an Opt-In Text Message System for days of Total Fire Bans and/or Vehicle and Harvest Movement Bans, based on the framework set out in this report, for Council to consider as part of the 2023/2024 Budget process.



3. NOTES that should the 2023/2024 budget allocate resources to establish an Opt-In Text Message System, a detailed Business Operating Procedure will be developed prior to the system going live.

Option 2

That Council DOES NOT RECEIVE the information provided in this report regarding the implementation of an Opt-In Text Message System for the Shire

Option 1 is recommended.

**Conclusion**

Implementation of an opt-in text message system for the Shire of Serpentine Jarrahdale for days of Total Fire Bans and/or Vehicle and Harvest Movement Bans could provide the Shire with a useful additional tool in its preparedness and preventions tasks of communicating relevant emergency information to residents. As outlined in this report, there are a range of potential benefits, and risks, that would need a final analysis to prepare a detailed business case on the proposal. It is recommended this form part of the upcoming considerations by Council in the 2023/2024 Budget setting process.

**Attachments (available under separate cover)**

Nil.

**Alignment with our Strategic Community Plan**

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Outcome 1.3</b>	A safe place to live
<b>Strategy 1.3.1</b>	Comply with relevant local and state laws, in the interests of the community
<b>Strategy 1.3.2</b>	Support local emergency services
<b>Strategy 1.3.3</b>	Enhance community safety
<b>Outcome 3.4</b>	An innovation centre of excellence
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.

**Financial Implications**

Such a system would need a business case to determine setup, maintenance and operational costs.

Looking at operational costs, over a 12 month period for example, the Shire could utilise the service for the following:

- Changes to the prohibited and restricted burning periods – five per year;
- Declaration and lifting of HVMBs – 20 per year;
- Declaration of Total Fire Bans (TFBs) – 10 per year.



Based on a cost of \$0.09c per message x 35 (159-character messages) x per 1,000 = \$3,150 per annum for 1,000 registered properties. If the program was successful, as one would hope, costs would continue to increase.

With the need to undertake a detailed business case, it is recommended this form part of consideration of the forthcoming 2023/2024 Budget setting process.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Option 1 is considered to address strategic and operational risks, providing a pathway for a detailed business case to be developed and presented for Council's consideration as part of the coming budget process.						
2	Lost opportunity to keep the community informed of important messaging relating to Hazard Mitigation	Current Communication plan	Social / Community Outcomes	Possible	Moderate	MODERATE	Continue with other current communication actions

**Voting Requirements:** Simple Majority

**OCM071/04/23**

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Rich, seconded Cr Duggin

That Council:

1. **NOTES** the information provided in this report regarding the implementation of an Opt-In Text Message System for days of Total Fire Bans and/or Vehicle and Harvest Movement Bans for the Shire.
2. **REQUESTS** the Chief Executive Officer to present a business case for an Opt-In Text Message System for days of Total Fire Bans and/or Vehicle and Harvest Movement Bans, based on the framework set out in this report, for Council to consider as part of the 2023/2024 Budget process.
3. **NOTES** that should the 2023/2024 budget allocate resources to establish an Opt-In Text Message System, a detailed Business Operating Procedure will be developed prior to the system going live.

**CARRIED UNANIMOUSLY 7/0**

**10.2 Infrastructure Services reports:**

<b>10.2.1 - Minutes of the Rivers Regional Council – 16 February 2023 and 16 March 2023 (SJ581)</b>	
<b>Responsible Officer:</b>	Director Infrastructure Services
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Information	For the Council / Committee to note.
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**Report Purpose**

The purpose of this report is to enable Council to note the minutes of the Rivers Regional Council ordinary meeting held on 16 February 2023 and special council meeting held on 16 March 2023.

**Relevant Previous Decisions of Council**

Nil.

**Background**

The Rivers Regional Council (RRC) is a regional local government established under s3.61 of the *Local Government Act 1995*. The Shire of Serpentine Jarrahdale is a member of the Rivers Regional Council.

The RRC provides waste services on behalf of member local governments.

**Community / Stakeholder Consultation**

Nil.

**Statutory Environment**

From a legislative perspective, the RRC is a distinct local government entity. Except for the sections listed in s3.66 of the Act, RRC is required to comply with the Act as any other local government.

**Comment**

On 16 February 2023 an Ordinary Council Meeting and on the 16 March 2023 a Special Council Meeting of the RRC was held. The unconfirmed minutes of the meetings are contained in **attachment 1** and **attachment 2**. While Council is under no obligation to consider the minutes of the meetings, the unconfirmed minutes are presented for Council's information. Council's decision on this matter does not confer endorsement or otherwise of the minutes. The confirmation of minutes will be a matter for the members of the RRC at their next meeting.



The minutes of the Ordinary Council Meeting of 16 February 2023 do not record any contentious matters that require further attention of Council at the time.

The Special Council Meeting held on 16 March 2023 was for the purpose of discussing the Waste to Energy Plant Project completion. The project completion date has been extended to 21 April 2023 and a further report is to be submitted to the April 2023 Rivers Regional Council meeting.

**Options and Implications**

Option 1

That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary meeting held on 16 February 2023 and the Rivers Regional Council Special meeting on the 16 March 2023 as contained in **attachments 1 and 2**.

Option 2

That Council DOES NOT NOTE the unconfirmed minutes of the Rivers Regional Council meetings held on 16 February 2023 and 16 March 2023 respectively.

Option 1 is recommended.

**Conclusion**

As a member of the RRC, the unconfirmed minutes of the RRC Ordinary Council Meeting held on 16 February 2023 and the RRC Special Council Meeting held on 16 March 2023 are attached for Council’s information.

**Attachments (available under separate cover)**

- **10.2.1 - attachment 1** - Rivers Regional Council Ordinary Council Meeting Minutes – 16 February 2023 (IN23/6342)
- **10.2.1 – attachment 2** – Rivers Regional Council Special Council Meeting Minutes – 16 March 2023 (IN23/5899)

**Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire’s interest.

**Financial Implications**

Nil.

**Risk Implications**

Nil.



Continued

**Ordinary Council Meeting Minutes  
Monday, 17 April 2023**

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**Voting Requirements:** Simple Majority

**OCM072/04/23**

**COUNCIL RESOLUTION / Officer Recommendation**

**Moved Cr Strautins, seconded Cr Dagostino**

**That Council NOTES the unconfirmed minutes of the Rivers Regional Council Ordinary meeting held on 16 February 2023 and the Rivers Regional Council Special meeting on the 16 March 2023 as contained in attachments 1 and 2.**

**CARRIED UNANIMOUSLY 7/0**



**10.2.2 - Award Request for Tender – RFT 10/2022 – Project Manager (Infrastructure) (SJ3999)**

<b>Responsible Officer:</b>	Manager Major Projects
<b>Senior Officer:</b>	Director Infrastructure Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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**Report Purpose**

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 10/2022 for the Provision of a Project Manager (Infrastructure) - Shire of Serpentine Jarrahdale and for Council consider awarding the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

**Relevant Previous Decisions of Council**

<p><i>Ordinary Council Meeting - OCM023/02/23 – 20 February 2023 - COUNCIL RESOLUTION</i></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>DEFERS award of RFT 10/2022 – Project Manager (Infrastructure) until Council has had the opportunity to workshop the procurement approach at the Policy Concept Forum scheduled for 27 March 2023, to explore further the costs and benefits of the proposed approach outlined in the report, when compared against other possible approaches, as a minimum:</i> <ol style="list-style-type: none"> <li>a. <i>Establishing a panel of suitably qualified consultants to perform project management functions as required;</i></li> <li>b. <i>Maintaining the status quo, being project management functions being tendered on an as needed project by project basis.</i></li> </ol> </li> <li>2. <i>REQUESTS the Chief Executive Officer, seek a further 42-day extension of tender validity, from each of the conforming tenderers, resulting in validity up to and including 24 April 2023.</i></li> </ol>
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**Background**

The reason for advertising this tender is to assist with project management services in support of the upcoming major projects for the Shire including but not limited to:

- Keirnan Park;
- Administration Building and Council Chambers Refurbishment;
- Operations Centre and Workshop Refurbishment;



- Oakford Fire Brigade Station.

Whilst the Shire does have an internal project delivery team, from time to time, major projects may require additional project management services. The role may include providing services during design, procurement, and construction phases of the projects. The role can vary from project manager, contract administrator to site superintendent. Whilst the scope currently is limited to building projects, the services can also be used for delivery of other infrastructure related projects.

### Community / Stakeholder Consultation

#### Policy Concept Forum

Meeting Date	3 April 2023
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Coales, Cr Duggin, Cr Mack, Cr Strange, Cr Strautins

### Comment

All tender submissions received were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment and prices are documented in **CONFIDENTIAL attachment 1**.

#### Submissions

The Request for Tender RFT 10/2022 – Project Manager (Infrastructure) was advertised on Saturday, 17 September 2022 and closed at 2pm on Friday, 28 October 2022.

The Tender was advertised in the following papers:

- West Australian Newspaper;
- Examiner (Serpentine Jarrahdale & Armadale);
- Pinjarra/Murray Times (Inc. Mandurah Coastal Times);
- Sound Telegraph (Rockingham & Kwinana).

Seven (7) submissions were received, and the submissions are summarised in **CONFIDENTIAL attachment 1**.

All tender submissions comply with the request for tender guidelines and compliance criteria.

Tender submissions were received from the following companies:

#	Company Name
1	Bedivere Group
2	Successful Projects (Brett David Investments Pty Ltd)
3	Johnstaff Projects (WA) Pty Ltd
4	McDowell Affleck Pty Ltd
5	OP Properties Pty Ltd
6	RPS AAP Consulting Pty Ltd
7	TSA Management Pty Ltd



### Evaluation Panel

An evaluation panel was convened and consisted of the following personnel:

- Director Corporate Services;
- Director Infrastructure Services;
- Manager Major Projects.

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the tenders / quoters. Each member of the panel assessed the submissions separately.

### Evaluation Criteria

The following evaluation criteria and weightings were used by the tender evaluation panel to assess tender submissions:

EVALUATION CRITERIA	WEIGHTING
Price with quantities	50%
Relevant experience with: <ul style="list-style-type: none"><li>• Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years</li></ul>	20%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none"><li>• Capacity to deliver the services including:</li><li>• Key personnel / Professional skills;</li><li>• Describe the key personnel who will be involved in the work, including past work of a similar nature.</li></ul>	20%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none"><li>• Project schedule;</li><li>• Process for delivery of goods/services;</li><li>• Project Management Plan;</li><li>• Critical assumptions; and</li><li>• Any additional information.</li></ul>	10%

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by *Successful Projects* was assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission made by *Successful Projects* be accepted.

Council was presented options for procurement process at the recent PCF held on 3 April 2023. Key findings of this presentation were:

- External consultant roles could vary from project manager, superintendent representative to contract administrator.



- There are current resources gaps available for an external project manager resource. These gaps are likely to increase with time and number of projects planned to be executed over the years.
- Having these services available in the background would save time and costs on executed projects when the need arises for additional resource.

Refer to **attachment 3** for a copy of the presentation discussed at PCF on 3 April 2023.

### **Statutory Environment**

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.

Council Policy - *Procurement of Goods or Services through Public Tendering* (E19/5672):

Tendering

#### 2. Tender Exemption

The regulations make provision for certain circumstances where tendering is not required. Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;

### **Options and Implications**

The following options have been identified:

#### Option 1

That Council:

1. AWARDS Tender RFT 10/2022 - Project Manager (Infrastructure) to *Successful Projects* in accordance with **CONFIDENTIAL attachment 1 and 2**; for an Initial period of three (3) years (24 April 2023 till 28 February 2026) with an optional extension of one (1) year, plus one (1) year (Total 5 years) at the Chief Executive Officer's discretion;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 10/2022 - Project Manager (Infrastructure).

#### Option 2

That Council:

1. In accordance with Regulation 18 of the *Local Government (Functions and General) Regulations 1996* DECLINES all tenders;
2. REQUESTS that the Chief Executive Officer advise each tenderer that no tender was accepted; and
2. AUTHORISES the Chief Executive Officer to engage suppliers on the WALGA Preferred Supplier Program for project management, superintendent roles and contract administration on a needs basis as determined by the Chief Executive Officer.

Option 1 is recommended.



## Conclusion

Project management is a critical and necessary role in the delivery of capital projects. Currently there is a Major Projects Delivery Team within the Infrastructure Directorate, however, in order to ensure continuity of major projects from start to completion successfully, it is important to acquire additional supportive project management services. As such, *Successful Projects* has been assessed as being able to meet those requirements. The respondent met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and was assessed as providing the best value for money.

Therefore, it is recommended that Council support Option 1 and the contract be awarded to *Successful Projects*.

## Attachments (available under separate cover)

- **10.2.2 – CONFIDENTIAL attachment 1** – RFT 10/2022 – Project Manager (Infrastructure) - Evaluation Report (E23/377)
- **10.2.2 – CONFIDENTIAL attachment 2** – RFT 10/2022 – Project Manager (Infrastructure) – Pricing Schedule (E23/378)
- **10.2.2 – attachment 3** – PowerPoint Presentation – PCF 3 April 2023 (IN23/6101)

## Alignment with our Strategic Community Plan

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

## Financial Implications

There are no immediate financial implications associated with this report. The expenditure associated with the tender is accounted for in the 2022-23 budget.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Recommended Consultant is unable to provide the level of service required.	The service standards required, and conditions are clearly outlined in the Contract.	Organisational Performance	Likely	Major	MODERATE	Nil
2	Appropriate suppliers on the WALGA Panel may not be available	Nil	Organisational Performance	Likely	Major	MODERATE	Nil

**Voting Requirements:** Simple Majority

#### Officer Recommendation

That Council:

1. AWARDS Tender RFT 10/2022 - Project Manager (Infrastructure) to *Successful Projects* in accordance with CONFIDENTIAL attachment 1 and 2; for an Initial period three (3) years (24 April 2023 till 28 February 2026) with an optional extension of one (1) year, plus one (1) year (Total 5 years) at the Chief Executive Officer's discretion;
2. AUTHORISES the Chief Executive Officer to sign a contract on behalf of the Shire of Serpentine Jarrahdale for Tender RFT 10/2022 - Project Manager (Infrastructure).



OCM073/04/23

**COUNCIL RESOLUTION**

Moved Cr Rich, seconded Cr Atwell

That Council:

1. In accordance with Regulation 18 of the *Local Government (Functions and General) Regulations 1996* **DECLINES** all tenders;
2. **REQUESTS** that the Chief Executive Officer advise each tenderer that no tender was accepted; and
3. **AUTHORISES** the Chief Executive Officer to engage suppliers on the WALGA Preferred Supplier Program for project management, superintendent roles and contract administration on a needs basis as determined by the Chief Executive Officer.

**CARRIED 4/3**

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

*Councillors Rich, Atwell, Dagostino and Mack voted FOR the motion.  
Councillors Coales, Duggin and Strautins voted AGAINST the motion.*

*Reason for difference to Officer Recommendation*

*To allow access to the WALGA panel of which the recommended tenderer is a member.*

**10.3 Corporate Services reports:**

<b>10.3.1 - Confirmation of Payment of Creditors – March 2023 (SJ801)</b>	
<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Legislative	Includes adopting local laws, local planning schemes and policies.
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**Report Purpose**

The purpose of this report is to prepare a list of accounts paid 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 matter.

**Background**

Nil.

**Community / Stakeholder Consultation**

Not Applicable.

**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 1.1.17 - 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(1) of the *Local Government (Financial Management) Regulations 1996* requires where a local government has delegated authority to make payments from the municipal or trust fund, that a list of accounts paid be prepared each month showing each account paid since last such a list was prepared.

**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.

A detailed list of invoices for the period 1 March 2023 to 31 March 2023 is provided in **attachment 1**.

**Options and Implications**Option 1

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 March 2023 to 31 March 2023, totalling \$3,996,326.11.

Option 2

That Council DOES NOT RECEIVE the Schedule of Accounts as paid under delegated authority from 1 March 2023 to 31 March 2023, totalling \$3,996,326.11.

Option 1 is recommended.

**Conclusion**

Nil.

**Attachments (available under separate cover)**

- **10.3.1 - attachment 1** – List of Creditors Accounts Paid and Submitted to Council for the period ending 31 March 2023 (E23/4504)
- **10.3.1 - attachment 2** – Westpac Purchasing Card Report – 28 January 2023 to 27 February 2023 – Redacted (E23/4510)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

Expenditures were provided for in the adopted Budget as amended, or by any subsequent budget reviews and amendments.

The accounts paid under delegated authority for 1 March 2023 to 31 March 2023 totalled \$3,996,326.11.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no risks associated with this option.						
2	That Council does not accept the payments	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	

**Voting Requirements:** Simple Majority

### OCM074/04/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Dagostino, seconded Cr Duggin

That Council RECEIVES the Schedule of Accounts as paid under delegated authority from 1 March 2023 to 31 March 2023 totalling \$3,996,326.11 as contained in attachment 1.

**CARRIED UNANIMOUSLY 7/0**



### 10.3.2 - Monthly Financial Report – February 2023 (SJ801)

<b>Responsible Officer:</b>	Manager Finance
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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#### Report Purpose

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 28 February 2023.

#### Relevant Previous Decisions of Council

*Special Council Meeting – 25 July 2022 – SCM026/07/22 - COUNCIL RESOLUTION – extract*

8. *That Council, 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 2022/23 for reporting material variances 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 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 a point in time.

#### Community / Stakeholder Consultation

Nil.



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**Statutory Environment**

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

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

**Comment**Monthly Financial Report

The attached report shows the month end position as at the end of 28 February 2023.

The municipal surplus as at 28 February 2023 is \$17,251,725 which is favourable, compared to a budgeted surplus for the same period of \$14,494,056. The primary cause of this is a higher than anticipated 2022/23 opening surplus position.

Further information on material variances that may have an impact on the outcome of the budgeted closing surplus position are listed below:

**Operating Revenue**Rates

No variance analysis required, variance to budget is less than 10%.

Operating Grants, Subsidies and Contributions

No variance analysis required, variance to budget is less than 10%.

Fees and Charges

No variance analysis required, variance to budget is less than 10%.

Interest Earnings

Unfavourable variance of \$56,606 due primarily to:

- Receiving less overdue interest on rates than anticipated - \$44,851.

Other Revenue

Favourable variance of \$173,804 due primarily to:

- A credit was received from Local Government Insurance Scheme (LGIS) for workers compensation for 21/22 of \$60,618 due to lower wages than originally anticipated.
- Reimbursement on legal cost from rates outstanding debtors for various assessment fees - \$80,914.

Profit on Asset Disposal

No variance analysis required, variance to budget is less than 10%.

**Operating Expenses**Employee Costs

No variance analysis required, variance to budget is less than 10%.

Materials and Contracts

No variance analysis required, variance to budget is less than 10%.



Utility Charges

No variance analysis required, variance to budget is less than 10%.

Depreciation on Non-Current Assets

No variance analysis required, variance to budget is less than 10%.

Insurance Expenses

No variance analysis required, variance to budget is less than 10%.

Interest Expenses

No variance analysis required, variance to budget is less than 10%.

Other Expenditure

No variance analysis required, variance to budget is less than 10%.

Loss on Disposal of Assets

No variance analysis required, variance to budget is less than 10%.

**Other**

Contributions/Grants for the Construction of Assets

Favourable variance of \$1,622,225 due primarily to:

- Byford DCP - \$514,047
- Community Infrastructure DCP - \$179,679
- West Mundijong DCP - \$840,974.

Capital Expenditure

No variance analysis required, variance to budget is less than 10%.

Refer to Capital Works Expenditure within **attachment 1** for further details.

Proceeds from Disposal of Assets

No variance analysis required, variance to budget is less than 10%.

Repayment of Loans

No variance analysis required, variance to budget is less than 10%.

Repayment of Leases

No variance analysis required, variance to budget is less than 10%.

Transfers to/from Cash Backed Reserves (Restricted Assets)

Variance in Transfer to Reserve of \$1,523,112 due primarily to:

- Byford DCP - \$514,047
- Community Infrastructure DCP - \$179,679
- West Mundijong DCP - \$840,974

Transfer from Reserve - No variance analysis required, variance to budget is less than 10%.



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**Options and Implications****Option 1**

That Council RECEIVES the Monthly Financial Report for February 2023 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 1**.

**Option 2**

That Council DOES NOT RECEIVE the Monthly Financial Report for February 2023, 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 1**.

Option 1 is recommended.

**Conclusion**

Nil.

**Attachments (available under separate cover)**

- **10.3.2 - attachment 1** – Monthly Financial Report – February 2023 (E23/3970)

**Alignment with our Strategic Community Plan**

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

**Financial Implications**

As at 28 February, the Shire's respective cash position was as follows:

Municipal Fund:	\$12,806,473
Trust Fund:	\$304,221



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil.						
2	That Council does not receive the Monthly Financial Report for May leading to the Shire not meeting legislative requirements on financial reporting.	Provision of sufficient information and records to support the recommendation	Financial	Unlikely	Insignificant	LOW	Accept Officer recommendation

**Voting Requirements:** Simple Majority

### OCM075/04/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Dagostino

That Council **RECEIVES** the Monthly Financial Report for February 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 1.

**CARRIED UNANIMOUSLY 7/0**



### 10.3.3 - Arrangements for the 2023 Ordinary Local Government Election (SJ4128)

<b>Responsible Officer:</b>	Manager Governance and Strategy
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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#### Report Purpose

The purpose of this report is to enable Council to consider seeking the written agreement of the Western Australian Electoral Commissioner under section 4.20(4) of the *Local Government Act 1995* to conduct the 2023 Ordinary Local Government Election, if Council wishes to amend its 2018 determination that all elections up to 31 December 2023 will be postal elections and instead, subject to first obtaining the written agreement of the Western Australian Electoral Commissioner, determine that the election shall be a voting in person election.

#### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 20 March 2023 – OCM060/03/23 – Council Resolution*  
*That the matter be DEFERRED to be presented at a Policy Concept Forum prior to being presented to Council.*

*Ordinary Council Meeting – 26 November 2018 – OCM128/11/18 - COUNCIL RESOLUTION*  
*That Council:*

- 1. In accordance with section 4.20(4) of the Local Government Act 1995, declares by an absolute majority, that the WA Electoral Commissioner be responsible for all Local Government Elections for the Shire of Serpentine Jarrahdale together with any other elections or polls which may be required between now and 31 December 2023;*
- 2. In accordance with section 4.61(2) of the Local Government Act 1995, determines by an absolute majority, that the method of conducting all elections for the Shire of Serpentine Jarrahdale between now and 31 December 2023 will be as postal elections;*
- 3. Notes that resolutions 1 and 2 above are not a binding contract with the WA Electoral Commissioner and nothing shall prevent Council from revoking the decision at any time before 31 December 2023.*



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## Background

The 2023 Ordinary Local Government election will be held on Saturday 21 October 2023. On 3 February 2023, the Minister for Local Government wrote to local government CEOs (**attachment 1**) advising that the State Government is continuing to work to implement election reforms ahead of the October 2023 Ordinary Elections.

On 23 February 2023, the *Local Government Amendment Bill 2023* was read into Parliament. This legislation confirms that the alternative electoral pathway for the Shire if the Local Government Advisory Board's submission is not accepted will involve an election for eight Councillors plus the Shire President with no wards implemented through a full spill at the 2023 Ordinary Local Government Election.

The reforms propose to introduce Optional Preferential Voting for all local government elections. The State Government's proposal is similar to preferential voting used in State and Federal Elections, and for local government elections in every other Australian state. Under this approach electors can preference as many or as few candidates as they decide, and there will be no transfer of preferences other than the preferences electors mark on their ballot paper.

The reforms also extend the election period for one week with close of enrolments and the nomination period moving back one week.

As part of the correspondence, the Minister has noted that the change brings about greater complexity associated with election count activities including the mandatory use of CountWA software. The legislation also proposes reforms to various countback provisions that will make election counts more complex in future years.

The degree that these reforms complicate count activities on election night should not be underestimated.

As such the Minister has asked local governments to make arrangements with the Western Australian Electoral Commission (WAEC) to either appoint the WAEC as the Returning Officer under section 4.20 of the *Local Government Act 1995* (the Act) or otherwise contract the WAEC to licence the CountWA software.

The Minister's correspondence states:

*"It is strongly recommended that the decision for whether to declare the Electoral Commissioner as responsible for your election is put to Council at its March meeting. This will allow sufficient time for the WAEC to work with you to deliver the election, or provide you with a software licence, if preferred."*

At the 26 November 2018 Ordinary Council Meeting, Council resolved that the WAEC would serve as the Returning Officer in all elections up to December 2023 via the method of postal voting. Following the determination in the Magistrates Court in 2022 that the 2021 local government election in the Shire's North Ward was invalid, Council resolved that the fresh election held under section 4.81 of the Act, would be conducted as an in-person election.

Council may wish to consider writing to the WAEC requesting that elections including the 2023 Ordinary Local Government election are conducted via the in-person voting method.

If Council does not make a resolution in this matter, the 2023 Ordinary Local Government election will be conducted by the WAEC as a voting by post-election.

In accordance with Council's resolution at the 30 January 2023 Special Council Meeting regarding the Ward and Representation Review, a submission was lodged with the Local Government Advisory Board on 3 February 2023. On 6 February 2023, the Department of Local Government,



Sport and Cultural Industries advised that they had received the Shire's submission and it would be considered by the Advisory Board at a future date.

## **Community / Stakeholder Consultation**

### Policy Concept Forum

<b>Meeting Date</b>	27 March 2023
<b>Councillors in Attendance</b>	Cr Rich, Cr Atwell, Cr Byas, Cr Coales, Cr Dagostino, Cr Duggin, Cr Mack, Cr Strautins

Following Council's deferral at the 20 March Ordinary Council Meeting, a discussion was held at the Policy Concept Forum of 27 March 2023. At this session Officers answered questions regarding matters including:

- how the integrity of ballot boxes is maintained at an in-person election
- how an election would operate if it was conducted by the Shire rather than the WAEC
- the potential costs of employing additional WAEC electoral officers to conduct pre-polling
- whether the risks of electoral fraud are increased if polling places are increased
- the rationale for the Officer's recommendation to conduct the election via the in-person method
- lessons from the 2021 ordinary election, the invalidity complaint and the fresh election held in the North Ward.

At the Policy Concept Forum, the concept of the Shire conducting the election rather than utilising the WAEC was queried. This is discussed in detail below but is not recommended by Officers.

Officers have had preliminary discussions with the WAEC to inform the preparation of this report. Following the Policy Concept Forum, Officers requested that the WAEC provide further costing information including day rates for WAEC supplied electoral officers.

The WAEC has advised that the day rate for an WAEC supplied electoral officer is \$425.

The Shire has not conducted widespread community engagement regarding the preferences of the community in relation to this matter. However, the conduct of the recent fresh election in the North Ward has served as an opportunity to engage with the community on the topic.

Following the North Ward Fresh Election Shire Officers are not aware of any feedback received from the community who following the election stated that they wanted to vote but were unable because it was conducted in-person. The feedback from electors was generally positive albeit with the occasionally usual misconception that voting in local government is compulsory.

In Council wished to defer the matter a month to enable community consultation it could do so. However, the delay in a decision on this matter will make the completion of arrangements more complex, increase the chance of problems in the election and impact on communication with the community especially if Council ultimately resolves to conduct an in-person election.

## **Statutory Environment**

Section 4.20 of the Act provides that the CEO is the Returning Officer in a local government election unless written approval is first obtained from the Western Australian Electoral Commissioner.



Section 4.61 of the Act provides that elections can be held either as a postal election or a voting in person election. Under 4.61(4) of the Act, only the WAEC may conduct a postal election.

Electronic voting is not an option provided for in the legislation. In the most recent correspondence on the matter the Minister for Local Government identified that electronic voting was not being pursued at this time owing to failures of the approach in other states.

### Comment

Because of the timing of the Advisory Board's decision and the Minister's electoral reform program, it is not possible to advise Council at this time of the parameters of the 2023 Ordinary Local Government Election.

Council's recommendation made at the 30 January 2023 Special Council Meeting to the Local Government Advisory Board of a configuration of six Councillors plus the directly elected President which would result in the following positions being available at the 2023 Ordinary Local Government Election:

Ward	Positions available
Entire district	1 x Shire President
North Ward	No vacancies
North West Ward	1 x Councillor
South Ward	1 x Councillor

If the Shire's submission from the Ward and Representation Review is not supported by the Local Government Advisory Board, the Shire will enter the electoral reform pathway. The electoral reform pathway in the *Local Government Amendment Bill 2023* would see reduction of one Council office position with the insertion of a direct election President. The 2023 local government election would involve a full spill the eight Councillor position plus a directly elected President with no wards:

Ward	Positions available
Entire district	1 x Shire President 8 x Councillors

If the legislative reforms do not proceed, the composition of Council would continue to be nine Councillors across three wards plus the directly elected Shire President. In this unlikely scenario, the positions available at the 2023 Ordinary Local Government Election will be the following:

Ward	Positions available
Entire district	1 x Shire President
North Ward	1 x Councillor
North West Ward	2 x Councillors
South Ward	2 x Councillors

Overall, the decision whether to hold an election in-person or via postal method rests on the relative importance of two competing aspects:

- accessibility (which achieves greater participation); and
- confidence in electoral system (the degree of confidence that each vote cast was valid).



As will be explored further below, a postal election will result in a much greater participation rate regardless of the marketing and communication strategy. The barrier to completing a postal vote is low, all it requires is an elector to return it via a post box.

However, there is no control though of the process from the point of issuing the ballot up until that ballot is received and counted (although legislation provides that the Court can declare an election invalid in the event that someone is dissatisfied with the result).

That risk of electoral misconduct may be considered to be acceptable to achieve greater accessibility.

Looking into the issue more holistically, Officers have identified five factors that may be considered relevant to Council in making a determination regarding the method of election being:

- participation rate
- election integrity
- cost
- complexity
- logistics.

As a postal election would inherently involve less change the discussion of these factors focuses on what would occur in the event that Council opts to proceed with an in-person election.

#### Participation rate

The participation rate for voting in person elections are lower than those of postal elections. The fresh election held in the North Ward had a participation rate of 7.49% being 560 ballot papers received from a total of 7,472 electors.

As direct comparison, the 2021 local government election in the North Ward had a participation rate of 29.72% and the 2019 local government election had a participation rate of 24.10%.

In comparison to other metropolitan local governments that have held voting in person elections recently, the Shire's fresh election had a higher participation rate. The City of Swan's Extraordinary Election for the Altone Ward has a turn out rate of 2.4% with 528 ballot papers received from 21,269 electors while the participation rate at a Town of Cambridge extraordinary election was 4.6%. All these elections were conducted in 2022.

Access to an in-person election is constrained compared to a postal election. People with limited mobility and the elderly, for example, may have diminished access to a voting in person election when compared to a postal election.

Voting in a postal election does not require the knowledge of the existence of the election prior to receiving the election package. For a voting in person election, the elector must know when the election is taking place and where to vote. While promotion and marketing can increase awareness it would be likely that the reach of this marketing and promotion would not inform all electors of the details, especially when past elections have been held by postal ballot.

For electors unable to attend a polling place, a facility is provided in the form of the postal voters register. Under Regulation 40 of the *Local Government (Elections) Regulations 1996* an elector may apply to receive a postal ballot in any in-person elections. Again, whether this option provides sufficient opportunity for all electors to have an equal opportunity to participate is questionable. Even with marketing it seems conceivable that an in-person election would result in some electors not participating that otherwise would.



### Election integrity

The events of the 2021 local government election in the North Ward have demonstrated the importance of maintaining the integrity of the electoral system. Neither postal voting nor in person voting are immune entirely to fraud.

That said postal voting appears to be more susceptible to being compromised by deliberate attempts to commit electoral fraud through theft and voter impersonation or general mischief resulting from the theft or destruction of voting materials that could prevent electors from casting a ballot. With postal voting it is possible for an individual or group of people to compromise the conduct of an election for the purposes of altering the outcome or generally causing mischief. While the opportunity exists for an elector who has not received an election package to request a replacement, limitations apply.

The opportunity for widespread electoral fraud through tampering with mailed election packages is significantly reduced with an in-person election. The challenge associated with this type of compromised election is that it can be very difficult to establish if and to what extent an election has been compromised and the only recourse available is through the Courts through an invalidity complaint and the holding of a fresh election.

Officers have concerns that the events of the North Ward election have tarnished confidence in the postal voting method to the extent that even an uncompromised election may be perceived to be compromised by allegations of misconduct. Proving that election misconduct has not occurred is perhaps more difficult than proving that misconduct has. In this environment, Officers note that a voting in-person election provides significantly greater certainty in ensuring electoral integrity.

### Cost

In February 2023, the WAEC wrote to local governments advising of the anticipated costs of the election based on a postal ballot involving five councillor vacancies (**attachment 2**). This cost estimate did not take into account the proposed electoral reforms or Council's decision to change the method of electing the Shire President.

Accordingly, as the configuration for the 2023 ordinary local government election is unknown at this time, Officers requested that the WAEC provide additional information regarding costs.

The WAEC has provided revised cost estimates in **attachment 3**.

These are summarised as follows:

Scenario	Postal Election	Voting In-Person (one polling place)
Per submission to the Local Government Advisory Board being <ul style="list-style-type: none"> <li>• 1 x Shire President (Entire District)</li> <li>• 1 x Councillor North West Ward</li> <li>• 1 x Councillor South Ward</li> </ul>	\$124,000	\$105,000
Local Government electoral reform pathway being: <ul style="list-style-type: none"> <li>• 1 x Shire President (Entire District)</li> <li>• 8 x Councillors (no wards)</li> </ul>	\$130,000	\$108,000



Scenario	Postal Election	Voting In-Person (one polling place)
In the event that neither the Shire's submission to the Local Government Advisory Board or the Local Government Amendment Bill 2023 is enacted being: <ul style="list-style-type: none"> <li>• 1 x Shire President (Entire District)</li> <li>• 2 x Councillors North West Ward</li> <li>• 2 x Councillors North Ward</li> <li>• 1 x Councillor South Ward</li> </ul>	\$126,000	\$105,000

The WAEC cost estimates are based on one supplied WAEC staff member during the early voting period. Officers propose that if Council opts for the in-person method that the WAEC supply additional staff members so that one WAEC Electoral Officer is at every polling place for the duration of the election. This is considered to be important to assist electors with questions regarding optional preferential voting and ensure that any complaints / queries regarding electoral matters can be responded to immediately.

This would be at additional cost to the quote above and could be several thousand dollars. Depending on Officer availability too the provision of polling places outside normal work hours may necessitate additional staff costs.

Following the Policy Concept Forum, Officers requested that the WAEC provide further costing information including day rates for WAEC supplied electoral officers.

The WAEC has advised that the day rate is \$425 a day. This would be the cost per day of operating an early polling place or polling place on election day in addition to one operated by the Returning Officer.

For example, if Council opted to operate two additional polling places (per the Officer's recommendation) the additional cost would be approximately \$18,700.

This means that the cost difference between an in-person run by the WAEC and a postal election is negligible.

As noted above, the overall direct costs for a voting-in person election are less than the costs of a postal election. However, because of the lower turnout from a voting in person election, on a per elector/vote basis a voting in person election is more costly than a postal election.

For example, based on an estimate of 21,275 electors and a participation rate of 30% for a postal election and 7.5% for a voting in person election the cost per returned ballot paper would be approximately:

- Postal election - \$19.40 per completed ballot paper
- In person election - \$65.80 per completed ballot paper.

In addition to the WAEC's direct costs, the holding of an in-person election would involve additional costs for promotion. Prior to the fresh election held in the North Ward promotion occurred through a social media campaign, physical banners and variable message boards. This was at the cost of approximately \$8,600. The full costs of promotion are proposed to be presented in a communication strategy for Council's consideration at a later date as described below.



As such when taken as the full costs of conducting the election, caution should be used in making a determination of election method solely based on the WAEC's cost estimates.

### Complexity

An important consideration is the complexity of Optional Preferential Voting. With the complexity of Optional Preferential Voting, it is conceivable that there will be an increase in informal ballot papers being submitted. In a postal voting scenario, the volume of informal ballot papers may be greater than an in person voting method because electors would receive instructions on how to complete the ballot in a valid manner immediately prior to completing their ballot paper from the Issuing Officer.

Likewise, if an elector identifies that they have marked the ballot incorrectly prior to casting their vote, this can be easily corrected through the issuing of a new ballot by an Issuing Officer at the polling place.

### Logistics

From a logistical perspective an in-person election is challenging but is not entirely impractical.

Section 4.62 of the Act states that:

- “(1) For every election in a district or a ward the returning officer is to ensure that there will be at least one polling place in the district that is open between 8 a.m. and 6 p.m. on election day.*
- (2) For a voting in person election in a district that is divided into wards, the returning officer is to ensure that there will be at least one polling place in each ward that is open between 8 a.m. and 6 p.m. on election day unless the returning officer determines that, in respect of a particular ward, it is not necessary or not practicable —*
- (a) to open a polling place in that ward on election day; or*
- (b) for there to be a polling place in that ward that is open all the time between 8 a.m. and 6 p.m. on election day.”*

### Venues for in-person election on election day, 21 October 2023

Assuming that the current ward configuration is maintained for the election in 2023, section 4.62 provides that a polling place is made available on election day on Saturday 21 October 2023 between 8am and 6pm in each of the Shire's three wards.

Under legislation it is the role of the Returning Officer to set the polling place locations. In practice, the WAEC takes guidance from the local government in such circumstances.

While there is no requirement for the polling place to be a Shire facility, in practice local government facilities tend to be used and are recommended because they provide guaranteed access, are logistically the simplest and provide an association to the local government.

Officers have identified locations which could be used as a polling place on election day on 21 October 2023 in each of the Shire's wards, being:

- Serpentine Jarrahdale Recreation Centre, 38 Mead Street Byford (North Ward)
- Oakford Community Hall, 53 Foxtan Drive Oakford (North West Ward)
- Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward)

In respect to the North Ward, the Serpentine Jarrahdale Recreation Centre located in the Shire's North Ward operated successfully from a logistical standpoint in the recent in-person election.



In respect to the North West Ward, identifying an appropriate polling place in the Shire's North West Ward is challenging owing to the largely decentralised population of the ward. However, the Oakford Community Hall in Oakford provides a suitable facility in the North West Ward that is available and can be used for this purpose. The option of Bill Hicks Pavilion has also been explored but this is not considered to be practical because the use of the Bill Hicks Pavilion would displace community users and lack of off-street parking.

In respect to the South Ward, the Serpentine Jarrahdale Civic Centre is recommended due to its availability, logistics such as parking and association with local government.

It should be noted that electors can attend any polling place to vote on election day regardless of what ward they reside in.

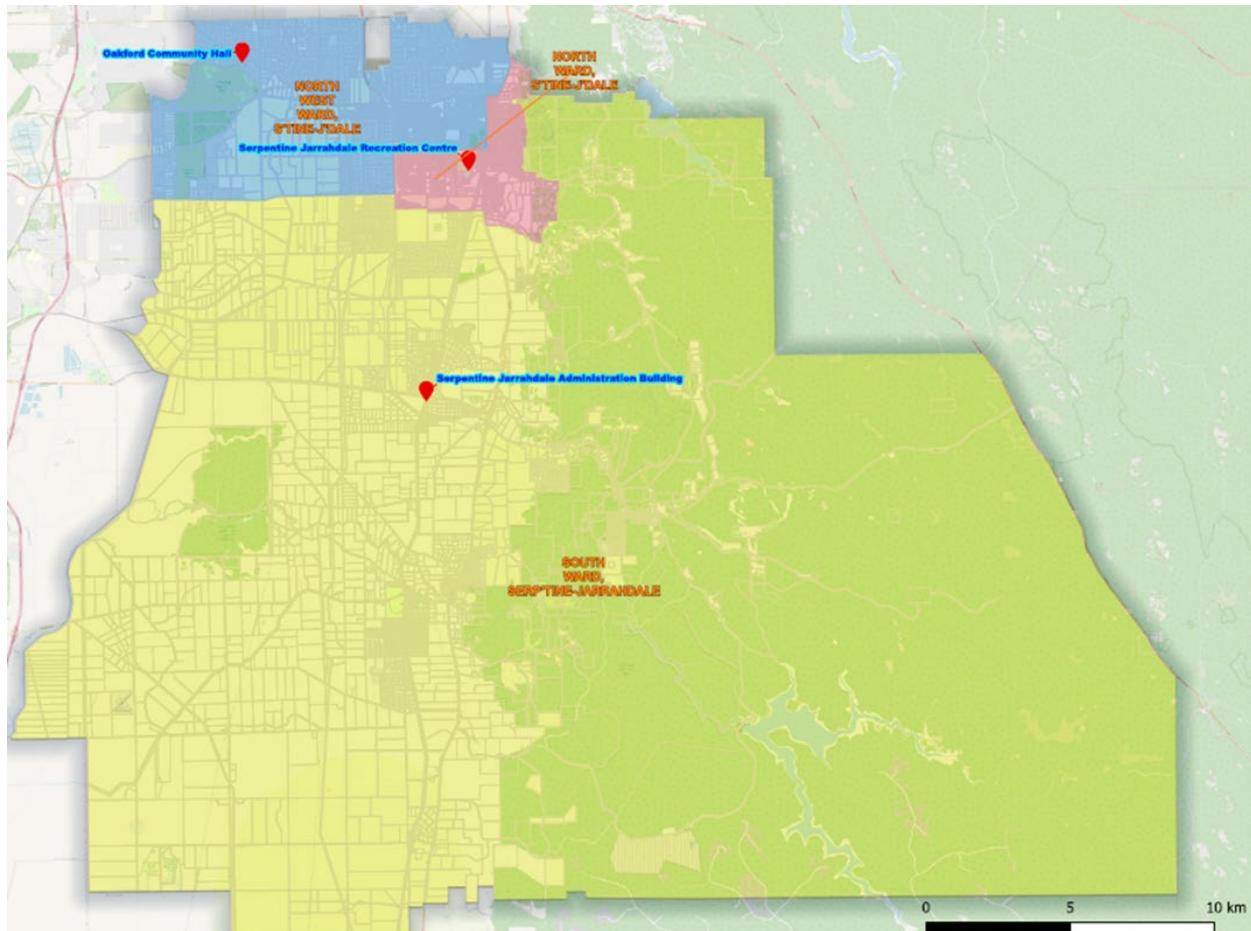
Council may wish to make recommendations to add or reduce the number of venues. Such consideration should be made on the practical basis for the venues which need to be able to accommodate an Electoral Officer, voting materials, a ballot box and a place where an elector's vote may be made in secret.

With additional sites accessibility to the election increases but at greater cost to the Shire.

As noted elsewhere the WAEC has identified that the cost for a WAEC supplied Electoral Officer is \$425 per officer per day.

Ultimately, the decision regarding venues is made by the Returning Officer.

The proposed venues for a polling places for an in-person local government election on election day are shown in the map below and in **attachment 4**.





### Venues for in-person early voting

While there is no requirement in legislation to provide a location for early voting in each ward, Officers recommend that if an in-person election was pursued by Council then early voting locations are provided in each ward.

These are recommended as follows:

- Co-Working Space Room, Serpentine Jarrahdale Library, 858 South Western Highway, Byford (North Ward)
- Oakford Community Hall, 53 Foxtan Drive Oakford (North West Ward)
- Serpentine Jarrahdale Administration Building, 6 Paterson Street Mundijong (South Ward)

As with locations for the polling place on election day, locations for early voting, legislation requires these locations to be set by the Returning Officer. In practice, the WAEC takes guidance from the local government in such circumstances.

Early voting locations are staffed by Shire Officers who have been sworn-in and trained as Electoral Officers by the WAEC. When not issuing early voting materials these Officers perform their administrative duties. It is proposed to make these early voting locations open and available from the date that the State-wide public notice is issued in accordance with the *Local Government Act 1995*. Currently this is no later than 19 days before the election which would be 2 October 2023. Under the *Local Government Amendment Bill 2023* this period would be extended by one week and commence on Monday, 26 September 2023.

It is proposed that early voting would be available at the following times:

Venue	Times
Co-Working Space Room, Serpentine Jarrahdale Library	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Oakford Community Hall	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Serpentine Jarrahdale Administration Building	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm

This timing has been considered with the aim of reducing impact of other uses while increasing access to the election. This is especially the case for the Oakford Community Hall which has a user of the facility on a weekday from 4:30pm.

Council may wish to make recommendations to add or reduce the number of venues. Such consideration should be made on the practical basis for the venues which need to be able to accommodate an Electoral Officer, voting materials, a ballot box and a place where an elector's vote may be made in secret.

With additional sites accessibility to the election increases but at greater cost to the Shire.

Ultimately, the decision regarding venues is made by the Returning Officer.

### Venue for count

As in previous years it is proposed that the Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong is used for the election night count. With the use of CountWA software using a facility with readily available information technology is especially important. The Civic Centre has the necessary information technology required to support count activities.



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### Communication strategy

It is recommended that if Council opts to seek that the WAEC conduct the 2023 ordinary election in-person that it considers adopting a communication strategy when Council formally resolves the method to conduct the election.

The objective of the communication strategy would be to advise the community of the change of method for the 2023 local government election and alert electors to the opportunity to vote at polling places prior to the election day through early voting, the opportunity to apply for a postal ballot and the location and time of the election day.

The communication strategy could incorporate methods including:

- a physical mail out to all electors;
- variable message boards; and
- social media.

As noted above implementation of the communication strategy will involve expenditure. The extent of that expenditure would be dependent on the options selected and further detail would be provided to Council when it was asked to make a decision on this matter.

### Recommended method

In 2021 Officers recommended that the fresh election to be held in the North Ward be conducted by the in-person voting method. This was because of the importance of restoring confidence in the electoral process following the compromised election conducted by the postal method in the North Ward in 2021.

Officers regard the conduct of the in-person election successful acknowledging that any in-person election's participation rate is going to be lower than one conducted by the postal method.

Postal voting provides greater ease and accessibility to the democratic processes but as demonstrated in 2021 can seemingly also be easily compromised leading to significant damage to the organisation as a civic authority.

Officers conclude that on balance the voting in person method provides assurance of the fair and sound conduct of the election and recommend that Council pursue the voting in person method for the 2023 ordinary local government election subject to:

- the provision of a polling place in each ward; and
- marketing and promotion per a communication strategy to be resolved by Council at a future meeting.

This approach should ensure community confidence in the election while attempting to maximise accessibility.

### Alternatives to the WAEC

Legislation provides that the only entities that can act as Returning Officer to conduct an election is the WAEC, the CEO or another entity with the agreement of the WAEC (but it has been the position of the WAEC consistently that it will not approve an entity other than the WAEC to conduct an election). Only the WAEC is permitted to conduct postal elections.

Officers most strongly do not recommend pursuing the option of the CEO acting as Returning Officer due to issues associated with cost, logistics and good governance.



The rationale for opposing an approach whereby the Shire would conduct its own election includes:

- Officers do not have the necessary expertise or experience to conduct an election as they relate to matters such as preparation of ballot papers, the collation of the electoral roll, taking nominations and confirming the eligibility of nominees, managing electoral conduct inquiries and complaints; the election count and certification of the result;
- attracting suitable personnel with expertise and experience in conducting elections may not be possible;
- if suitable personnel with expertise and experience were sourced, they would need to be trained in Shire systems and processes resulting in poorer governance outcomes as resources were diverted;
- conducting the election in-house would be more expensive, estimated to be at least \$300,000;
- having an independent authority conduct the election provides a clear statement that no individual person or body related to Council is having an influence over the democratic process;
- the CEO (an employee of Council) would be required to adjudicate on all manner of matters related to electoral conduct, queries and complaints related to the conduct of candidates, their supporters, social media posts, electoral advertising, and nomination validity which could lead to accusations of favouritism and bias as well as being organisationally inefficient;
- the risk for the organisation is that existing elected members and candidates could be perceived or seek to influence the election process through interaction with the CEO (as the employee of Council);
- the WAEC has a team of personnel which the Returning Officers draws upon regularly when considering matters associated with nominations, election signage, the validity of voting and count procedures that would not be available to the Shire if it was responsible for conducting the election. Officers have reservations regarding the capacity of the Department to assist in this regard given that the Minister has written to local governments recommending that they appoint the WAEC to conduct their election;
- conducting the election in-house would not lead to faster or more efficient resolution to issues associated with electoral conduct. The same powers provided for in the Act for investigating electoral misconduct and prosecutions for electoral offences exist for both elections run by the WAEC and the CEO. In both cases the Returning Officer may initiate an investigation and commence a prosecution;
- having an independent person who is not an employee of the Council being responsible for making decisions regarding electoral conduct investigations would appear to add rather than diminish good governance; and
- the new legislation introduces added complexity associated with optional preferential voting, new rules associated with owner/occupier eligibility and count backs which increases the likelihood of error.



These issues are expanded on below:

### *Complexity*

Conducting an election of the scale of that in Serpentine Jarrahdale is a complex exercise complicated by tasks such as administering postal ballots (which are still required in an in-person voting election for electors who select the postal method) which is further complicated by the introduction of Optional Preferential Voting. Officers do not have expertise in this regard and recent experience at a metropolitan local government that attempted to conduct its own election (Town of Cambridge) did not go well due to errors being made in the preparation of postal ballots.

In respect to the Town of Cambridge, Officer's note that at a Special Council Meeting held on 5 April 2023, the Town of Cambridge resolved that the WAEC would conduct their 2023 Ordinary Local Government election. The associated Officer's Report at the Town of Cambridge noted that having the WAEC conduct the election would provide:

*“Appropriate support to the Town in conducting the election, particularly noting the changes to the legislation.”*

Running the election without the WAEC would also require the Shire to licence CountWA from the WAEC at cost to the Shire. If Council wished to pursue this option a restructure of roles in the related work units is required and the acquiring of specialist skills and experience in the day-to-day conduct of elections (as opposed to oversight) is required.

This point is emphasised in the Minister's correspondence (**attachment 1**) which notes:

*“If a local government decides to license the software instead of appointing the Electoral Commissioner to conduct the election, the CEO (or other appointee) will remain wholly responsible for the conduct of the count, the use of the software, the introduction of the new OPV counting and backfilling provisions, and dealing with any disputes or complaints. The WAEC will only be able to provide general assistance on accessing and using the software.”*

Overall, the Minister recommends that as a result of the added complexity associated with the proposed electoral reforms that local governments appoint the WAEC to conduct the election where he writes:

*“Accordingly, I strongly urge all local governments to make arrangements as early as possible, and consider the appointment of the WAEC to conduct the elections.”*

### *Cost*

Conducting the election on its own would be more expensive rather than cheaper. This approach would require the temporary employment of at least four additional governance personnel for the extended election period at an estimated cost of \$170,000 (this figure includes estimated salary for the period plus associated Information Technology devices and on-costs). These personnel would be delegated responsibilities under section 4.21 to be Deputy Returning Officers.

Whether it would be possible to attract suitable people would be questionable and likely a premium would need to be paid. Additional costs of printing ballot materials, marketing and promotion of the election legal fees could be as much as an additional \$100,000. Licencing of the CountWA software which would be required under law is estimated to be over \$8,000.

These costs, roughly \$270,000, would be for an in-person election with the minimum number of pre-polling locations. Additional polling places would involve additional cost.

Under the Act, the CEO as Returning Officer has specific powers and duties in relation to the election that can only be performed by the CEO. An external contractor is not permitted under



legislation to perform these functions because under section 5.44 of the Act, delegation can only occur to an employee. This means that while the proposition of procuring external assistance to conduct the election may be viewed as an option, in practice the discretionary powers and duties of the Returning Officer would be required to be performed by the CEO with all of the associated problems listed above.

### *Integrity*

Such an approach could put Officers in a difficult position in the event that complaints are received regarding candidate conduct. In situations where the WAEC is not conducting the election, the CEO, who is a direct employee of the Council, would be responsible for ensuring the conduct of the election of their future employers. This is not an ideal situation in a local government as large and complex as the Shire.

In a scenario where the Shire conducted its own election, it would be responsible for the preparation and printing of ballot materials and conducting all aspects of the count process including determining any subsequent election results delivered by count back.

The Returning Officer also deals with day to day issues associated with electoral conduct, use of social media, signage and many other electoral issues. Ideally, this should be performed by an independent person.

In the event that any person wished to challenge the validity of the election result for any reason, including due to technical elements such as the accuracy of nomination forms or validity of election material, the Shire as the Returning Officer would be required to appear as a party in the matter regardless of the validity of the complaint.

This role would normally fall to the WAEC but because the Shire would be conducting the election on its own, any invalidity complaint would require the Shire to be represented in that legal action (it is important to note that in the case of the 2021 North Ward challenge, the Shire chose to launch an action through resolution of Council, if it did not only the WAEC would have been required to be the second party to the action.)

Section 4.96 of the Act states that:

- “1) The Electoral Commissioner or the returning officer may investigate whether misconduct, malpractice or maladministration has occurred in relation to an election.*
- 2) An investigation can be carried out on the initiative of the Electoral Commissioner or returning officer or in response to a complaint or information received from any other person (including a candidate).”*

Section 4.97 of the Act states that:

*“A prosecution for an offence against this Part may be commenced by the returning officer or any person referred to in section 9.24(1).”*

These sections mean that the Electoral Commission as the Returning Officer or the CEO when the CEO is the Returning Officer have the same powers related to investigating electoral misconduct or prosecuting electoral offences. The CEO when acting as the Returning Officer does not have additional powers to investigate or commence prosecutions.

Likewise, having an employee of the body that is tasked with investigating electoral conduct and prosecution of electoral offences would appear to lend itself to accusations of bias and political interference. Officers believe that having an independent umpire adjudicate on these matters is most important from a good governance perspective and restoring confidence in local democracy and the integrity of elections.



While the CEO does have the ability to appoint a Deputy Returning Officer who may perform the Returning Officers duties if they are absent or cannot otherwise perform their duties, the appointing a Deputy Returning Officer to effectively conduct the election would not be in keeping with the intent of the legislation, especially section 4.20 of the Act which provides that the agreement of the WAEC is required prior to appointing someone other than the CEO to be responsible for the election.

### Options and Implications

Officers preference would be for the resolution in this order.

#### Option 1

That Council:

1. NOTES the Minister's correspondence in **attachment 1** advising that with the introduction of Optional Preferential Voting the use of CountWA software will be mandated.
2. REQUESTS that the Chief Executive Officer seek the written agreement of the Western Australian Electoral Commissioner to conduct the 2023 Ordinary Local Government Election as a voting in person election.
3. NOTES that a response from the Western Australian Electoral Commission will be presented to Council for consideration where Council will formally be requested to resolve the election as a voting in person election.
4. RESOLVES that its recommended locations for polling places on election day, 21 October 2023 are:
  - Serpentine Jarrahdale Recreation Centre, 38 Mead Street Byford (North Ward)
  - Oakford Community Hall, 53 Foxtan Drive Oakford (North West Ward)
  - Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward)
5. RESOLVES that the Shire's recommended locations for the issuing of early ballots are:
  - Co-Working Space Room, Serpentine Jarrahdale Library, 858 South Western Highway, Byford (North Ward)
  - Oakford Community Hall, 53 Foxtan Drive Oakford (North West Ward)
  - Serpentine Jarrahdale Administration Building, 6 Paterson Street Mundijong (South Ward)
6. RESOLVES that the Shire's recommended availability for early voting will be from the date of the State-wide public notice at the following times:

Venue	Times
Co-Working Space Room, Serpentine Jarrahdale Library	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Oakford Community Hall	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Serpentine Jarrahdale Administration Building	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm

7. REQUESTS that the Western Australian Electoral Commissioner provide an Electoral Officer to oversee election activities at each of the polling places and NOTES that provision of



additional WAEC supplied Electoral Officers would be at additional cost to the quote provided in **attachment 3**.

8. NOTES that a communication strategy will be prepared for Council consideration when the Western Australian Electoral Commission's response is received.
9. NOTES that consideration of the method of future elections will be presented to Council following the next ward and representation review or prior to any extraordinary elections required in the intervening period.

### Option 2

That Council:

1. NOTES the Minister's correspondence in **attachment 1** advising that with the introduction of Optional Preferential Voting the use of CountWA software will be mandated.
2. NOTES that in accordance with the Shire's previous resolution of the 26 November 2018 Ordinary Council Meeting that the 2023 Ordinary Local Government Election will be conducted by the postal election method.

Option 1 is recommended.

### **Conclusion**

In response to the Minister's request for local governments to commence discussions with the WAEC as soon as practicable given the complexities of the 2023 local government ordinary election, this report which recommends that Council commence a process to pursue an in-person election method is presented for Council's consideration.

### **Attachments (available under separate cover)**

- **10.3.3 - attachment 1** – Correspondence from the Minister for Local Government regarding electoral reforms dated 3 February 2023 (IN23/3153)
- **10.3.3 - attachment 2** – Correspondence from the Western Australian Electoral Commission regarding electoral costs dated 9 February 2023 (IN23/3271)
- **10.3.3 – attachment 3** - Correspondence from the Western Australian Electoral Commission regarding revised electoral costs dated 24 February 2023 (E23/2661)
- **10.3.3 – attachment 4** – map of proposed polling places for in-person election on election day (E23/2667)

### **Alignment with our Strategic Community Plan**

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration



### Financial Implications

The various costs of the scenarios are described above.

Officers note that the WAEC's costs for conducting elections have increased since 2021. In 2021, the WAEC's estimated costs for a postal election were \$95,000, compared to the 2023 estimated costs which range from \$124,000 to \$130,000.

In their correspondence on the matter the WAEC attributes this increase in costs to include increases arising from inflation in recent years affecting salaries for Returning Officers and other staff, printing and packaging costs as well as the increase in postage announced by Australia Post. Additional costs from the Commission have been included arising from improved processing procedures and additional resources to supplement the Commission's education, complaints management, investigation and legal efforts.

Following the Policy Concept Forum, Officers requested that the WAEC provide further costing information including day rates for WAEC supplied electoral officers. The WAEC has advised that the day rate for a WAEC supplied electoral officer is \$425 per officer per day.

As the WAEC's quote was for one polling place staffed by a WAEC supplied Electoral Officer the Officer's recommended approach which involves three polling places operating for five and half days a week would cost approximately \$123,000. Marketing and promotion of the election would be an additional cost which would be outlined in the communication strategy.

An election conducted entirely by the Shire could cost as much as \$270,000.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There is a reputation risk associated with the lower participation rate from the in-person election method	Effective promotion of the change in method	Reputation	Possible	Moderate	MODERATE	
2	That the decision to hold a postal election may result community concern relating to the integrity of the election.	Nil	Reputation	Possible	Moderate	MODERATE	



**Voting Requirements:** Simple Majority

Officer Recommendation

That Council:

1. NOTES the Minister's correspondence in attachment 1 advising that with the introduction of Optional Preferential Voting the use of CountWA software will be mandated.
2. REQUESTS that the Chief Executive Officer seek the written agreement of the Western Australian Electoral Commissioner to conduct the 2023 Ordinary Local Government Election as a voting in person election.
3. NOTES that a response from the Western Australian Electoral Commission will be presented to Council for consideration where Council will formally be requested to resolve the election as a voting in person election.
4. RESOLVES that its recommended locations for polling places on election day, 21 October 2023 are:
  - Serpentine Jarrahdale Recreation Centre, 38 Mead Street Byford (North Ward)
  - Oakford Community Hall, 53 Foxton Drive Oakford (North West Ward)
  - Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward)
5. RESOLVES that the Shire's recommended locations for the issuing of early ballots are:
  - Co-Working Space Room, Serpentine Jarrahdale Library, 858 South Western Highway, Byford (North Ward)
  - Oakford Community Hall, 53 Foxton Drive Oakford (North West Ward)
  - Serpentine Jarrahdale Administration Building, 6 Paterson Street Mundijong (South Ward)
6. RESOLVES that the Shire's recommended availability for early voting will be from the date of the State-wide public notice at the following times:

Venue	Times
Co-Working Space Room, Serpentine Jarrahdale Library	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Oakford Community Hall	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm
Serpentine Jarrahdale Administration Building	Weekdays 9:00am – 4:00pm Saturday 9:00am – 12:00pm

7. REQUESTS that the Western Australian Electoral Commissioner provide an Electoral Officer to oversee election activities at each of the polling places and NOTES that provision of additional WAEC supplied Electoral Officers would be at additional cost to the quote provided in attachment 3.
8. NOTES that a communication strategy will be prepared for Council consideration when the Western Australian Electoral Commission's response is received.



9. NOTES that consideration of the method of future elections will be presented to Council following the next ward and representation review or prior to any extraordinary elections required in the intervening period.

**OCM076/04/23**

**MOTION**

**Moved Cr Rich, seconded Cr Atwell**

**That Council:**

1. **NOTES** the Minister's correspondence in attachment 1 advising that with the introduction of Optional Preferential Voting the use of CountWA software will be mandated.
2. **NOTES** that in accordance with the Shire's previous resolution of the 26 November 2018 Ordinary Council Meeting that the 2023 Ordinary Local Government Election will be conducted by the postal election method.

**MOTION LOST 2/5**

**MOTION**

**Moved Cr Duggin, seconded Cr Dagostino**

**That Council:**

1. NOTES the Minister's correspondence in attachment 1 advising that with the introduction of Optional Preferential Voting the use of CountWA software will be mandated.
2. REQUESTS that the Chief Executive Officer seek the written agreement of the Western Australian Electoral Commissioner to conduct the 2023 Ordinary Local Government Election as a voting in person election.
3. NOTES that a response from the Western Australian Electoral Commission will be presented to Council for consideration where Council will formally be requested to resolve the election as a voting in person election.
4. RESOLVES that its recommended locations for polling places on election day, 21 October 2023 are:
  - Serpentine Jarrahdale Recreation Centre, 38 Mead Street Byford (North Ward)
  - Oakford Community Hall, 53 Foxtan Drive Oakford (North West Ward)
  - Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward)
5. RESOLVES that the Shire's recommended locations for the issuing of early ballots are:
  - Co-Working Space Room, Serpentine Jarrahdale Library, 858 South Western Highway, Byford (North Ward)
  - Oakford Community Hall, 53 Foxtan Drive Oakford (North West Ward)
  - Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward)
  - Clem Kentish Hall, Serpentine, 24 Wellard St Serpentine (South Ward)
  - Bruno Gianatti Hall, 8 Munro St, Jarrahdale (South Ward)



6. RESOLVES that the Shire's recommended availability for early voting will be from the date of the State-wide public notice at the following times:

Venue	Times
Co-Working Space Room, Serpentine Jarrahdale Library	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm Wednesday, 18 October 2023 1pm – 4pm Thursday, 19 October 2023 1pm – 4pm Friday, 20 October 2023 1pm – 4pm
Oakford Community Hall	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm
Serpentine Jarrahdale Civic Centre	Weekdays 9am – 4pm Saturdays 9am – 4pm
Clem Kentish Hall	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm
Bruno Gianatti Hall	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm

7. REQUESTS that the Western Australian Electoral Commissioner provide an Electoral Officer to oversee election activities at each of the polling places and NOTES that provision of additional WAEC supplied Electoral Officers would be at additional cost to the quote provided in attachment 3.
8. NOTES that a communication strategy to promote and advertise that the 2023 ordinary local government election will be a voting in-person election with the option for electors to instead receive a postal ballot will be prepared for Council consideration when the Western Australian Electoral Commission's response is received and REQUESTS that this draft include an information sheet prepared by Officers regarding the election arrangements to be provided with the 2023-24 rates notice which is suitable for Councillors and candidates to also share to promote the 2023 ordinary local government election.
9. NOTES that consideration of the method of future elections will be presented to Council following the next ward and representation review or prior to any extraordinary elections required in the intervening period.

### OCM077/04/23

#### AMENDMENT

**Moved Cr Rich, seconded Cr Atwell**

**In points 5 and 6, replace Co-Working Space Room, Serpentine Jarrahdale Library, with Serpentine Jarrahdale Recreation Centre.**

**MOTION LOST 2/5**

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

*Councillors Rich and Atwell voted FOR the motion.*

*Councillors Coales, Dagostino, Duggin, Mack and Strautins voted AGAINST the motion.*



**OCM078/04/23**

**AMENDMENT**

**Moved Cr Rich, seconded Cr Atwell**

**That Clem Kentish Hall and Bruno Gianatti Hall are added to point 4 as polling places on election day.**

**MOTION LOST 2/5**

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

*Councillors Rich and Atwell voted FOR the motion.*

*Councillors Coales, Dagostino, Duggin, Mack and Strautins voted AGAINST the motion.*

**OCM079/04/23**

**AMENDMENT**

**Moved Cr Mack, seconded Cr Strautins**

**Add a point 10, requests the Chief Executive Officer request that the returning officer provide a weekly update on the number of ballots issued, to all candidates and the Chief Executive Officer, via email and for publication on the Shire's website.**

**CARRIED 5/2**

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

*Councillors Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.*

*Councillors Rich and Atwell voted AGAINST the motion.*

**OCM080/04/23**

**COUNCIL RESOLUTION / SUBSTANTIVE MOTION**

**Moved Cr Duggin, seconded Cr Dagostino**

**That Council:**

- 1. NOTES** the Minister's correspondence in attachment 1 advising that with the introduction of Optional Preferential Voting the use of CountWA software will be mandated.
- 2. REQUESTS** that the Chief Executive Officer seek the written agreement of the Western Australian Electoral Commissioner to conduct the 2023 Ordinary Local Government Election as a voting in person election.
- 3. NOTES** that a response from the Western Australian Electoral Commission will be presented to Council for consideration where Council will formally be requested to resolve the election as a voting in person election.
- 4. RESOLVES** that its recommended locations for polling places on election day, 21 October 2023 are:
  - **Serpentine Jarrahdale Recreation Centre, 38 Mead Street Byford (North Ward)**
  - **Oakford Community Hall, 53 Foxtan Drive Oakford (North West Ward)**
  - **Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward)**



5. **RESOLVES** that the Shire’s recommended locations for the issuing of early ballots are:
- Co-Working Space Room, Serpentine Jarrahdale Library, 858 South Western Highway, Byford (North Ward)
  - Oakford Community Hall, 53 Foxtan Drive Oakford (North West Ward)
  - Serpentine Jarrahdale Civic Centre, 6 Paterson Street Mundijong (South Ward)
  - Clem Kentish Hall, Serpentine, 24 Wellard St Serpentine (South Ward)
  - Bruno Gianatti Hall, 8 Munro St, Jarrahdale (South Ward)
6. **RESOLVES** that the Shire’s recommended availability for early voting will be from the date of the State-wide public notice at the following times:

Venue	Times
Co-Working Space Room, Serpentine Jarrahdale Library	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm Wednesday, 18 October 2023 1pm – 4pm Thursday, 19 October 2023 1pm – 4pm Friday, 20 October 2023 1pm – 4pm
Oakford Community Hall	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm
Serpentine Jarrahdale Civic Centre	Weekdays 9am – 4pm Saturdays 9am – 4pm
Clem Kentish Hall	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm
Bruno Gianatti Hall	Saturday, 7 October 2023 9am – 4pm Saturday, 14 October 2023 9am – 4pm

7. **REQUESTS** that the Western Australian Electoral Commissioner provide an Electoral Officer to oversee election activities at each of the polling places and **NOTES** that provision of additional WAEC supplied Electoral Officers would be at additional cost to the quote provided in attachment 3.
8. **NOTES** that a communication strategy to promote and advertise that the 2023 ordinary local government election will be a voting in-person election with the option for electors to instead receive a postal ballot will be prepared for Council consideration when the Western Australian Electoral Commission’s response is received and **REQUESTS** that this draft include an information sheet prepared by Officers regarding the election arrangements to be provided with the 2023-24 rates notice which is suitable for Councillors and candidates to also share to promote the 2023 ordinary local government election.
9. **NOTES** that consideration of the method of future elections will be presented to Council following the next ward and representation review or prior to any extraordinary elections required in the intervening period.



**10. REQUESTS the Chief Executive Officer request that the returning officer provide a weekly update on the number of ballots issued, to all candidates and the Chief Executive Officer, via email and for publication on the Shire's website.**

**CARRIED 5/2**

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

*Councillors Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.*

*Councillors Rich and Atwell voted AGAINST the motion.*

*Reason for difference to Officer Recommendation*

*To allow for higher community coverage and increased advertising, with restrictions to maintain high level democracy, managing costs and staffing requirements.*



**10.3.4 – OneComm: Consolidation Phase Progress and Issues Update (SJ4034)**

<b>Responsible Officer:</b>	Manager Information Communication Technology
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officer's Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

**Authority / Discretion**

Information	For the Council to note.
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**Report Purpose**

The purpose of this report is to seek Council to NOTE the progress and issues relating to the OneComm Consolidation Phase implementation.

**Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 12 December 2022 – OCM314/12/22 – COUNCIL RESOLUTION / Officer Recommendation*

*That Council:*

- 1. NOTES the quarterly report relating to the review of the OneComm modules and improvements to the system; and*
- 2. AGREES to the scope of the OneComm Consolidation Phase, as per CONFIDENTIAL attachment 1, prioritising customer facing enhancements, followed by internal efficiency enhancements*

*Ordinary Council Meeting – 19 September 2022 – OCM234/09/22 – COUNCIL RESOLUTION*

*That Council:*

- 1. APPROVES the deferral of OneComm Phase 3 and the Investment Prioritisation and Optimisation module;*
- 2. NOTES the revised Long-Term Financial Plan OneComm implementation financial projections for the 2024-2025 Financial Years as listed under the financial implications section of this report; and*
- 3. REFER the One Comm management software contract renegotiation to the Audit Risk and Governance Committee for the Audit Risk and Governance Committee to draft a policy direction to bring back to Council before end 2022, that places an expenditure limit on the One Comm project spending per financial year as a percentage of Rates income.*



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## Background

At the Ordinary Council Meeting dated 12 December 2022 (OCM314/12/22), Council noted the quarterly report relating to:

- The review of the OneComm modules and improvements to the OneComm system; and
- Agreed to the scope of the OneComm Consolidation Phase prioritising customer facing enhancements, followed by internal efficiency enhancements.

This report is the second quarterly report relating to the review of the OneComm Consolidation Phase enhancements which commenced in January 2023 and is scheduled for a period of nine (9) months.

## Community / Stakeholder Consultation

The Executive Management Team, Business Unit Managers and staff were consulted throughout October 2022 as per the following process:

- Briefings at Business Unit Manager Meetings;
- All staff briefings;
- Presentations to OneComm Module owners;
- Business Unit Manager's consulting with the teams; and
- Notifications to all staff via the Shire's Intranet – Grapevine.

## Statutory Environment

The *State Records Act 2000* which governs the recordkeeping for all State and Local Government organisations in Western Australia.

The State Records Commission of Western Australia - Standard 8 – Managing Digital Information.

## Comment

### Consolidation Phase Strategy

The overall list of OneComm Consolidation Enhancements has been divided into 3 three-month blocks for implementation and reporting. The first 3-month implementation block being January 2023 to March 2023 (i.e. Q1), the second April 2023 to June 2023 (i.e. Q2) and the final implementation block being July to September 2023 (i.e. Q3). The implementation strategy was based on three (3) permanent staff in the Onecomm team.

### Priority of Enhancements

The priority by each enhancement request has been set by the relevant module owner (Business Unit Manager) and these priorities have been moderated across all the OneComm modules based on Executive Management direction in November 2022 as per the following:

- The priority of the OneComm Consolidation Phase is the customer. That is, customer facing requests for enhancements will take priority over internal operational efficiencies; and
- The priority of operational efficiencies will be focussed on
  - Compliance (Volunteer Bush Fire Brigade Management and Staff attendance timesheets to comply with Industrial Relation Laws);



- Improving the quality asset of data;
- Operational works (including Fleet) and mobility; and
- Project management of capital projects.

### Progress Update

The following OneComm consolidation enhancement requests have been completed from 9 January 2023 to 31 March 2023:

Item	Description	Category
1	Customer Requests - Satisfaction Survey – Add a free text box	Customer
2	Customer Requests - Satisfaction Survey – Add a customer follow up option	Customer
3	Develop the Asset Field App for Inspections of Open Spaces	Customer
4	Customer Requests - Process Review Streamline	Customer
5	Customer Requests - Satisfaction Survey – Add a customer follow up option	Customer
6	Customer Requests - Satisfaction Survey – Add a customer follow up option	Customer
7	Customer Requests – Review and consolidate customer request categories	Customer
8	Customer Requests – Review customer communication templates	Customer
9	Customer Requests – Review and improve the customer resolution and communication notes	Customer
10	Setup OneComm for the revaluation of all Assets (over 60,000)	Customer
11	Transition from Litmos to the new e-Learning Management System	Compliance
12	Implement Attendance Timesheets for compliance with industrial relation laws	Compliance
13	Develop e-Form – Request to Use Shire’s Purchasing (Credit) Card	Efficiency
14	Zoom Extents in the Map Window in OneComm to be enhanced	Efficiency
15	Spatial Data Synchronisation Process to OneComm & Intramaps - Improve robustness of solution	Efficiency
16	Development of a Project Lifecycle Management Business Operating Procedure	Efficiency
17	Develop e-Form – Request for Higher Duties	Efficiency
18	Develop e-Form – Flexible Work Arrangements	Efficiency
19	Project Lifecycle Management – Review and automate the Project Change Request approval process	Efficiency



Item	Description	Category
20	Project Lifecycle Management – Improved use of the ‘Stage Gates’ register to manage approval of project phases (ie Procurement, Design, Construction, etc)	Efficiency
21	Project Lifecycle Management Introduction of a ‘Parent’ project function to improve record keeping and reduce administration burden	Efficiency

In summary, excellent progress has been made in:

- Improving the Customer Request system and associated business processes;
- Setting up the OneComm mobile application for Playground Inspections;
- Setting up the Asset system in preparation for the revaluation of around 60,000 assets;
- Developing e-Forms to replace the manual paper-based business process for requesting and approving Credit Card purchases, Higher Duties and Flexible Work Arrangements; and
- Compliance with:
  - The updating staff training material, using a new e-learning system, to streamline staff inductions and to improve compliance with policy;
  - Staff attendance records.
- Improvements in Project Management of Capital Projects. A resource to manage the Shire’s Project Management Office was appointed in late December 2022, following a restructure of the Governance team. The priority has been to mature and enhance the project life cycle management framework with a particular focus on developing tools and templates to ensure consistency and compliance with the Shire’s Project Management Framework. Secondly, for all major and new capital projects the development of baseline documents such as project plans is being undertaken. Work has also been undertaken to transfer project information from legacy systems (e.g. server folders and spreadsheets) into the Project Lifecycle Management module. This work assists to identify where the Project Lifecycle Management module requires enhancement and will continue to do so. Further work to imbed the Project Management Framework and supporting Project Lifecycle Management module will continue as projects transfer to the new way of working.

### Capacity

As previously reported to Council, due to the volume of OneComm enhancement requests received, the OneComm team will not have the capacity to complete all the enhancement requests by September 2023. Exacerbating this capacity issue is the fact that the original capacity was based on the availability of the three (3) OneComm team members to complete the high priority enhancement requests. However, due to staff turnover the OneComm team has only two (2) resources to complete these requests for the majority of the duration of the Consolidation Phase. As a result, the number of enhancement requests planned for implementation will be around 30% less than planned. Whilst the Shire has recruited a replacement Business Systems Analyst, they will take some time to learn the OneComm system before they are fully productive.

The enhancements requests related to improving Operational works (including Fleet) and mobility were originally planned for implementation in the first block of implementation as they were given the highest priority by the Manager Operations and Manager Fleet and Waste.



However, two issues have occurred that impacts on the ability of the OneComm team to deliver, these being:

- Resignation of the Manager Operations. To effectively lead, what will be the third iteration of launching Operational Works, a replacement substantive Manager Operations is required to lead and drive the implementation of process and people improvement; and
- Resignation of the Manager Fleet and Waste. To effectively re-launch the Fleet Module a leader of this Business Unit is required and a replacement substantive Manager Fleet and Waste is essential.

In addition to the above-mentioned issues there is an active external review of the Operations Business Unit (Glen Flood Group) which, in all likelihood, will recommend changes in how the Operations Business Unit operates, is resourced and funded.

Implementing OneComm system improvements without addressing the leadership, process problems and recommendations of the Glen Flood Group and the Fleet Business Units will, in all likelihood, not result in achieving the end goal - improving customer service. Without addressing the key leadership and process issues, just focusing on the IT system will, at best, result in OneComm system re-work, additional staff training and greater change management in the short term.

Notwithstanding the above, each time a new Manager Operations has commenced, the OneComm team has re-developed the OneComm Works system to align with the new business processes that each new Manager prefers. This has happened three (3) times in the past 2 years at a significant effort and cost. The OneComm Team does not have the capacity to continually reconfigure the Works system as it redirects resources away from other priority OneComm enhancements. Therefore, the OneComm Team is waiting the following before proceeding:

- a) The replacement of Business Unit Managers (Operations & Fleet) and for the new Managers to have had an opportunity to review their business processes; and
- b) The Glen Flood Group review to be published so an assessment on the full impact to Operations business processes, structure and the Works system can be ascertained. This report will have an impact on how the OneComm system is setup.

Notwithstanding the above, the OneComm team with the input of key stakeholders across the organization has made good progress with improving the customer experience, compliance, project management and the quality of the Shire's asset data.

## **Options and Implications**

### Option 1

That Council NOTES the quarterly progress report and issues relating to the implementation of the OneComm Consolidation Phase.

### Option 2

That Council DOES NOT NOTE the progress and issues relating to the OneComm Consolidation Phase.

Option 1 is recommended.

**Conclusion**

Significant improvements have been made with the:

- Setup of the customer request management system and this will flow through to an improved customer experience and staff efficiencies in the processing customer requests;
- Configuration of the Asset management system to improve the quality of asset data and to augment the planned revaluation of over 60,000 assets this financial year;
- Compliance with policy and legislation with a new e-learning system and content and a new staff attendance recording system; and
- Various improvements with the project management of capital projects in terms of procedures, processes and automation.

Furthermore, the Shire has started its journey to introduce e-forms to replace the many manual paper-based processes.

Post the completion of customer, compliance, project management and asset management enhancement requests, the aim is to work through as many other high priority OneComm enhancement requests as possible through to the end of September 2023, with a reduced resource capacity, and to re-prioritise the enhancement requests based on the availability of business unit managers. Any unfilled requests will be progressed as business-as-usual post September 2023.

**Attachments (available under separate cover)**

Nil.

**Alignment with our Strategic Community Plan**

The proposed Integrated Enterprise Resource Planning Systems Strategy is critical to the Shire's efficient and effective operations as it aligned to the Strategic Community Plan 2017-2027 with particular reference to:

<b>Outcome 3.4</b>	An innovation centre of excellence
<b>Strategy 3.4.1</b>	Identify and promote innovation and education opportunities
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest
<b>Strategy 4.2.2</b>	Ensure appropriate Long-Term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

Innovation was also recognised in the Strategic Community Plan 2017-2027 for Serpentine Jarrahdale 2050 core community aspirations whereby *"The Shire's community are open to new technologies and embracing innovation. Respondents indicate that the Shire has an opportunity to be progressive and embrace change and creative thinking"*.



### Financial Implications

There are no Long-Term Financial Plan implications.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	OneComm Consolidation Phase Quarterly Update on progress and Issues is Approved.	OneComm Consolidation List of Enhancements	Organisational Performance	Possible	Minor	LOW	Regular Progress Status Reports to the Executive Team
2	OneComm Consolidation Phase Quarterly Update on progress and issues is Not Approved.	OneComm Consolidation List of Enhancements	Organisational Performance	Rare	Moderate	SIGNIFICANT	Regular Progress Status Reports to the Executive Team

**Voting Requirements:** Simple Majority

### OCM081/04/23

#### COUNCIL RESOLUTION / Officer Recommendation

**Moved Cr Strautins, seconded Cr Dagostino**

**That Council NOTES the quarterly progress report and issues relating to the implementation of the OneComm Consolidation Phase.**

**CARRIED UNANIMOUSLY 7/0**



Continued

## Ordinary Council Meeting Minutes Monday, 17 April 2023

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### **10.4 Community Engagement reports:**

**Nil Reports.**



### 10.5 Executive Services reports:

<b>10.5.1 – Status Report of CEO KPI's for the 2022/23 FY (SJ4082)</b>	
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officer's Interest:</b>	<p>Chief Executive Officer, Mr Paul Martin, has declared a Financial Interest in item <b>10.5.1</b> as, as CEO, Council is assessing the performance and achievement of Mr Martin's KPIs.</p> <p>As the performance criteria and any changes to that performance criteria must be mutually agreed between the local government and the CEO, it is not appropriate for Mr Martin to leave the room, as has been customary.</p> <p>Per the Department of Local Government, Sport and Cultural Industries Operational Guidelines, there is no legislative requirement for employees to leave the meeting when a disclosure has been made. Disclosures of interest will be recorded in accordance with the legislative requirements of section 5.70 of the Act.</p>

#### Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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#### Report Purpose

The purpose of this report is to present to Council the outcomes of the workshop between Councillors and the Chief Executive Officer including:

1. A report on the Status of CEO KPIs.
2. Allowing Council to formally consider any mutually agreed changes to the CEO KPIs.

#### Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 20 February 2023 – OCM005/02/23 – COUNCIL RESOLUTION That Council:</i></p> <ol style="list-style-type: none"> <li>1. <i>RECEIVES the Unconfirmed Minutes of the CEO Employment Committee Meeting held on 6 February 2023 (E23/1608).</i></li> <li>2. <i>ADOPTS CEO Employment Committee Resolution CEO003/02/23 and:</i> <ol style="list-style-type: none"> <li>1. <i>Having received the agreement of the CEO, APPOINTS Angie Dominish of Price Consulting to be the independent facilitator in accordance with Clause 16 of the Standards for CEO Recruitment, Performance and Termination for a period of two years, being the 2023 and 2024 processes.</i></li> <li>2. <i>REQUESTS that arrangements are made for the independent facilitator to prepare a draft process for CEO performance review processes in writing for consideration of the</i></li> </ol> </li> </ol>
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*CEO and Council in time for consideration by the CEO Employment Committee on Monday, 1 May 2023, including processes and arrangements for future CEO KPI setting.*

3. *RESOLVES that a Special CEO Employment Committee Meeting be held on Monday, 1 May 2023 at 5:30pm in the Council Chambers, Shire of Serpentine Jarrahdale Civic Centre, 6 Paterson Street, Mundijong, for the purpose of 'Considering the documented process by which the CEO's performance is reviewed in accordance with Schedule 2 of the Local Government (Administration) Regulations 1996'.*
4. *REQUESTS that arrangements are made for a workshop to enable the CEO to provide a status update / report on 2022-23 CEO KPIs in March 2023, to be held on Wednesday, 8 March 2023 commencing at 6pm.*

### **Background**

This is now the second year running where a mid-cycle report on the progress of KPIs has been prepared by the Chief Executive Officer and workshopped with Councillors.

The workshop occurred on Wednesday, 8 March 2023 as per Council resolution.

### **Community / Stakeholder Consultation**

Nil.

### **Statutory Environment**

Part 5 Division 4 of the *Local Government Act 1995* addresses employment arrangements for local government employees, including the CEO. Section 5.39A of the Act sets out that local governments must adopt model standards for CEO recruitment, performance and termination. The Shire adopted the model standards in June 2021 and is published on the Shire's website.

While a report on progress of CEO KPIs is not a requirement of the model standards, it could assist in meeting the requirement of clause 17 of the standards to "Collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner".

The [Department's Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination](#) notes the importance of providing the CEO regular feedback on their where it states:

*"It is recommended that the council engages in regular discussions with the CEO regarding their performance against the performance criteria, including progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to the performance criteria should also be discussed, and agreed to, between the council and the CEO, as the matter arises."*

Clause 16 of the model standards states that the local government and the CEO must agree on any performance criteria to be met by the CEO that are in addition to the contractual performance criteria. This means that the performance criteria and any changes to that performance criteria must be mutually agreed.

**Comment**

The status of the CEO KPIs and any mutually agreed changes discussed at the workshop are reflected in **CONFIDENTIAL attachment 1** for Councils consideration.

If Council wants to discuss questions or make changes to this report it is recommended the Council goes behind closed doors.

**Options and Implications**Option 1

That Council ADOPTS the recommendations outlined in **CONFIDENTIAL attachment 1**.

Option 2

That Council DOES NOT ADOPT the recommendations outlined in **CONFIDENTIAL attachment 1**.

Option 1 is recommended.

**Conclusion**

The workshop to consider the CEO KPIs was conducted in accordance with the Council resolution. The Workshop was facilitated by an independent consultant who also facilitates the annual CEO performance review.

The outcomes report of the workshop prepared by the independent consultant is now presented to Council for consideration.

**Attachments (available under separate cover)**

- **10.5.1 – CONFIDENTIAL - attachment 1** – Summary Report – CEO Performance Status Review 2022-23 (E23/4447)

**Alignment with our Strategic Community Plan**

<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

**Financial Implications**

The cost of the consultant facilitating the Workshop with Councillors and preparing the summary report is included as part of the overall engagement for the CEOs annual performance review and KPI setting.



### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	If Council was not to adopt the recommendations in CONFIDENTIAL attachment 1, it may constrain the capacity to undertake an effective performance review consistent with the provisions of the Standards into the future.	Nil	Organisational Performance	Unlikely	Moderate	MODERATE	

**Voting Requirements:** Simple Majority

### OCM082/04/23

#### COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Duggin, seconded Cr Atwell

That Council **ADOPTS** the recommendations outlined in CONFIDENTIAL attachment 1.

**CARRIED UNANIMOUSLY 7/0**



**10.6 Confidential reports:**

**10.6.1 - CONFIDENTIAL – Allegation of breach of code of conduct – SJ2023-1 (SJ3105)**

<b>Disclosure of Officer’s Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
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**OCM083/04/23**

**COUNCIL RESOLUTION**

**Moved Cr Duggin, seconded Cr Mack**

**That the meeting be closed to members of the public while item 10.6.1 is discussed pursuant to section 5.23(2)(b) and (f) of the *Local Government Act 1995*.**

**CARRIED UNANIMOUSLY 7/0**

**At 9:31pm, the meeting went behind closed doors.**

**Officers assisting the Meeting stopped the recording of the Meeting.**

**The following Officers left the meeting at 9:31pm and did not return:**

- Mr R Najafzadeh.....Director Infrastructure Services
- Mr B Oliver.....Director Community Engagement
- Mr A Trosic .....Director Development Services

**The following Officer left the meeting at 9:31pm.**

- Ms M Gibson.....Governance Officer – Council and Committees (Minute Taker)

**The Manager Governance and Strategy, Dr K Parker, assumed the role of the Minute Taker.**

**Voting Requirements:** Simple Majority

Officer Recommendation

For Council’s consideration.

**MOTION**

Moved Cr Duggin

That Council:

1. RESOLVES that the alleged breach dated 15 March 2023 related to the conduct of Cr Dave Atwell is substantiated based on the reason that the complaint was properly made and met the relevant elements for determining a breach in accordance with this code and that the local government having consulted with the person by providing the opportunity presented in the response form, adopts the following requirements as a plan under Regulation 12 of the *Local Government (Model Code of Conduct) Regulations 2021* and requires the person to whom the complaint relates to by 17 June 2023:
  - undertake counselling.



2. RESOLVES that that the completed complaint form and response form, if it was provided prior to the meeting, be made available for public inspection by including them as attachments to the minutes of the meeting.

**Councillor Coales left the meeting at 10:03pm.**

**Councillor Coales returned to the meeting at 10:04pm.**

**In accordance with clause 10.15 of the *Standing Orders Local Law 2002 (as amended)*, Councillor Duggin withdrew the above motion with consent of the meeting.**

**OCM084/04/23**

**MOTION**

**Moved Cr Coales, seconded Cr Strautins**

**That Council:**

1. RESOLVES that the alleged breach dated 15 March 2023 related to the conduct of Cr Dave Atwell is substantiated based on the reason that the complaint was properly made and met the relevant elements for determining a breach in accordance with this code and that the local government takes no further action.
2. RESOLVES that that the completed complaint form and response form be made available for public inspection by including them as attachments to the minutes of the meeting.

**MOTION LOST 1/6**

**OCM085/04/23**

**COUNCIL RESOLUTION**

**Moved Cr Coales, seconded Cr Dagostino**

**That Council RESOLVES that the alleged breach dated 15 March 2023 related to the conduct of Cr Dave Atwell is substantiated based on the reason that the complaint was properly made and met the relevant elements for determining a breach in accordance with this code and that the local government having consulted with the person by providing the opportunity presented in the response form, adopts the following requirements as a plan under Regulation 12 of the *Local Government (Model Code of Conduct) Regulations 2021* and requires the person to whom the complaint relates to commence by 17 June 2023:**

- undertake counselling.

**CARRIED 6/1**

*Councillor Coales, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.  
Councillors Atwell, Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.  
Councillor Rich voted AGAINST the motion.*



**OCM086/04/23**

**COUNCIL RESOLUTION**

**Moved Cr Mack, seconded Cr Atwell**

**That the meeting be reopened to members of the public.**

**CARRIED UNANIMOUSLY 7/0**

**At 10:18pm, the doors were reopened and the public returned to the Gallery.**

**Ms M Gibson, Governance Officer – Council and Committees (Minute Taker), returned to the meeting at 10:18pm.**

**Officers assisting the Meeting resumed the recording of the Meeting.**

**Presiding Member, Councillor Rich advised the public gallery of the Council Resolution for item 10.6.1.**



**11. Urgent business:**

OCM087/04/23

**COUNCIL RESOLUTION**

Moved Cr Coales, seconded Cr Strautins

In accordance with clause 15.6 of the *Standing Orders Local Law 2002 (as Amended)* moves a motion of dissent with the ruling of the Presiding Member.

**CARRIED 5/2**

OCM088/04/23

**COUNCIL RESOLUTION**

Moved Cr Mack, seconded Cr Strautins

That Council **RESOLVES** a motion of no confidence in our Shire President.

**CARRIED 5/2**

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

*Councillors Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.  
Councillors Rich and Atwell voted AGAINST the motion.*

**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 10:50pm.

Officers assisting the Meeting stopped the recording of the Meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 15 May 2023.

..... Presiding Member – Councillor Rich

..... 29/05/2023 ..... Date