

# **Draft Review of Council Policies December 2017**

### Purpose and Definition

This Policy Manual is a record of Policies adopted by the Council of the Shire of Serpentine Jarrahdale to guide the Council and its Committees, its employees and where relevant, and appropriate, contractors, consultants, external organisations and residents and ratepayers.

Section 2.7 of the Local Government Act 1995 prescribes the role of a Council (amongst other matters) to “determine the local governments policies.”

The Local Government Act 1995 does not define “policy” but an accepted “definition” within Western Australian Local Government is:

*“A general rule, adopted by Council, which provides a key influence in the Shire’s decision making, rendering direction for the day to day management of the subject functions within the Shire’s operations.”*

Policies facilitate more efficient and effective use of the Shire’s resources (human, financial and natural) and enable it to make decisions based on the principles of equity, fairness, natural justice, transparency of decision making and good government as well as ensuring strict statutory compliance.

### Objectives of Shire Policy Manual

The objectives of the Shire’s Policy Manual are to:

- Provide the Shire with a record of policy decisions.
- Provide employees with guidelines in which to act in accordance with Council’s direction.
- Enable employees to act promptly in accordance with Council’s requirements, but without continual reference to Council.
- Enable elected members to properly handle enquiries from electors, and others, without need for undue reference to employees or the Council.
- Enable the Shire to maintain a structured review of Council Policies and to ensure they are in keeping with statutory requirements, community needs, current trends and circumstances.
- Enable residents and ratepayers and other external stakeholders to obtain immediate advice on matters of Council Policy.

### Policy Development and Context

A Policy response will be considered where there is either complexity or lack of clarity in one or a combination of any of the following circumstances:

- Legislative requirement;
- Industry standards;
- Organisational standards;
- Strategic objective; or
- Community need or expectation.

In addition the Shire considers the development of Policies, and their ongoing review and adjustment as necessary as an important element complementary to the Register of Delegations, Authorisations and Appointments.

As a matter of course all Shire of Serpentine Jarrahdale instruments of delegation, sub delegation, authorisation and appointment contain a standard condition that the person exercising the delegation, sub delegation, authorisation or appointment must do so in accordance with the Policies of the Shire.

A comprehensive Policy Manual will guide employees in exercising delegated authority under a range of legislation to ensure consistency of approach, certainty in outcomes and transparency and accountability.

### Making and Amending Policies

A Policy response will only be proposed where it can be demonstrated that the policy will deliver:

- Clarity and consistency in decision making;
- Improved efficiency and effectiveness; or
- Improved customer / community outcomes.

Where it is identified that for purposes of effectiveness, efficiency or clarity in decision making, a new policy or policy amendment may be required, it may be initiated by either:

- A Council resolution; or
- A report to Council outlining the circumstances and proposing same.

Where Council has resolved that a policy is required to be developed, the CEO shall prepare a report to Council that considers the range of influences on the proposed policy and includes a draft policy. Policy needs which are identified through the Shire's operations will similarly be provided to Council in a comprehensive report.

Where a new policy or substantial review of an existing policy is proposed, the following key elements will be researched and considered:

- Statutory compliance obligations
- Industry standards, codes of practice, guidelines
- Risk implications
- Customer / community needs and expectations
- Whether it effectively integrates in the Shire's operations
- External stakeholder consultation, where determined appropriate in accordance with the Shire's consultation and external engagement processes
- Internal stakeholder consultation (including relevant elected members, executive/senior employees and others)
- Potential resource (human, financial and natural) and budget implications

### Policy Manual Review

As a general rule all Council policies will be subject to review and will be reviewed over the 12-24 months period. These will be submitted to Council over this period of time to allow for time to review each policy. Policies will also at times be recommended with an Officer's report to Council.

# Table of Contents

## Contents

Council Policy 1.1.1 – Civic Dinner .....	6
Council Policy 1.1.2 – Legal Representation and Cost Indemnification .....	8
Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting.....	14
Council Policy 1.1.4 – Use of Shire of Serpentine Jarrahdale Common Seal.....	17
Council Policy 1.1.5 – Flags – Flying & Half Mast .....	20
Council Policy 1.1.6 – Christmas Closure – Administration Centre, Mundijong Public Library, Operations Depot .....	23
Council Policy 1.1.7 – Councillor Entitlements .....	25
Council Policy 1.1.8 – Election Signs on Road Reserves and Shire Land .....	31
Council Policy 1.1.9 – Related Party Disclosures .....	40
Council Policy 1.1.10 – Civic Functions, Ceremonies and Receptions and Use of the Civic Centre .....	45
Council Policy 1.1.11 – Use of the Corporate Logo and Corporate Symbol.....	49
Council Policy 1.1.13 – Honorary Freeman of the Municipality .....	52
Council Policy 1.3.1 – Social Media (Existing) .....	56
Council Policy 1.3.2 - Media.....	59
Council Policy 1.3.4 – Community Survey .....	62
Council Policy 1.4.1 – Payments to Employees in Addition to Contract on Cessation of Employment .....	64
Council Policy 1.4.2 – Risk Management.....	67
Council Policy 1.4.3 – Health and Safety .....	73
Council Policy 1.4.4 – Recognition of Long Serving Employees.....	76
Council Policy 2.0.1 – Asset Management .....	78
Council Policy 2.1.1 - Trails .....	83
Council Policy 2.1.2 – Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale .....	85
Council Policy 2.1.3 – Bus Shelters .....	90
Council Policy 2.1.4 – Excavations within Road Reserves .....	92
Council Policy 2.1.5 – Footpaths and Dual Use Paths.....	94
Council Policy 2.1.6 – Cemeteries: Grant of Right of Burial at Serpentine or Jarrahdale Cemeteries.....	96
Council Policy 2.1.7 – Requests for Memorial Plaques and Trees .....	98
Council Policy 2.1.8 – Water Supply - Domestic.....	102

Council Policy 2.1.9 – Vehicle Crossings Subsidy.....	104
Council Policy 2.1.10 – Energy and Water Efficiency .....	106
Council Policy 2.1.11 – Street Lighting.....	109
Council Policy 2.2.1 – Subdivision – Road Upgrade .....	111
Council Policy 2.2.2 – Subdivision – Drainage Headworks.....	113
Council Policy 2.2.3 – Subdivision: Engineering Guidelines .....	115
Council Policy 2.3.1 – Control of Weeds .....	117
Council Policy 2.3.2 – Request to Remove Dangerous Trees.....	121
Council Policy 3.2.1 – Changing Methods of Valuation of Land.....	123
Council Policy 3.2.3 - Investments .....	125
Council Policy 3.2.4 - Purchasing.....	129
Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering .....	138
Council Policy 3.2.6 – Corporate Purchasing Cards .....	146
Council Policy 3.2.7 – Farmland Concession .....	150
Council Policy 3.2.11 – Rates Collection and General Debtors .....	154
Council Policy 4.1.1 – Proceedings before the State Administrative Tribunal.....	158
Council Policy 4.1.3 – Extractive Industry Licences .....	166
Council Policy 4.1.5 – Compliance and Enforcement .....	172
Council Policy 4.1.6 – Bed and Breakfast Accommodation .....	180
Council Policy 4.1.7 – Temporary Accommodation.....	184
Council Policy 4.4.1 – Health Services Functions in Relation to the Environmental Protection Act 1986.....	186
Council Policy 4.4.2 – Mobile Food Vendors.....	189
Council Policy 4.5.1 - Fireworks .....	192
Council Policy 4.5.2 – The Keeping of Three to Six Dogs.....	195
Council Policy 5.1.1 – Alcohol Management Policy.....	199
Council Policy 5.1.2 – Road Closures for Events .....	202
Council Policy 5.1.3 – Lease and Licence Management.....	204
Council Policy 5.1.4 – Facility Hire .....	209
Council Policy 5.1.5 – Reserve Improvement / Development by the Community.....	211
Council Policy 5.2.1 – Police Clearance and Working With Children Certificates for Volunteers .....	214
Council Policy 5.2.2 – Community Grants.....	216
Council Policy 5.2.3 – Community Gardens .....	219
Council Policy 5.3.1 – Public Internet Usage and Access to Computers.....	222

## Council Policy 1.1.1 – Civic Dinner

**Objectives:** People

**Outcome:** 1.1 - A healthy, active, connected and inclusive community.

**Strategy:** 1.1.1 - Provide well planned and maintained public open space and community infrastructure.

### Purpose

Council recognises the importance of working together with community members and groups for the betterment of the Shire. Without the valuable contribution given by many community members the Shire would be a lesser place. In recognition of the partnership with the community the Council will host an annual dinner.

### Definitions

Not applicable

### Policy

1. In recognition of the contribution made by people in the community who have worked closely with Council during the year an Civic Dinner will be held each year.
2. The CEO will liaise with the Shire President, Councillors and staff to develop the invitation list for the Civic dinner.
3. An invitation list may consist of local members of Parliament, relevant Chief Executive Officers and Shire Presidents within the region, head of relevant agencies and identified dignitaries as selected by the Chief Executive Officer, Shire President and Council.
4. An invitation will be extended to all persons who are Honorary Freemen of the Municipality.
5. Cost of the Civic Dinner is to be provided for in the annual budget.
6. The Civic Dinner will be held in late November/December of each year.

### References

<b>Name of Policy</b>	1.1.1 Civic Dinner		
<b>Previous Policy</b>	G805 – Annual Council Dinner (E15/5096)		
<b>Date of Adoption and Resolution Number</b>	Adopted	Co030/08/00	28/08/2000

## Council Policy 1.1.1 – Civic Dinner

<b>Review dates and Resolution Numbers</b>	Reviewed SM047/05/04 24/05/2004 Modified CGAM050/12/08 15/12/2008 Ordinary Council Meeting Reviewed OCM187/09/15 29/09/2015 Ordinary Council Meeting Reviewed
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> Nil</p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 – 2027 Corporate Business Plan 2017 – 2021 1.1.1.4 – Promote, support and recognise volunteers</p> <p><b>Policies/References</b> Council Policy 1.1.13 – Honorary Freeman of the Municipality E16/678 – Honorary Freeman Contact List</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> E17/10964 – Annual Council Dinner - TBC GWP25 – Honorary Freeman Function Arrangements</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.1.2 – Legal Representation and Cost Indemnification**

**Objectives:** Progressive

**Outcome:** 4.2 - A strategically focussed Council.

**Strategy:** 4.2.3 - Provide clear strategic direction to the administration.

### **Purpose**

1. This policy is designed to protect the interests of Councillors and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.
2. Section 9.56 of the Local Government Act 1995 (the Act) provides protection from actions of tort for anything a Councillor or employee has, in good faith, done in the performance or purported performance of a function under the Act or any other written law.
3. Section 3.1 of the Act, provides that the general function of the local government is to provide for the good governance of person in its district. Section 6.7 (2) provides that money held in the Municipal Fund may be applied towards the performance of the functions of the local government.
4. Therefore, the Shire's approval to pay legal representation costs incurred by an individual Councillor or employee will rely on the determination that it is reasonably concluded that the expenditure provides for the good governance of the district.
5. This policy does not apply to legal advice and representation that is obtained by the Shire in the normal course of fulfilling the functions and exercising the powers of a local government.

### **Definitions**

**Approved lawyer** is to be:

- a) A 'person who is admitted to the legal profession' under the Legal Profession Act 2008;
- b) From a law firm listed as a WALGA preferred supplier, if relevant, unless the Council considers that this is not the appropriate – for example where there is or may be a conflict of interest or insufficient expertise; and
- c) Approved in writing by the Council or the Chief Executive Officer under delegated authority.

## **Council Policy 1.1.2 – Legal Representation and Cost Indemnification**

**Good faith** means a sincere belief or motive without any malice or desire to defraud others.

**Councillor or employee** means a current or former Councillor, employee or member of a council committee of the Shire.

**Legal proceedings** may be civil, criminal or investigative.

**Legal representation** is the provision of legal services, to or on behalf of a Councillor or employee, by an approved lawyer that are in respect of:

- a) A matter or matters arising from the performance of the functions of the Councillor or employee; and
- b) Legal proceedings involving the Councillor or employee that have been or may be commenced.

**Legal representation costs** are the costs, including fees and disbursements, properly incurred in providing legal representation.

**Legal services** includes advice, representation or documentation that is provided by an approved lawyer.

**Payment** by the Shire of legal representation costs may be either by:

- a) A direct payment to the approved lawyer; or
- b) A reimbursement to the councillor or employee.

### **Policy**

#### **1. Payment Criteria**

There are four major criteria for determining whether the Shire will pay the legal representation costs of a Councillor or employee. These are:

- a) the legal representation costs must be relate to a matter that arises from the performance by the relevant person, or his or her functions;
- b) the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
- c) in performing his or her functions, to which the legal representation relates, the relevant person must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- d) the legal representation costs do not relate to a matter that is of a personal or private nature.

## **Council Policy 1.1.2 – Legal Representation and Cost Indemnification**

### **2. Examples of legal representation costs that may be approved**

- 2.1 If the criteria in clause 1 of this policy are satisfied, the Shire may approve the payment of legal representation costs:
- a) where proceedings are brought against a relevant person in connection with his or her functions an action for defamation or negligence arising out of a decision made or action taken by the relevant person);
  - b) to enable proceedings to be commenced and/or maintained by a relevant person to permit his or her functions (eg. Where a relevant person seeks to take action to obtain a restraining order against a person using threatening behavior to the relevant person; or
  - c) where exceptional circumstances are involved (eg. Where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about a relevant person.)

### **3. Applications for Payment**

- 3.1 A relevant person who seeks assistance under this policy is to make an application(s), in writing, to the CEO, or the Council if the relevant person is the CEO.
- 3.2 The written application for payment of legal representation costs is to give details of:
- a) the matter for which legal representation is sought;
  - b) how the matter relates to the functions of the relevant person making the application;
  - c) the proposed lawyer (or law firm) who is to be asked to provide the legal representation;
  - d) the nature of legal representation to be sought (such as advice, representation in court, preparation of documents etc);
  - e) an estimated cost of the legal representation; and
  - f) why it is in the interest of the Shire for payment to be made.
- 3.3 The application is to contain a declaration by the applicant that he or she has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.
- 3.4 As far as possible the application is to be made before commencement of the legal representation to which the application relates.
- 3.5 The application is to be accompanied by a signed written statement by the applicant that he or she:

## **Council Policy 1.1.2 – Legal Representation and Cost Indemnification**

- a) has read and understands, the terms of this policy;
  - b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
  - c) undertakes to repay the Shire any legal representation costs in accordance with the provisions of clause 7.
- 3.6 In relation to clause 3.5 (c), when a person is to be in receipt of such monies the person should sign a document which requires repayment of that money to the local government as may be required by the local government and the terms of the Policy.
- 3.7 An application is also to be accompanied by a report prepared by the CEO or where the CEO is the applicant, by an appropriate employee.

### **4. Legal representation costs – Limit**

- 4.1 Unless otherwise determined by Council, the payment of legal representation costs in respect of a particular matter is not to exceed \$10,000.
- 4.2 A Councillor or employee may make a further application to the Council in respect of the same matter.

### **5. Council's Powers**

5.1 The Council may:

- a) refuse;
- b) grant; or
- c) grant subject to conditions,

an application for payment of legal representation costs.

- 5.2 Conditions under clause 5.1 may included, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.
- 5.3 In assessing an application, Council may have regard to any insurance benefits that may be available to the applicant under the Shire's Council members 'or employees' insurance policy or its equivalent.
- 5.4 The Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- 5.5 The Council may, subject to clause 5.6, determine that a Council member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:

## **Council Policy 1.1.2 – Legal Representation and Cost Indemnification**

- a) not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
  - b) given false or misleading information in respect of the application.
- 5.6 A determination under clause 5.5 may be made by the Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
- 5.7 Where the Council makes a determination under clause 5.5, the legal representation costs paid by the Shire are to be repaid by the Council member or employee in accordance with clause 7.

### **6. Delegation to the Chief Executive Officer**

- 6.1 In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the council, any of the powers of the council under clause 5.1 and 5.2, to a maximum of \$10,000 in respect of each application.
- 6.2 An application approved by the CEO under clause 6.1, is to be submitted to the next ordinary meeting of the council. Council may exercise any of its powers under this policy, including its powers under clause 5.4.
- 6.3 This clause shall not apply where the applicant is the CEO. The matter will instead be referred to Council at the earliest opportunity, including a special meeting.

### **7. Repayment of legal representation costs**

- 7.1 A relevant person whose legal representation costs have been paid by the City is to repay the Shire:
- a) all or part of those costs – in accordance with a determination by Council under clause 5.7;
  - b) as much of those costs as are available to be paid by way of set-off:
- where the relevant person receives monies paid for costs, damages or settlement, in respect of the matter for which the City paid the legal representation costs.
- 7.2 The Shire may take action in a court of competent jurisdiction to recover any monies due to it under Policy.

## Council Policy 1.1.2 – Legal Representation and Cost Indemnification

### References

<b>Name of Policy</b>	1.1.2 Legal Representation and Cost Indemnification		
<b>Previous Policy</b>	G807 Legal Representation and Cost Indemnification (E15/5096)		
<b>Date of Adoption and Resolution Number</b>	Adopted	C087/11/00	27/11/2000
<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004
	Modified	CGAM050/12/08	15/12/2008 Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015 Ordinary Council Meeting
	Reviewed		
<b>Next review date</b>			
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995, S3.1, s9.56</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies/References</b> Department of Local Government, Sport &amp; Cultural Industries Operational Guideline No 14 Legal Representation for Council Members and Employees</p> <p><b>Delegations</b> C008D Legal Representation and Cost Indemnification Check Process 7 &amp; 251 Form to be created</p> <p><b>Work Procedures</b> Nil</p>		

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

This policy is directed at establishing guidelines for the Council and members of the public for the conduct of Public Question and Public Statement Time. The Council supports the principle of open and accountable local government. Within the requirements and the spirit of the *Local Government Act 1995* (Act) and associated Regulations, Council will support the right of responsible and reasonable use of public question time at relevant meetings.

### **Definitions**

Not applicable

### **Policy**

1. There must be a public question time at every ordinary meeting of Council and such other meetings of Council or Committee meetings to enable members of the public to submit questions to Council.
2. Sub-clause (1) does not apply during any period when a meeting is closed to members of the public in accordance with section 5.23(2) of the Act.
3. Public question time and public statement time will be in accordance with the *Local Government (Administration) Regulations 1996* and the Shire of Serpentine Jarrahdale's *Standing Orders Local Law 2002 (as amended)*.
4. Questions submitted to Council must be:
  - (a) in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and
  - (b) placed in the receptacle designated for the purpose at the place of the meeting prior to 2pm on the day of the Ordinary meeting, or be lodged electronically at the prescribed email address prior to 2pm on the day of the Ordinary meeting.

### **Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting**

5. No person may ask more than 3 questions at a single meeting or make a statement greater than 3 minutes in duration.
6. A question may be disallowed by the Presiding Member if the Presiding Member determines that it:
  - (a) relates to a matter outside the duties, functions and powers of Council;
  - (b) is defamatory, indecent, abusive, offensive, irrelevant or objectionable in language or substance;
  - (c) relates to repeated or previously answered questions from the same individual;
  - (d) is aimed at embarrassing a Councillor or a Shire employee;
  - (e) relates to personnel matters concerning employees or Councillors;
  - (f) relates to the personal hardship of any resident or ratepayer;
  - (g) relates to industrial relations matters;
  - (h) relates to contractual matters that are commercial in confidence;
  - (i) relates to development applications that have not yet been determined by Council;
  - (j) relates to legal advice;
  - (k) relates to matters that may jeopardise the security of Council property; or
  - (l) relates to any other matter which Council considers would prejudice Council or any person.
7. All questions and statements must be as concise as possible.
8. Like questions may be grouped together and a single answer provided.
9. The Presiding Member may nominate the Chief Executive Officer or a Shire employee to respond to a question.
10. The Presiding Member may require a question to be taken on notice. If a question is taken on notice, a written response will be sent within 14 days to the person who asked the question.

## Council Policy 1.1.3 – Public Question and Public Statement Time – Ordinary Council Meeting

### References

<b>Name of Policy</b>	1.1.3 Public Question and Public Statement Time – Ordinary Council Meeting
<b>Previous Policy</b>	G808 – Public Question and Public Statement Time – Ordinary Council Meeting (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted
<b>Review dates and Resolution Numbers</b>	Modified CGAM050/12/08 15/12/2008 Modified OCM100/06/15 29/06/2015 Modified OCM152/08/15 24/08/2015 Reviewed OCM187/09/15 29/09/2015
<b>Next review date</b>	Local Law review process 2018
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Local Government (Administration) Regulations</i>  <i>Standing Orders Local Law 2002 (as Amended)</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies/References</b>            E12/3286 – Public Question and Statement Time            1.1.12 – Habitual or Vexatious Complainants Policy            Local Government Operational Guidelines – Number 03 – Managing Public Question Time</p> <p><b>Delegations</b>            Nil</p> <p><b>Work Procedures</b>            Minutes and Agendas officer require GWP</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.1.4 – Use of Shire of Serpentine Jarrahdale Common Seal**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

To clarify the authority given by Council for the affixing of the Common Seal by the Shire President and the Chief Executive Officer under Clause 19.1 (2) of the *Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 (as Amended)*.

### **Definitions**

Not applicable

### **Policy**

#### **Authority**

The Council of the Shire of Serpentine Jarrahdale delegates authority to the President and Chief Executive Officer to sign and affix the Common Seal to documents requiring same as shown on the attached “sealing clause”.

The President and Chief Executive Officer will notify the Council of their actions in this regard each month with the Chief Executive Officer placing an information report in the Ordinary Council Meeting Agenda.

The attachment of the Common Seal requires attesting by both the Shire President, or in their absence the Deputy Shire President, and Chief Executive Officer or the person acting in that position.

### **Guidelines**

The following documents require the Common Seal of the Shire of Serpentine Jarrahdale to be affixed:

- Local Laws adopted by Council;
- Documents of a ceremonial nature;
- Land transactions, including but not limited to sale, leases, assignments, subleases, consent to mortgage, surrenders, transfers, memorials, covenants and easements, lodgement and withdrawals of caveats and amalgamations as resolved by Council;
- Deeds;

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## **Council Policy 1.1.4 – Use of Shire of Serpentine Jarrahdale Common Seal**

- Notifications in accordance with Section 70A of the *Transfer of Land Act 1893*;
- Town Planning Schemes and Scheme Amendments;
- New funding or contracts of agreement between the Shire and State or Commonwealth Government agencies, where required by the other party; and
- Any document stating that the Common Seal of the Shire of Serpentine Jarrahdale is to be affixed.

### **Execution of Documents**

The Common Seal must be affixed to documents and be signed by the Shire President or Deputy Shire President and the Chief Executive Officer or an employee authorised by the Chief Executive Officer.

### **Common Seal Register**

1. The Chief Executive Officer shall maintain a register of all documents executed with the Common Seal;
2. The register is to record each Common Seal transaction and include an identification number, date, the nature of the document and the parties to the document being executed;
3. The Commons Seal identification number is be to recorded on the document being executed.

### **Sealing Clause**

The correct sealing clauses for Shire of Serpentine Jarrahdale documents are as follows. The first being the one used if the document has been prepared in accordance with a resolution of Council, followed by a general sealing clause.

#### Sealing clause as a result of a resolution of Council:

THE COMMON SEAL of )  
**SHIRE OF SERPENTINE JARRAHDAL** )  
was hereunto affixed by a )  
resolution of Council )  
in the presence of )

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President

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Chief Executive Officer

## Council Policy 1.1.4 – Use of Shire of Serpentine Jarrahdale Common Seal

### General sealing clause:

The Common Seal of )  
**SHIRE OF SERPENTINE JARRAHDAL** )  
 was hereunto affixed in the presence of: )

\_\_\_\_\_  
 President

\_\_\_\_\_  
 Chief Executive Officer

### References

<b>Name of Policy</b>	1.1.4 Use of Shire of Serpentine Jarrahdale Common Seal			
<b>Previous Policy</b>	G905 – Use of Shire of Serpentine Jarrahdale Common Seal (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	C130/05/02	13/05/2002	Corporate Services Committee Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004	Ordinary Council Meeting
	Modified	CGAM050/12/08	15/12/2008	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
	Reviewed			
<b>Next review date</b>				
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995, S2.5(2), S9.49</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies/References</b>            E02/5614 – Common Seal Register</p> <p><b>Delegations</b>            EX022D Executing Documents</p> <p><b>Work Procedures</b>            E17/11201 – Use of Common Seal (TBC)</p>			

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.1.5 – Flags – Flying & Half Mast**

**Objectives:** People

**Outcome:** 1.2 - A recognised culture and heritage.

**Strategy:** 1.2.1 - Recognise local heritage.

### **Purpose**

The purpose of this policy is to ensure that that Shire's protocols and practice of flying, displaying and lowering flags to half-mast is exercised in a consistent, respectful and appropriate manner at Shire owned/managed premises. The flying of flags at half-mast is a strong visual statement that speaks to the sense of loss felt by all community members.

### **Definitions**

Not applicable

### **Policy**

The Australian National Flag is to be flown/displayed at Shire buildings in ordinary working hours on ordinary working days.

Where additional flag poles exist, other flags may be flown/displayed in the following order of priority:

- Australian National Flag
- Western Australia State Flag
- Shire of Serpentine Jarrahdale Flag
- Aboriginal Flag (NAIDOC Week)

### Flying flags at half-mast

- a) Flags are flown at half-mast as a sign of mourning.
- b) The flag is to be lowered to a position recognisably half-mast to avoid the appearance of a flag which has accidentally fallen away from the top of the flagpole.
- c) An acceptable position would be when the top of the flag is a third of the distance down from the top of the flagpole.
- d) When lowering the flag from a half-mast position it should be briefly raised to the peak and then lowered ceremoniously.

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## **Council Policy 1.1.5 – Flags – Flying & Half Mast**

- e) The flag should never be flown at half-mast at night even if it is illuminated.
- f) When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast. The Australian National Flag should be raised first and lowered last.
- g) On authorisation from the Chief Executive Officer flags are to be flown at half-mast, between the hours of 8:00am until 5:00pm.

### When flags may be flown at half-mast



The Shire may fly flags at half-mast on specific occasions to commemorate a solemn occasion, including:

- a) To coincide with national, state or regionally significant events (generally at the behest of the various levels of government protocol arrangements)
- b) When a current or former Elected Member of the Shire of Serpentine Jarrahdale dies.
- c) When a Freeman of the Shire of Serpentine Jarrahdale dies.

## Council Policy 1.1.5 – Flags – Flying & Half Mast

- d) When a significant member of the Shire of Serpentine Jarrahdale community dies.
- e) When a Shire of Serpentine Jarrahdale employee dies.

### References

<b>Name of Policy</b>	1.1.5 Flags -Flying and Half Mast
<b>Previous Policy</b>	G015 – Flying of Flags (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM187/09/15 29/09/2015
<b>Review dates and Resolution Numbers</b>	Reviewed OCMXX/12/17 18/12/2017
<b>Next review date</b>	September 2019
<b>Related documents</b>	<p><b>Acts/Regulations</b> S2.7 – Role of Council - Local Government Act 1995</p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> E16/678 Honorary Freeman Contact List Shire of Serpentine Jarrahdale <a href="https://www.dpc.wa.gov.au/GuidelinesAndPolicies/protocol/Pages/Flags.aspx">https://www.dpc.wa.gov.au/GuidelinesAndPolicies/protocol/Pages/Flags.aspx</a> <a href="https://www.pmc.gov.au/resource-centre/government/australian-flags-booklet-part-two">https://www.pmc.gov.au/resource-centre/government/australian-flags-booklet-part-two</a> Australian Flag Booklet</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> E17/11237 – Flying of Flags</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.1.6 – Christmas Closure – Administration Centre, Mundijong Public Library, Operations Depot**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The objective of this Policy is to provide guidelines for the closure of the Shire Administration Centre, Operations Depot and Mundijong Public Library over the Christmas/New Year period.

### **Definitions**

**Administration Centre:** the Administration Centre, 6 Paterson Street, Mundijong.

**Operations Depot:** Corner Whitby Street and Butcher Street, Mundijong.

**Mundijong Public Library:** 10 Paterson Street, Mundijong.

### **Policy**

The Shire of Serpentine Jarrahdale Administration Centre, Operations Depot and the Mundijong Public Library shall close each year for the non-public holidays and weekends over the Christmas / New Year period.

The closure days will be the working days between Christmas Day and New Year's Day each year. This can be subject to change, depending on the day Christmas Day and New Year Day falls.

The Chief Executive Officer, or his Delegate, will advertise the closure dates in a locally distributed newspaper, on Council's Website and with publicly displayed signs. Other advertising mediums can also be used.

The Chief Executive Officer, or his Delegate will ensure that appropriate Staff are available at call in the event of an emergency. Contact Numbers in the event of an emergency will also be advertised.

Shire of Serpentine Jarrahdale employees shall use their accrued rostered days off, annual leave or take leave without pay for the closure days.

## **Council Policy 1.1.6 – Christmas Closure – Administration Centre, Mundijong Public Library, Operations Depot**

### **References**

<b>Name of Policy</b>	1.1.6 Christmas Closure – Administration Centre, Mundijong Public Library, Operations Depot
<b>Previous Policy</b>	G925 - Christmas Closure – Administration Centre, Mundijong Public Library, Operations Depot (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM112/08/17 28/08/2017
<b>Review dates and Resolution Numbers</b>	Reviewed
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> Nil</p> <p><b>Plans/Strategies</b> Nil</p> <p><b>Policies/References</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> E17/11202 – TBC</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.1.7 – Councillor Entitlements**

**Objectives:** Progressive

**Outcome:** 4.2 - A strategically focussed Council.

**Strategy:** 4.2.3 - Provide clear strategic direction to the administration.

### **Purpose**

The purpose of this policy is to provide a clear outline of the support and entitlements available to Shire of Serpentine Jarrahdale Councillors.

The Policy ensures that Councillors are provided with appropriate facilities, equipment and information to support them in performing their duties.

The Policy also enables Councillors to be accessible to the community and ensure that they are recognised for their service to the community.

### **Definitions**

Not applicable

### **Policy**

The Annual Meeting fees for Elected Members and President/Deputy President's Allowance, and the Information and Communications Technology Allowance will be set at the maximum levels set out in the relevant Band for the Shire of Serpentine Jarrahdale as determined by the Salaries and Allowances Tribunal's (SAT) for Local Government Elected Council Members of 19 June 2013 and subsequent reviews. These fees are paid monthly in arrears.

Individual Elected Members may, by written request, elect not to accept those payments or to accept a lesser level.

#### **1. Meeting Attendance Fees**

**(Local Government Act 1995 Sections 5.98 and 5.99 and Local Government Administration Regulations 1996 Part 8)**

Council is to pay an annual meeting attendance fee in accordance with the Legislation.

#### **2. Annual Local Government Allowance (Shire President & Deputy Shire President)**

**(Local Government Act 1995 Section 5.98(5) and 5.98A and Local Government (Administration) Regulations 1996 Regulation 30)**

Council is to pay the President and Deputy President an allowance within the limits prescribed by the Legislation.

## **Council Policy 1.1.7 – Councillor Entitlements**

### **3. Information and Communications Technology (ICT) Allowance**

(Local Government Act Section 5.99A and Local Government (Administration) Regulations 1996 Regulation 31)

- 3.1 Council is to pay an allowance for Information and Communications Technology of \$3,500 per year (or as subsequently determined), to cover rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the Local Government (Administration) Regulations; and any other expenses that relate to information and communications technology (for example, printer consumables, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the Regulations.
- 3.2 The allowance in 3.1 is in addition to Council providing computer equipment in the form of a laptop/tablet/iPad, (whichever is adopted by Council from time to time) with appropriate software as needed. Council supplied equipment is only to be used in relation to Council business.
- 3.3 Councillors are to provide their most convenient and contactable telephone number to the public and for publication in Council documentation including the website.
- 3.4 Any consumable purchases by the Local Government, will be deducted from the annual ICT allowance.

### **4. Training / Conferences (Attendance)**

- 4.1 Council provides resources annually in the Shire's budget to provide for the opportunity for Councillors to participate in appropriate training. Councillors are permitted to attend training and conferences in accordance with this policy up to an amount not exceeding the annual budget allocation per Councillor without further approval from Council.
- 4.2 The following training/conferences are identified as relevant to the Councillors role and responsibilities:
  - a) WALGA Elected Member Training Modules
  - b) WALGA's Annual Local Government Week Conference and associated courses
  - c) Any training course or conference relevant to Councillors' roles and responsibilities.
  - d) Any surplus funds in a Councillor's budget allocation at the end of each calendar year will be deemed unused and forfeited.
  - e) The cost of training that is specifically arranged for attendance by all Councillors (e.g. team-building) shall be paid from a separate allocation for the purpose and not considered as part of, and debited to, the individual Councillor's Training and Conference budget allocation.
- 4.3 Any interstate or intrastate (outside of Metropolitan Perth) training/conference shall be authorised by Council either as part of the budget process or as a separate item to Council.

## **Council Policy 1.1.7 – Councillor Entitlements**

### **5. Training / Conferences (Authorisation)**

- 5.1 The Chief Executive Officer is to authorise training / conferences listed in Part 4.2 for Councillors in advance. Any request that is not in accordance with this policy or exceeds the budget allocation may be referred to the Council by the Chief Executive Officer.
- 5.2 Councillors are not permitted to nominate for attendance at a training course or conference six months prior to their term of office expiring.

### **6. Training / Conferences (Travel and Accommodation)**

- 6.1 The Shire meets all costs associated with conferences including accommodation, reasonable meals, economy airfares and insurance in accordance with the Australian Tax Office reasonable travel expense amounts.
- 6.2 Accommodation costs for Councillors are to be paid for the duration of the conference including allowing the Councillor to arrive the day before the conference and to depart the day following the close of the conference. Any extended stay is to be at the cost of the Councillor.

### **7. Promotional/Lobbying Opportunities**

The Shire's Strategic Community Plan supports and encourages the creation of progressive, connected communities. Council supports this through ongoing lobbying to higher levels of government to increase the Shire's grant eligibility and to highlight priority projects that align with State and Federal initiatives. Council provides resources annually in the Shire's budget for this. In most cases, the Shire President and Chief Executive Officer would represent the Shire, however other Councillors may be considered if it is a matter where the Shire is best represented by someone other than the Shire President and and/or Chief Executive Officer. These opportunities and the Shire's best representative/s are at the discretion of the Shire President and Chief Executive Officer.

### **8. Report**

Upon return from any interstate or overseas conferences, promotional events or training courses as detailed within this policy, where registration and other associated costs are met by the Shire the attending Councillor is required to:

- a) prepare a written report on their attendance and benefits to them and the Shire, to be circulated to all Councillors; or
- b) present a verbal report on their attendance and benefits to them and the Shire, at the next available Briefing Session.

## **Council Policy 1.1.7 – Councillor Entitlements**

### **9. Child Minding Fees**

**(Local Government (Administration) Regulations 1996 - Regulation 31(1)(b))**

- 9.1 Payment of child care fees incurred by Councillors whilst attending Council and Committee meetings are to be paid at the actual cost of the care.
- 9.2 Receipts for expenses incurred from the Childcare Centre and correspondence from Centrelink showing entitlement of rebate and benefit that are claimed are to be provided for reimbursement (this covers the Childcare rebate which is a percentage of income and the Childcare benefit which is 50% of the total cost).

### **10. Reimbursement of Expenses**

**(Local Government Act 1995 Section 5.98(2)(b) and Local Government (Administration) Regulations 1996 - Regulation 32(1))**

Regulation 32 (1) prescribes expenses that may be approved by a Local Government for reimbursement. The express authority of the Council is given to Councillors to perform the following functions to which an expense incurred can be reimbursed:

- 10.1 Travel claims to a destination from their normal place of residence or work and return in respect to the following:
  - a) Any Ordinary Council Meeting or Special Council Meeting of Council.
  - b) Committees to which the Councillor is appointed a delegate or deputy by Council.
  - c) Conferences, community organisations, industry groups and local government associations to which the Councillor has been appointed by Council as its delegate or a deputy to the delegate.
  - d) Functions, gatherings, presentations and events attended in the role as a Councillor or whilst deputising for the Shire President.
  - e) Site inspections in connection with matters listed on any Council Agenda (Members to state the item number listed on any Council Agenda along with the date and time of the visit on the claim form).
- 10.2 Requests for reimbursement are to be lodged on the appropriate claim form and submitted on a monthly basis. Reimbursement claims shall detail the date of the claim, particulars of travel, nature of business and distance travelled. This should be accompanied by supporting documentation where applicable.
- 10.3 The rate of reimbursement being as prescribed from time to time by the Public Service Awards, and travel shall be wherever possible, by the shortest route.

### **11. Other Expenses**

**(Local Government Act 1995 Section 5.98(2)(b) and (Local Government (Administration) Regulations 1996 - Regulation 32)**

- 11.1 Drycleaning, personal presentation and incidental costs associated with a Councillor's attendance at official meetings, functions and activities may be claimed for reimbursement. Prior to reimbursement, all expenses shall be incurred and substantiated.

## **Council Policy 1.1.7 – Councillor Entitlements**

Under no circumstances is any reimbursement to be made in connection with costs incurred for re-election to the office of Elected Member.

Where a member incurs any other expense in the performance of their duties, which the member believes they are entitled to have reimbursed, the Council is to decide whether that expense should be reimbursed and if so to what extent in accordance with the Legislation.

### **12. Time Limit on Claims**

12.1 Councillors electing to receive reimbursement of expenses in accordance with the provision of this policy, are to submit their receipts and other supporting documents verifying the amount being claimed.

12.2 All claims are to be submitted no later than 30 days after the end of the financial year in which the expense relates.

12.3 Under no circumstances is any reimbursement to be made in connection with costs incurred for re-election to the office of Councillor.

### **13. Recognition of Retiring Councillors**

**(Local Government (Administration) Regulations 1995 Reg 34AC(1))**

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

13.2 Retiring Councillors are presented with:

- their name badge
- their name plaque
- a certificate of service
- a gift up to the value of \$100 per year of service to a maximum of \$1,000 (provided that at least one full 4 year term of office has been served).

### **14. Uniforms for Elected Members**

14.1 Elected members are entitled to obtain the following uniform:

Men	1 x Suit (incorporating the Shire's logo) 2 x Business Shirts 1 x Tie (with Shire Logo supplied on appointment of position with Council)
Women	1 x Suit (incorporating the Shire's logo) 2 Blouses/Shirts 1 x Scarf (with Shire's logo given on appointment of position with Council)

14.2 The above mentioned is applicable to elected members for each full term of office.

14.3 Where appropriate, approved uniforms will incorporate the Shire's logo.

## Council Policy 1.1.7 – Councillor Entitlements

### References

<b>Name of Policy</b>	1.1.7 Councillor Entitlements			
<b>Previous Policy</b>	G003 – Councillor Entitlements (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted			
<b>Review dates and Resolution Numbers</b>	Modified	CGAM009/08/11	22/08/2011	Ordinary Council Meeting
	Reviewed	OCM023/08/12	27/08/2012	Ordinary Council Meeting
	Modified	OCM147/03/14	10/03/2014	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
	Modified	OCM043/03/16	29/03/2016	Ordinary Council Meeting
<b>Next review date</b>				
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995 Sections 5.98, 599, 5.99A</i>  <i>Local Government (Administration) Regulations 1996</i>  <i>Salaries and Allowances Act 1975</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>            1.1.14 – Forums of Council – Policy Concept Forums, Questions &amp; Answer Agenda Forums and Workshops</p> <p><b>Delegations</b>            Nil</p> <p><b>Work Procedures</b>            GWP24 Councillor Entitlements – TBC</p>			

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.1.8 – Election Signs on Road Reserves and Shire Land**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.2 - Maximise the Shire's brand and reputation in the community.

### **Purpose**

To establish the Shire's position in relation to the placement of election signs for Federal, State and Local Government elections on Council land, municipal buildings, "A" Class Reserves or road reserves and ensure public safety is not compromised.

### **Definitions**

**Elections** means periodic and General Elections, By-elections and Referenda.

**Land or "A" Class Reserve** means all land under the care, control or management of the Shire but excludes a road where part of the road is a nature strip or footpath.

**Municipal Building** means any building that is owned or held under a management order or control of the Shire, and includes any recreation centre, library and alike.

**Signs** means a poster/sign that comprises an advertisement for a candidate or party in the election, or for a referendum whether held for Federal, State or Local Government purposes.

**Road** means the definition under the provisions of the *Land Administration Act 1997* and *Main Roads Act 1930*.

**Public Open Space** means the definition under the provisions of the *Land Administration Act 1997* held in the care, control and management of the Shire of Serpentine Jarrahdale or held in fee simple by the Shire of Serpentine Jarrahdale.

### **Policy**

#### Details

A Local Government does not have the power to regulate the content of electoral signs. Queries in relation to State or Local Government elections should be directed to the Western Australian Electoral Commission. Queries in relation to Federal elections should be directed to Australian Electoral Commission.

## **Council Policy 1.1.8 – Election Signs on Road Reserves and Shire Land**

### Terms and Conditions of Any Approval

Prior to any signs being posted, affixed or erected for the purposes of candidate promotion in Federal, State or Local Government elections on property under the care, control, management or held in fee simple by the Shire, the Shire's consent must be obtained.

The Shire's consent may be given, and if so, the following terms and conditions apply:

### Location

- a) Individual candidate signs are permitted on a road verge at a distance of 500m radius from one to the next (if applicable) with a maximum of three (3) signs permitted in continuous sequence.
- b) No sign is permitted on an "A" Class Reserve or adjacent to active public open space or municipal building.
- c) A permit may be issued to place a single sign on the perimeter of an underutilised public open space reserve.

### Signs must:

- a) Not be more than one (1) square metre in area and no higher than 1.2 metres above natural ground level or have a maximum vertical or horizontal dimension of 1.2 metres and have a maximum area of 1.5 metre. A back to back sign facing in two directions is considered to be one sign for this purpose.
- b) Only be displayed in the case of:
  - i) Federal and State elections during the period commencing on the issue of the writ or writs for the election and ending at the close of the polls on polling day. Should the sign/s not be removed within seventy two (72) hours of the close of polls, they will be considered illegal signs.
  - ii) Local Government elections during the period commencing on nomination day prior to polling day and ending at the close of polls on polling day. Should the sign/s not be removed within seventy two (72) hours of the close of polls, they will be considered illegal signs.
- c) Be securely fixed or posted and maintained in good repair and condition at all times.
- d) Be designed, made, and presented in a quality manner (the intent is that signs must not tear apart and become a danger to road users or pedestrians).
- e) Contain clear and legible writing or symbols.

### **Council Policy 1.1.8 – Election Signs on Road Reserves and Shire Land**

- f) Contain the name and address of both the person authorising the promotional material and the printing of it, along with a phone contact number or email address of the authorising person or party.
- g) Be fastened securely so they cannot become detached and endanger the Shire's property, equipment or pose a safety risk to the public.

Signs must not:

- a) Be illuminated (internally or indirectly), move, flash, rotate or reflect so as to be an undue distraction to drivers.
- b) Be constructed of materials that would have an adverse effect on the safety or convenience of any person, movement of traffic or land.
- c) Be self adhesive or affixed to another structure.
- d) Be placed on a carriageway, dividing strip, traffic island, roundabout, within fifty (50) metres of a signalised intersection or pedestrian activated crossing.
- e) Be placed within six (6) metres of an intersection or junction, or in any other location that may pose a safety hazard or obstruction to pedestrians or road users.
- f) Be attached to any street name, traffic direction or parking sign or to the associated pole.
- g) Be placed so as to cover any Shire signs or markings.
- h) Be placed in a location on a pole or fence so as to aid the climbing of a pole or fence.
- i) Be placed so as to restrict the sight distance of other signs and traffic control devices.
- j) Resemble or be mistaken by road users as a traffic control device.
- k) Advertise any organisation other than a registered political party or candidate.

The person or party responsible for the sign must maintain the sign and ensure that public safety is not compromised while the sign/s are being installed or removed and there is no disruption traffic or pedestrian movement during the process.

The person to whom consent is granted and any persons acting on their behalf, accept full responsibility for any personal injury, damage or loss in any way arising out of or a consequence upon the display of the election sign (material) that the Shire has no liability or responsibility to such matters whatsoever.

It is a condition to granting of consent that if any breach occurs which results in action by or on behalf of the Shire to enforce the conditions of this policy and thereby results in costs and expenses for the Shire, then such costs and expenses will be recovered by the Shire from the person(s) responsible.

## **Council Policy 1.1.8 – Election Signs on Road Reserves and Shire Land**

These costs include removal and/or destruction of the offending sign (material) by an officer or agent of the Shire.

A breach of, or non-compliance with, any of the terms and conditions of the policy will invalidate the consent and may result in a report being prepared for Council with a view to prosecuting the offender.

### **Shire of Serpentine Jarrahdale Local Laws relating to Signs and Advertisements**

*The following extract is from the Government Gazette, WA (26 March 1999):*

#### **3.2 Exemptions**

The following are exempt from the requirements of section 3—

- (a) a sign erected or maintained pursuant to and under authority of a written law;
- (b) a sale sign not exceeding 1.0 square metres in area;
- (c) a plate not exceeding 0.2 square metres in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- (d) a direction sign;
- (e) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2 square metres;
- (f) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (g) a sign within a building unless—
  - (i) it is clearly visible from a public place outside the building; or
  - (ii) it is exempted under any other paragraph of this subsection;
- (h) a sign not larger than 1.0 square metre on an advertising pillar or panel approved by or with the consent of the council for the purpose of displaying public notices for information;
- (i) a building name sign on residential flats or home units where it is of a single line of letters not exceeding 300 millimetres in height fixed to the façade of a building;
- (j) a newspaper poster;
- (k) an institutional sign which is the only sign on the lot on which it is erected notwithstanding the provisions of section 3.15;

## **Council Policy 1.1.8 – Election Signs on Road Reserves and Shire Land**

- (l) a rural producers sign which is the only sign on the lot on which it is erected;
- (m) a sign erected by the Council, or with the approval of Council, on land under the care, control and management of the Council, where the sign is not otherwise subject to provisions of this local law.

### **3.3 Exempt Signs**

No person shall erect, attach, affix, maintain or display a sign of whatsoever nature which is not an exempt sign unless prior written planning approval has been obtained from the Shire.

### **3.4 Restrictions on Exempt Signs**

An exempt sign shall not—

- (i) be illuminated;
- (ii) incorporate animation or movement in its design or structure;
- (iii) contain reflective, retro-reflective or fluorescent materials in any part of its design or structure;
- (iv) contain flags or bunting, whether they contain a written message or not;
- (v) be, in the opinion of Council, detrimental to the heritage character of the district and incompatible with the amenity and streetscape of the area.

### **3.10 General**

#### **3.10.1 Restrictions**

A person shall not erect or maintain a sign or hoarding or suffer or permit a sign or hoarding to be or remain on any land or building—

- a) so as to obstruct a person's view from a street or public place of traffic in a street or public place;
- b) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the Road Traffic Act 1974 or the regulations made thereunder;
- c) except with the specific approval in writing of the Council on an ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs, or other superstructure over the main roof of a building;
- d) subject to section 3.3 and paragraph (a) of subsection 3.2 on land that is zoned by a Town Planning Scheme or Local Laws for the time being in force for residential purposes other than land so zoned that is lawfully used for a purpose other than residential purposes unless permitted under section 3.9;

### **Council Policy 1.1.8 – Election Signs on Road Reserves and Shire Land**

- e) on a building the stability of which is, in the opinion of the Building Surveyor, likely to be affected by the sign or hoarding;
- f) as a movable or portable sign in a street or public place, unaffixed to a building;
- g) on a light or power pole without the approval of the relevant authority responsible for the erection or maintenance of that pole;
- h) in a position where it obstructs or obscures a person's view from a dwelling of a river, the Darling Scarp or any other natural feature of beauty or interest; or
- i) if the sign is an advertising device and is erected or proposed to be erected in a position where, in the opinion of the Council, it would be injurious to the amenity or natural beauty of the area in which the sign is erected or proposed to be erected, or would be unsuitable to the locality.

3.10.2 No bill, placard or advertisement shall be attached to, or posted, painted or stencilled by any person on any sign, hoarding, wall, building or structure, whether erected upon land which is private property or a public place unless—

- a) such bill, placard or advertisement is in the opinion of the Council reasonably related to the principal lawful use carried out on such land; and
- b) any trade, business or product name or trademark on or in any such bill, placard or advertisement is in the opinion of the council necessary for the purposes of communicating the principal lawful use carried out on such land.

3.10.3 No person shall permit or suffer the doing of anything contrary to the provisions of paragraphs (a) and (b) of subsection 3.10.5.

3.10.4 Paragraphs (a) and (b) of subsection 3.10.5 do not apply to any bill, placard or advertisement which states the name and/or trade, business or profession of the occupier of such land where such trade, business or profession is the principal lawful use carried out on the land and does not contain any other information, including any other trade, business or product name or trademark.

#### *3.10.5 Inscriptions on Signs*

Except in the case of a hoarding or direction sign, a sign generally shall only display one or more of the following—

- a) the name of one or more of the occupiers of the premises to which it is affixed;
- b) details of the business or businesses carried on in the premises;
- c) details of the goods sold in the premises; and
- d) any other matter approved by the Council.

## **Council Policy 1.1.8 – Election Signs on Road Reserves and Shire Land**

### *3.10.6 Existing Signs and Hoardings*

Subject to sections 3.4 and 3.5, a licence issued under any previous Local Laws in force in the District is deemed to have been issued pursuant to these Local Laws

### *3.10.7 Fixing of Signs*

A sign shall be securely fixed to the structure by which it is supported, to the satisfaction of the Building Surveyor, and shall be maintained in a safe condition.

### *3.10.8 Headroom*

Every sign shall, unless otherwise permitted by the Building Surveyor, be so fixed as to provide a clear headway thereunder of not less than 2.75 metres.

### *3.10.9 Obstruction to Doors, etc*

A sign or hoarding shall not be erected or maintained so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods.

### *3.10.10 Glass in Signs*

Glass shall not be used in any sign or hoarding other than an electric light globe or tube.

### *3.10.11 Readily Combustible Material*

Except in the case of posters securely affixed to a sign-board or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to any sign.

### *3.10.12 Signs to be Kept Clean*

Every sign shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order free of dilapidation.

### *3.10.13 Bill Posting*

Subject to section 3.2 a person shall not post a bill or paint, stencil, place or affix an advertisement in a street or on a building, structure, fence, wall, hoarding, sign-post, blind or awning so as to be visible to a person in a street, reserve, public place or other land, except on a hoarding approved for the purpose of the Council.

### *3.10.14 Fly Posting*

A person shall not fly post at any place or location within the District.

## **Council Policy 1.1.8 – Election Signs on Road Reserves and Shire Land**

3.10.15 A person shall not erect or display or allow the erection or display of bunting, streamers, streamer strips, banner strips, flag strips or decorations of a similar nature, except for other than specific short term events.

### **Town Planning Scheme 2 – Control of Advertising**

*The following extract is from the Town Planning Scheme 2*

#### **7.15 Control of Advertising**

##### *7.15.1 Definitions*

For the purpose of this clause –

“exempted advertisement” is an advertisement exempted from the requirement to obtain planning approval in Appendix 18; and

“existing advertisement” means an advertisement that is –

- (a) lawfully displayed before the commencement of this Scheme; or
- (b) displayed under a licence for other approval granted by the Council before commencement of this Scheme.

##### *7.15.3 Existing and Exempted Advertisements*

Subject to the provisions of the *Main Roads (Control of Signs) Regulations 1983*, and notwithstanding the provisions of clause 7.15.5, the Council’s prior Planning Approval is not required in respect of those advertisements listed in Appendix 18.

Exempted advertisements or an existing advertisement, which may continue to be displayed in accordance with the licence or approval, if any, granted by the Council.

## **References**

<b>Name of Policy</b>	1.1.8 Election Signs on Road Reserves and Shire Land
<b>Previous Policy</b>	LE002 – Election Signs on Road Reserves and Shire Land (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM187/09/15 29/09/2015
<b>Review dates and Resolution Numbers</b>	Reviewed
<b>Next review date</b>	

## Council Policy 1.1.8 – Election Signs on Road Reserves and Shire Land

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Shire of Serpentine Jarrahdale – Signs and Advertisements Local Law</i>  <i>Shire of Serpentine Jarrahdale – Town Planning Scheme 2</i>  <i>Local Planning Policy – Election Signs and Signage</i>  <i>Local Planning Policy</i>  <i>Local Government Act 1995</i>  <i>Local Government (Elections) Regulations 1997</i>  <i>Electoral Act 1907 (WA)</i>  <i>Electoral Act 1918 (Commonwealth)</i>  <i>Land Administration Act 1997</i>  <i>Main Roads Act 1930</i>  <i>Main Roads (Control of Signs) Regulations 1983</i></p> <p><b>Plans/Strategies</b>          Strategic Community Plan 2017 - 2027</p> <p><b>Policies/Reference</b>          WALGA Election Signage Guidelines          WALGA Info Page – Election Signage – IN02/7762          Town Planning Scheme 2          Local Planning Policy – Election Signs and Signage          Shire of Serpentine Jarrahdale Signs and Advertisements Local Law – IN03/13201          Returning Officers Manual</p> <p><b>Delegations</b>          Nil</p> <p><b>Work Procedures</b></p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

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## **Council Policy 1.1.9 – Related Party Disclosures**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made in order to comply with the requirements of AASB124 – Related Party Disclosures.

### **Definitions**

**Related Party:** A person or entity that is related to the local government that is preparing its financial statements (the Shire).

A person or a close member of that person's family is related if that person:

- (a) Has significant influence over the reporting entity; or
- (b) Is a member of the key management personnel of the reporting entity.

An entity is related if any of the following conditions applies:

- (a) The entity and the reporting entity are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others); or
- (b) A person is a member of the key management personnel of the entity;
- (c) The entity is controlled or jointly controlled by a person identified above.

**Key Management Personnel (KMP):** Those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity.

KMP for Local Government's would include Elected Members and Senior Staff (CEO and Directors).

### **Close Member of the Family of a Person**

Those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

- (a) That person's children and spouse or domestic partner;
- (b) Children of that person's spouse or domestic partner;
- (c) Dependents of that person or that person's spouse or domestic partner; and
- (d) Any other close family member.

## **Council Policy 1.1.9 – Related Party Disclosures**

**Related Party Transactions:** A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

### **Policy**

The objective of the standard is to ensure that the Shire's financial statements contain disclosures necessary to draw attention to the possibility that its financial position may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties in line with the requirements of AASB124 – Related Parties.

It is important to note that AASB 124 is not designed to detect and report fraud or misconduct. It is more so to enhance transparency and accountability of Council transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire of Serpentine Jarrahdale must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

### **1. Identification of Related Parties**

AASB 124 provides that the Shire of Serpentine Jarrahdale will be required to disclose in its Annual Financial reports; related party relationships, transactions and outstanding balances.

Related parties include person(s) who have significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.

Key management personnel are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

For the purposes of determining the application of the standard, the Shire of Serpentine Jarrahdale has identified the following persons as meeting the definition of *Related Party*:

1. Elected Members.
2. Key management personnel being the Chief Executive Officer employed under section 5.36 of the *Local Government Act 1995* and senior employees appointed under section 5.37 of the *Local Government Act 1995*, who heavily influence Council decision making and/or direct and control significant functions of Council.
3. Close members of the family of any person listed in point 1 or 2, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner, as defined by AASB124.

## **Council Policy 1.1.9 – Related Party Disclosures**

4. Entities that are controlled or jointly controlled by an Elected Member, key management personnel or their close family members (entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

The Shire of Serpentine Jarrahdale will therefore be required to assess all transactions made with these persons or entities.

### **2. Identification of related party transactions**

A related party transaction is a transfer of resources, services or obligations between the Shire of Serpentine Jarrahdale (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

- Payment of rates issued by the Shire of Serpentine Jarrahdale.
- Payment of fines issued by the Shire of Serpentine Jarrahdale.
- Use of Shire of Serpentine Jarrahdale owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether a fee is charged or not).
- Attending council functions that are open to the public.
- Employee compensation, whether it is for key management personnel or close family members of key management personnel.
- Application fees paid to the Shire of Serpentine Jarrahdale for licences, approvals or permits.
- Lease agreements for housing rental (whether for a Shire of Serpentine Jarrahdale owned property or property sub-leased by the Shire of Serpentine Jarrahdale through a Real Estate Agent).
- Lease agreements for commercial properties.
- Monetary and non-monetary transactions between the Shire of Serpentine Jarrahdale and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire of Serpentine Jarrahdale (trading arrangement).
- Sale or purchase of any property owned by the Shire of Serpentine Jarrahdale, to a person identified above.
- Sale or purchase of any property owned by a person identified above, to the Shire of Serpentine Jarrahdale.
- Loan Arrangements.
- Contracts and agreements for construction, consultancy or services.

Some of the transactions listed above occur on terms and conditions, no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire of Serpentine Jarrahdale can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

## **Council Policy 1.1.9 – Related Party Disclosures**

### **Disclosure Requirements**

For the purposes of determining relevant transactions in point 2 above, Elected Members and key management personnel as identified above, will be required to complete a *Related Party Disclosures - Declaration* form for submission to the Shire.

### **Ordinary Citizen Transactions (OCTs)**

The Chief Executive Officer will provide a recommendation to Council annually, declaring that in his or her opinion, based on the facts and circumstances, the following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the quarterly *Related Party Disclosures - Declaration* form will be required.

- Payment of rates issued by the Shire of Serpentine Jarrahdale.
- Payment of fines issued by the Shire of Serpentine Jarrahdale.
- Use of Shire of Serpentine Jarrahdale owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not).
- Attending council functions that are open to the public.

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, Elected Members and key management personnel will be required to make a declaration in the *Related Party Disclosures - Declaration* form about the nature of any discount or special terms received.

### **All other transactions**

For all other transactions listed in point 2 above, Elected Members and key management personnel will be required to make a declaration in the *Related Party Disclosures - Declaration* form.

### **Frequency of disclosures**

Elected Members and key management personnel will be required to complete a *Related Party Disclosures - Declaration* form each quarter, commencing 1 July 2017.

The *Related Party Disclosures – Declaration* form must be completed by Elected Members and key management personnel prior to termination of office or termination of employment.

### **Confidentiality**

Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

## Council Policy 1.1.9 – Related Party Disclosures

### Materiality

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements.

In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.

### References

<b>Name of Policy</b>	1.1.9 Related Party Disclosures
<b>Previous Policy</b>	G020 – Related Party Disclosures (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM097/07/17 24/07/2017 Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>            Local Government (Financial Management) Regulations 1996            Australian Accounting Standard – AASB 124 Related Party Disclosures</p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies/References</b>            Department of Local Government, Sport &amp; Cultural Industries Guidelines            AASB 124 Related Party Disclosures – Fact Sheet            AASB 124 Related Party Disclosures – Implementation Guide - June 2017            E17/4866 Related Party Disclosures Declaration Form</p> <p><b>Delegations</b>            Nil</p> <p><b>Work Procedures</b>            Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.1.10 – Civic Functions, Ceremonies and Receptions and Use of the Civic Centre**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

To provide guidance for the:

- approval of civic functions, ceremonies and receptions;
- establishment of the purpose for hosting functions and events relevant to civic or ceremonial occasions;
- use of the Shire's Civic Centre

To fulfil its civic objectives the Shire of Serpentine Jarrahdale will conduct various civic functions and receptions, as well as official openings of Council facilities and other specific receptions or functions from time to time as the need arises.

### **Definitions**

Not applicable

### **Policy**

#### **Civic Functions and Receptions – General**

1. The President, in conjunction with the Chief Executive Officer shall have discretion to determine whether a civic reception is to be held.
2. The date, time and invitation list shall be determined by the President, in conjunction with the Chief Executive Officer.
3. At the discretion of the President and Chief Executive Officer, the President may host functions and receptions for visiting dignitaries, local residents who are recipients of awards or prizes and visitors from other local authorities from Australia and overseas. The invitation list shall be at their discretion.

#### **Specific Functions and Ceremonies**

1. Civic Recognition Function:

## **Council Policy 1.1.10 – Civic Functions, Ceremonies and Receptions and Use of the Civic Centre**

The Shire President is authorised to hold a function for Elected Members, Freeman, retiring Elected Members, local State and Federal Members of Parliament, Chief Executive Officer, Directors, Special Guests, the Mayors/Presidents and Chief Executive Officers of the Shire's adjoining Local Governments and their respective spouses at a time and date determined by the Shire President after each ordinary election is held.

### 2. Citizenship Ceremonies

The Shire conducts Citizenship Ceremonies on behalf of the Department of Immigration and Border Protection at various times throughout the year. Following each Citizenship Ceremony a reception is held for participants and their partners with further guests at the approval of the Chief Executive Officer. Other invitees shall include all current Elected Members, Local Members of Parliament, the Chief Executive Officer and other staff of the Shire at the discretion of the Chief Executive Officer.

### 3. ANZAC Day Ceremony

The Shire hosts an annual Anzac Day ceremony, the location of which is rotated through the different localities of the Shire. Following the conclusion of the Anzac Day Ceremony, all attendees are invited to share in light refreshments. This event is an open invitation to the whole community. Event details are coordinated through a community partnership working group by the Community Services Team in liaison with the Executive Services Team.

### 4. Australia Day

An annual event hosted by the Shire for the whole community including all current Elected Members, Local Members of Parliament, the Chief Executive Officer and staff of the Shire. Event details are coordinated through a community partnership working group by the Community Services Team in liaison with the Executive Services Team.

## **Other Events**

### 1. Volunteer/Community Events

The Shire hosts periodic events to recognise the valuable contribution that various groups make in delivering service and support within our community. These events are coordinated and supported by a number of Shire Departments including the Community Services, the Library and the Emergency Services teams. Recognition events shall be designed within the parameters of characteristics specific to the group and relevant budget allocations, at the sole discretion of the Chief Executive Officer.

### 2. Official Openings of Council Facilities

The Shire hosts periodic official openings of Council facilities (roads, trails, buildings, playgrounds, ovals etc) to celebrate the occasion and recognise where relevant, the stakeholders, community volunteers and funding bodies. These events are coordinated by the

## **Council Policy 1.1.10 – Civic Functions, Ceremonies and Receptions and Use of the Civic Centre**

relevant Shire Department managing the project. Official openings shall be designed within the parameters of characteristics specific to the group and relevant budget allocations, at the sole discretion of the Chief Executive Officer.

### 3. Christmas Functions for Shire Employees and Elected Members

The Chief Executive Officer shall determine on an annual basis an appropriate format for a function for employees and elected members to celebrate Christmas and recognise the efforts of employees throughout the preceding twelve (12) months with the cost of such function being borne by the Shire.

### 4. Requests for Other Functions

In addition to the functions stated above, other functions may be approved by the Chief Executive Officer:

The discretion to approve such functions should take into consideration the following;

- the relevant budget;
- venue availability;
- staffing requirements and availability.

## **Use of Civic Centre**

### 1. Use of Council Chamber:

The use of the Council Chamber is for official meetings/forums/presentations. The Council Chamber is not to be used for hospitality or entertainment purposes. The Chief Executive Officer has sole discretion on its use for non-Council business purposes.

### 2. Use of Councillor's Dining Room and Kitchen

The use of the Councillor's dining room and kitchen primarily is for Councillors. The Chief Executive Officer has sole discretion on its use for non-Council purposes.

## **References**

<b>Name of Policy</b>	1.1.10 Civic Functions, Ceremonies and Receptions and Use of the Civic Centre			
<b>Previous Policy</b>	G011 - Civic Functions, Ceremonies and Receptions and Use of the Civic Centre (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	OCM187/09/15	29/09/2015	Ordinary Council Meeting

## Council Policy 1.1.10 – Civic Functions, Ceremonies and Receptions and Use of the Civic Centre

<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> E13/3695 - Procedure 34 - Using Civic Centre rooms for meetings with external parties</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

# **Council Policy 1.1.11 – Use of the Corporate Logo and Corporate Symbol**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

## **Purpose**

The objectives of the Use of the Corporate Logo and Corporate Symbol Policy is to protect the Shire of Serpentine Jarrahdale's brand in the use of the corporate logo by elected members, employees or on application from the members of local groups and organisations.

## **Definitions**

**Logo** means a graphic representation or symbol which acts to identify an organisation. 'Logo', 'Council logo', 'Shire logo' and 'Shire of Serpentine Jarrahdale logo' refers to both the primary logo used by the Shire of Serpentine Jarrahdale on its printed materials, websites and general correspondence and any other logos, brand marks and/or visual devices which the Shire has developed at any given time.

**Corporate Branding** refers to a wide range of tangible and non-tangible, visual and non-visual elements which contribute to the identity of the organisation.

## **Policy**

### 1. Trademark

To protect the identity of the Shire's corporate logo it is to be trademarked. Once a trade mark is registered, the Shire has the legal right to use, license or sell it within Australia for the goods and services for which it is registered. The Shire also has the right to prevent others from using it.

### 2. Corporate Branding and Logos

The Shire develops and uses, from time to time, a range of corporate branding and logos in its official marketing and promotional publications and materials. Such corporate branding and logos remain the property of the Shire.

### 3. Use of Corporate Branding and Logos –

Any Shire corporate branding or logos, are not to be used by any person or entity without the express authorisation of the Shire. The use of the Shire's corporate branding or logo by any organisation is free of charge and is to be authorised under the following circumstances:

## **Council Policy 1.1.11 – Use of the Corporate Logo and Corporate Symbol**

- a) Used by an entity that is in partnership with the Shire, however the usage may only be used in activities and functions in relation to the partnership.
- b) Used by a person or entity in acknowledgement of the Shire’s provision of sponsorship or in-kind support, however may only be used in activities directly related to the sponsorship.
- c) Used by a person or entity in the promotion of a not for profit undertaking that is aligned with the strategic objectives of the Shire and where the use is considered to have the effect of promoting the Shire.

### 4. Applications to Use

Applications are to be made prior to any use occurring and are to be made in writing, specifying the planned use of the corporate branding or logos, including but not limited to:

- a) the full text of the materials to which the corporate branding or logos are proposed to be applied;
- b) the manner and format by which the materials are to be distributed or published; and
- c) contact details of the person/s who is responsible for the use of the corporate branding or logos.

### 5. Conditions of Use

The following criteria is conditional on any authorisation for the use of the Shire’s corporate branding or logos and is to be communicated to the applicant on issue of an authorisation:

- a) Use of the corporate branding or logo is to be in accordance with the Shire’s Style Guide.
- b) The Shire is to determine a period for which the approval remains valid.
- c) The Shire retains the right to withdraw its approval, with the applicant subsequently being obligated to remove the Shire’s corporate branding or logos from their materials and circulation.

Any other conditions deemed appropriate to the circumstances of the application.

## **References**

<b>Name of Policy</b>	1.1.11 Use of the Corporate Logo and Corporate Symbol
<b>Previous Policy</b>	G012 – Use of the Corporate Logo and Corporate Symbol (E15/5096)

## Council Policy 1.1.11 – Use of the Corporate Logo and Corporate Symbol

<b>Date of Adoption and Resolution Number</b>	Adopted OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.1.13 – Honorary Freeman of the Municipality**

**Objectives:** People

**Outcome:** 1.1 - A healthy, active, connected and inclusive community.

**Strategy:** 1.1.2 - Provide a healthy community environment.

### **Purpose and Objective**

The Council may grant the honour of Freeman of the Municipality in recognition of a person's contribution to the community of Serpentine Jarrahdale. This policy establishes how the nomination of a candidate is to be made and the criteria against which nominations are to be considered.

The objective of this policy is to establish the circumstances under which the Shire of Serpentine Jarrahdale Council may bestow the title of Honorary Freeman of the Shire upon individuals who have made an outstanding and exceptional contribution to the community.

### **Definition**

“**Freeman**” means a person who has been bestowed certain privileges by the Shire.

### **Policy**

The Council will recognise, under appropriate circumstances, individuals who have demonstrated outstanding service to the community by awarding the title of Honorary Freeman.

The title of Honorary Freeman is the most prestigious form of honour or recognition that can be conferred by the Council. This honour will therefore be conferred only in rare and exceptional circumstances to maintain both the significance and prestige of the title.

Bestowing of the title of Honorary Freeman of the Shire will only be by resolution of Council and in accordance with this policy.

### **Selection Criteria**

Any successful candidate for the honour must be a person with the following areas-

#### **1. Criteria for Bestowing the Honour**

The criteria for bestowing the title of Honorary Freeman of the Municipality is as follows:

- a) Resident of the District for all, or most of the period relating to their eligibility to be nominated.

## **Council Policy 1.1.13 – Honorary Freeman of the Municipality**

- b) Minimum service of 15 years to the Serpentine Jarrahdale community in any capacity (not necessarily as an elected member or employee of the Shire).
- c) No currently serving elected member or employee is eligible to be nominated, although former elected members and employees may be nominated.

### **2. Principle of Confidentiality**

All proceedings of Council when dealing with a proposal to consider a nomination for Freeman of the Municipality is considered to be dealing with the personal affairs of a person and is to be dealt with as a confidential item. As such it is to be considered behind closed doors pursuant to Section 5.23(2)(b) of the Local Government Act 1995 and the relevant reports shall be deemed to be confidential items pursuant to Section 5.95(3) of the Local Government Act 1995.

### **3. Nomination and Consideration of Awarding the Honour**

Any elected member may nominate, in writing, a person as Freeman of the Municipality, to the CEO in the strictest confidence and without the nominee's knowledge. The CEO is to ensure that the nomination is drawn to the attention of the Shire President. Consideration of a nomination for Freeman of the Municipality is to be dealt with as follows, following submission to the CEO of the nomination:

- a) The person's name is to be raised by the Shire President to the Leadership Team. A report is to be prepared for consideration at an ordinary meeting of the Council. The nominating elected member is to be given the opportunity, if he/she wishes, to provide supporting information/documentation for inclusion in this report.
- b) On receipt of such nomination, the Council is to require that the report be circulated to all elected members as a confidential item.
- c) At the ordinary meeting of the Council (and behind closed doors), if an elected member is not in favour of the proposal, then he/she should advise of his/her views and the reason/s why.
- d) The Council is to determine whether the nomination should be pursued.
- e) If it is considered appropriate to pursue the nomination further, then it should be resolved *'that Council bestow the honour of Honorary Freeman of the Municipality as indicated in this report'*. A letter advising of this Council decision is to be sent to the nominated Freeman.
- f) If it is considered by Council that it would not be appropriate to pursue such a nomination, then no record of the discussion is to be made in the minutes, however the recommendation is to reflect that the person concerned has not received the support of the Council.

## Council Policy 1.1.13 – Honorary Freeman of the Municipality

- g) If the candidate for Freeman declines the nomination, the Council is to be informed and the matter shall lapse.

### 4. Rescission/revocation of Award of Freeman

The Shire reserves the right, at its absolute discretion to rescind/revoke the award of Honorary Freeman, such decision to be taken by an absolute majority of the Council.

### 5. Code of Conduct

Honorary Freeman of the Shire attending events or functions at the invitation of the Shire President will behave in a manner befitting the honour bestowed and will at all times:

- (a) Refrain from making critical or disparaging remarks about Council or past and present Councillors and employees;
- (b) Refrain from any behaviour that may embarrass Council or bring it into disrepute; and
- (c) Comply with all Shire's policies, procedures and guidelines in relation to the use of the Shire's crest.

## References

<b>Name of Policy</b>	1.1.13 Honorary Freeman of the Municipality			
<b>Previous Policy</b>	G005 – Honorary Freeman of the Municipality (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	A092	25/09/1995	
<b>Review dates and Resolution Numbers</b>	Modified	CGAM050/12/08	15/12/2008	Ordinary Council Meeting
	Reviewed	OCM086/11/12	12/12/2012	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
	Reviewed			
<b>Next review date</b>				

## Council Policy 1.1.13 – Honorary Freeman of the Municipality

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995 s.5.23(2)(b), s5.95 (3)</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies/References</b> Business Operating Policy (BOP) 1.2.0 – Honorary Freeman Function Arrangements E16/678 – Honorary Freeman Contact List E16/677 – Honorary Freeman Certificate Template</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> To be developed</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.3.1 – Social Media (Existing)**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.2 - Maximise the Shire's brand and reputation in the community.

### **Purpose**

The objectives of the Social Media Policy are to ensure that social media, such as Facebook, is being utilised to ensure the Shire is communicating effectively in reaching their target public, particularly as part of consultation campaigns. This policy applies to all employees and elected members.

### **Definitions**

Not applicable

### **Policy**

This policy is designed to provide a framework for social media use at Shire of Serpentine Jarrahdale, including but not limited to Facebook, Twitter, YouTube, LinkedIn, etc.

This policy aims to:

- Provide guidance for the appropriate use of social media tools for the Shire.
- Highlight the effectiveness of social media within community engagement programs.
- Address perceived and real issues surrounding social media.
- Minimise the likelihood of miscommunication or inappropriate communications.
- Suggest guidelines, limitations and parameters regarding use by social media users.

The Communications Department will be responsible for the Shire's Facebook page and all other social media communication tools.

Similar to website content, any social media content to be posted should be approved by the Manager prior to publication, to ensure the Shire is presented professionally.

### Spokespeople/media announcements

Employees are not authorised to speak to the media or issue statements on behalf of Council. Social media is considered a public forum, and staff should not post information or statements when they are not authorised to speak on behalf of Council.

## **Council Policy 1.3.1 – Social Media (Existing)**

### Breaches

A breach of this policy may lead to performance management or disciplinary action, at the discretion of the Chief Executive Officer. The CEO reserves the right to remove, where possible, content which violates the policy or associated guidelines.

Social media users must also comply with all relevant laws and regulations (especially those relating to identity and representation), respect competitors and detractors and adhere to the Shire's confidentiality, legal and privacy guidelines.

### Community Engagement

Social media is an integral component for any best practice communication/marketing campaign.

Use of social media within community engagement should be used to enhance communication between the Shire and its stakeholders. All engagements in social media must ensure the content of any interaction is:

- Accurate and truthful
- Meets quality requirements of the Shire
- Transparent

Content must not be:

- Abusive, profane or sexual language, commercial solicitations or transactions.
- Discriminatory material aligned with age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation.
- Copyright or ownership protected materials.
- Illegal or materials designed to encourage law breaking.
- Materials that could compromise Council, employees or system safety.
- Materials which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks.)
- Material that would offend contemporary standards of taste and decency.
- Material which would bring the Council or its stakeholders and/or their reputation into disrepute.
- Sexual content or links to it.
- Spam, meaning the distribution of unsolicited bulk electronic messages.

### Confidential and Protected Information

Permission to use copyrighted material must be sought from the creator or copyright owner. A user may breach confidentiality if they disseminate information on social media sites by an employee, associate or other relevant stakeholder may be a breach of their confidentiality obligations to the Council or a third party.

## Council Policy 1.3.1 – Social Media (Existing)

### References

<b>Name of Policy</b>	1.3.1 Social Media (Existing)			
<b>Previous Policy</b>	G010 – Social Media (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	OCM207/05/13	27/05/2013	Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> Nil</p>			

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.3.2 - Media**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.2 - Maximise the Shire's brand and reputation in the community.

### **Purpose**

The objectives of the Media are to provide for effective communication of Council affairs to the public through the media and to promote positive coverage of council affairs that is fair, accurate and reliable. This policy applies to situations where Council officials communicate with the media about Council affairs and related matters and attend public speaking engagements.

This policy also acknowledges the rights and responsibilities of Councillors as elected members as outlined in the Local Government Act 1995.

### **Definitions**

Not applicable

### **Policy**

The following guiding principles underline Council's interaction with the media:

1. Council will openly discuss matters of interest with the media unless disclosure of certain information contravenes Council's obligations of confidentiality or privacy, duty of care, or could infringe other laws or regulations that govern its operations.
2. The Shire President and/or the Chief Executive Officer are the official spokespersons on Council affairs.
3. As members of the community, councillors are entitled to enter into public debate in their private capacity and make comment on Council affairs provided they clearly state that such public comment reflects their personal opinion and not that of the Council or a committee of Council.
4. The Chief Executive Officer may nominate specialist members of staff to respond to technical questions on operational matters only. The Shire President and/or Chief Executive Officer must approve of other information before it is issued or distributed to the media.
5. Council staff should support Council decisions and should refrain from using the media to make negative personal reflections on each other or comment that could be interpreted as such and which are reasonably likely to undermine public confidence in the Council or local government generally.

## Council Policy 1.3.2 - Media

6. Council staff must not make political or controversial statements in or to the media relating to Council affairs, decisions and/or events, or about Elected Members which are likely to generate negatively on Council.
7. Council staff are entitled to enter into public debate and make comment on civic affairs, provided they do not give the impression they are speaking in their official position for or on behalf of Council.
8. The Communications Department is responsible for co-ordinating and distributing articles, columns and newsletters on behalf of the Shire President or the Council. In each case, the responsible officer must ensure the information contained in the document is accurate and approved by the relevant Directorate, Chief Executive Officer and Shire President, prior to release.

### Incorrect Information

In the event of incorrect information or information that has a personal or corporate reputation risk being published, the Communications Department will investigate and report to the Chief Executive Officer on how the information came to be published. If necessary, the Chief Executive Officer will issue or will authorise a media release clarifying the incorrect information.

### Breaches

Breaches of this policy will be dealt with in accordance with *Local Government Act 1995* and Shire of Serpentine Jarrahdale Code of Conduct.

## References

<b>Name of Policy</b>	1.3.2 Media			
<b>Previous Policy</b>	G016 – Media (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>				
<b>Next review date</b>				

## Council Policy 1.3.2 - Media

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> Nil</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.3.4 – Community Survey**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.2 - Maximise the Shire's brand and reputation in the community.

### **Purpose**

Council's Community Survey policy is created to guide the development of an organisational culture focused on meeting the needs and expectations of its customers and to continuously improve its services for all residents.

### **Definitions**

Not applicable

### **Policy**

The policy aims to:

- Promote an integrated framework for providing quality service to the community.
- Promote best practice of customer service behaviours and attitudes by all Shire Employees, Councillors, contractors and volunteers within the community.
- Ensure transparency, consistency and fairness in the manner in which Council deals with its community.
- Make Council's policies and requirements for community are readily accessible and understandable to the public.

### **Guidelines**

1. At least every two years the Shire will conduct a Community Survey, or similar to gauge the level of success the Shire is achieving in its delivery of local government services and any other issues the Council may determine.
2. To promote transparency and accountability the results of each Community Satisfaction Survey will be placed on the Shire's website until the results of the next survey are available.

## Council Policy 1.3.4 – Community Survey

### References

<b>Name of Policy</b>	1.3.4 Community Survey			
<b>Previous Policy</b>	G910 – Community Survey (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted			
<b>Review dates and Resolution Numbers</b>	Modified	CGAM050/12/08	15/12/2008	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
	Reviewed			
<b>Next review date</b>				
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Local Government Act 1995</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> Nil</p>			

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.4.1 – Payments to Employees in Addition to Contract on Cessation of Employment**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The purpose of this policy is to outline the circumstances in which a payment may be made to an employee who is ceasing employment with the Shire in accordance with s5.50 of the *Local Government Act 1995* (the Act).

Decisions under this policy are to be made:

- (a) By the Council – where the decision involves a payment to the CEO; and
- (b) By the CEO – where the decision involves a payment to any other employee of the Shire.

### **Definitions**

Not applicable

### **Policy**

#### Gratuity Payments

The Shire may wish to recognise the service provided by an employee, who is finishing employment with the Shire, and who, in the judgement of the Chief Executive Officer, has made a significant and valuable contribution to the organisation. This may be recognised by way of a gratuity payment.

In determining the gratuity payment to be made, the Chief Executive Officer will consider the matter on its merit having regard for the length of the employee's service or contribution with the Shire and the employee's standard of performance, outstanding service and/or contribution.

These payments, when proposed to be made, are in addition to any amount which the employee is entitled to under a contract of employment, enterprise agreement or Award. This policy shall not be considered as a contractual entitlement under the employment relationship.

The gratuity payment identified within this policy does not apply to an employee who has been dismissed by the Shire for any reason.

## **Council Policy 1.4.1 – Payments to Employees in Addition to Contract on Cessation of Employment**

### Cessation of Employment

The Shire may elect to pay to a terminating employee an amount in excess of their award or contractual entitlement where the termination of employment is a matter of serious and genuine dispute between the Shire and the employee, that is best resolved, in the judgement of the Chief Executive Officer, after considering legal and other relevant advice, on a commercially negotiated basis.

### Value of Payment

The value of a payment or payments made under s5.50(1) and (2) of the Act, to an employee whose employment finishes with the Shire will be made in accordance with Regulation 19A of the *Local Government (Administration) Regulations 1996* and is not to exceed in total:

- (a) The equivalent value of 3 months of the employee's base annual salary, if the person:
- i Accepts voluntary severance by resigning as an employee; and
  - ii Is not a CEO or a senior employee whose employment is governed by a written contract in accordance with s5.39.
- or
- (b) In all other cases, \$5,000.

### Special Circumstances

If special circumstances warrant, Council may at any time give consideration to the payment of a gratuity that is additional to that set out in this policy. In this instance public notice shall be given of the proposed additional gratuity, in accordance with the provisions of the Act.

**Note:** As required by s5.50 of the Act, this policy is to be advertised by local public notice.

## **References**

<b>Name of Policy</b>	1.4.1 Payments to Employees in Addition to Contract or Award on Cessation of Employment			
<b>Previous Policy</b>	G706 - Payments to Employees in Addition to Contract or Award on Cessation of Employment (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	CGAM008/08/11	22/08/2011	Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				

## **Council Policy 1.4.1 – Payments to Employees in Addition to Contract on Cessation of Employment**

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995 S5.50</i>  <i>Local Government (Administration) Regulations 1996, r19A</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>            Nil</p> <p><b>Delegations</b>            Nil</p> <p><b>Work Procedures</b>            TBD</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.4.2 – Risk Management**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

As a local government, the Shire of Serpentine Jarrahdale has exposure to a range of risks that if unmanaged, may have an adverse impact on the achievement of organisational objectives.

The Shire shall implement an enterprise-wide risk management framework and systems to identify and manage potential risk to minimise adverse outcomes. The policy intent is to build a risk mature environment where Council, management and employees take responsibility for risk management through systemic practices to:

- Safeguard the Shire people, assets, property, reputation and information;
- Promote an environment where risk management principles and practices are the tools to the achievement of organisational goals;
- Provide the resources required to minimise adverse reaction to risks.

### **Definitions**

**risk** means the effect of uncertainty on objectives. An “effect” is a deviation from the expected (either positive or negative). Objectives can have a different aspects (such as financial, health and safety and environment) and can be strategic, organisation-wide, project based or procedural. Risk is often characterised by reference to potential events and consequences or a combination of these. Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence.

**risk management** means the coordinated activities to direct and control an organisation with regard to risk, which may include a policy (outlining the overall intentions and direction of an organisation related to risk management), and a framework – a set of components that provide the foundations and organisational arrangements for designing, implementing monitoring, reviewing and continually improving risk management throughout the organisation. (Refer to ISO Guide 73: 2009 – AS/NZS 31000:2009 – Risk Management Standard).

### **Background**

A Standard designated as AS/NZS ISO 31000:2009 has been prepared on Risk Management. This Standard defines risk assessment as the overall process of risk identification, risk analysis and risk evaluation.

## **Council Policy 1.4.2 – Risk Management**

All organisations should identify sources of risk, areas of impact, events and their causes and their potential consequences. The aim of this step is to generate a comprehensive list of risks, known as a Risk Register, based on those events that might create, enhance, prevent, degrade, accelerate or delay the achievement of objectives.

Identification should include risks whether or not their source is under the control of the organisation, even though the risk source or cause may not be evident. Risk identification should include examination of the knock-on effects of particular consequences, including cascade and cumulative effects. As well as identifying what might happen, it is necessary to consider possible causes and scenarios that show what consequences can occur. All significant causes and consequences should be considered.

Organisations should apply risk identification tools and techniques that are suited to its objectives and capabilities, and to the risks faced. People with appropriate knowledge should also be involved in identifying risks. The management of risk should therefore be undertaken with full consideration of the need to justify the resources used in carrying out risk management.

### **Principles**

Best practice risk management is a set of coordinated activities to direct and control the organisation. The Enterprise Risk Management Framework that underpins this policy sets out the:

- Risk management process;
- Application of risk management principles;
- Requirement that risk assessments will be conducted on strategic projects and major initiatives;
- Allocation of responsibilities for managing risk;
- Annual risk management plan;
- Available resources;
- Terminology; and
- Shire of Serpentine Jarrahdale Risk matrix to provide guidance for the identification and treatment plans for risk.

### **Policy**

The Shire of Serpentine Jarrahdale is committed to managing risk in accordance with the principles, framework and guidelines detailed in AS/NZS ISO 31000:2009 and shall:

- Implement an Enterprise Risk Management Framework and Plan;

## **Council Policy 1.4.2 – Risk Management**

- Identify strategic, operational and project risks using systematic tools and based on the level of risk ensure effective Risk Treatment Plans to minimise such risks are in place;
- Ensure any item with a risk ranking of greater than 10 categorised as either High or Extreme risk and is apparent to be ongoing, be listed on the Shire's Risk Register;
- Align risk management systems and processes with current strategic and operational planning processes;
- Develop a range of risk management key performance indicators to monitor responsibility and accountability.

### **Responsibilities and Accountabilities**

The Chief Executive Officer is accountable for this policy and review.

- Senior management are responsible for ensuring employees manage risks within their business units;
- Senior officers are to encourage openness and honesty in the reporting and escalation of risks, without fear of recrimination;
- All employees, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices;
- The shire is committed morally and financially to the concept and resourcing of risk management.

### **Report, monitor and review**

In accordance with *Local Government (Audit) Regulations 1996*, regular reporting of systems and procedures in relation to risk management be submitted to the Shire's Audit and Risk Committee and that Committee has the Shire's Risk Register as a standing agenda item.

### **Risk Criteria and Evaluation**

Risk criteria also needs to be defined to evaluate the significance of risk. Factors to be considered include the following:

- The nature and types of causes and consequences that can occur and how they will be measured;
- How likelihood will be defined;
- The timeframe (s) of the likelihood and/or consequence (s);
- How the level of risk is to be determined;
- The views of stakeholders;
- The level at which risk becomes acceptable or tolerable.

## Council Policy 1.4.2 – Risk Management

Risk evaluation always involves the assessment of the likelihood (chance of something happening) and consequence (outcome of an event affecting objectives) of an event.

### Risk Assessment Tool

Local Government Insurance Services have developed a risk assessment tool which is widely used by local governments in Western Australia – Risk Assessment Tool. The tool is broken down as follows to demonstrate alignment with the aforementioned Australian Standard:

### Measures of Likelihood

MEASURES OF LIKELIHOOD

LEVEL	RATING	DESCRIPTION	FREQUENCY
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

Measures of likelihood form part of the risk matrix to determine the 'risk rank' and the 'level of risk'. A level of 1 - 5 is applied based on the likelihood of an event occurring, ranging from rare to almost certain. The likelihood can be determined objectively or subjectively, qualitatively or quantitatively, and described using general terms or mathematically such as probability or a frequency over a given time period.

### Measures of Consequence

MEASURES OF CONSEQUENCE

RATING	HEALTH People	FINANCIAL IMPACT	SERVICE INTERRUPTION	COMPLIANCE	REPUTATION Social Community	PROPERTY Plant Equipment Buildings	ENVIRONMENT
Insignificant (1)	Negligible injuries	Less than \$50,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$50K - \$250K	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$250K - \$500K	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$500K - \$2M	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$2M	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building	Uncontained, irreversible impact

## Council Policy 1.4.2 – Risk Management

As defined by the Australian Standard consequence is the outcome of an event affecting corporate objectives. The above identifies outcomes in six main categories being health, financial impact, service interruption, compliance, reputation and environment. A level of 1 - 5 is applied based on the severity of the outcome, ranging from insignificant to catastrophic. Combined with measures of likelihood, measures of consequence form the evaluation of risks in the Risk Matrix (see below).

### Risk Acceptance Criteria

RISK ACCEPTANCE CRITERIA			
RISK RANK	DESCRIPTION	CRITERIA FOR RISK ACCEPTANCE	RESPONSIBILITY
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Director / CEO
EXTREME	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

### Risk Matrix

The risk matrix will determine a risk ranking and level of risk based on the measurement of the likelihood and consequence of a particular event. It is recommended that any event with a risk ranking of 'high' or 'extreme' be recorded in the Shire's Risk Register and reported to the Audit Committee on a periodic basis. These events require regular monitoring and risk treatment actions which may involve the following:

- Avoiding the risk by deciding not to start or continue with the activity that gives rise to the risk;
- Taking or increasing risk in order to pursue an opportunity;
- Removing the risk source;
- Changing the likelihood;
- Changing the consequences;
- Sharing the risk with another party or parties (including contracts and risk financing); and
- Retaining the risk by informed decision.

Risk treatments that deal with negative consequences are sometimes referred to as risk mitigation, risk elimination, risk prevention and risk reduction. Risk treatments will be particularly important where existing controls are deemed to be inadequate.

Consequence Likelihood		RISK MATRIX				
		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	MODERATE (5)	HIGH (10)	HIGH (15)	EXTREME (20)	EXTREME (25)
Likely	4	LOW (4)	MODERATE (8)	HIGH (12)	HIGH (16)	EXTREME (20)
Possible	3	LOW (3)	MODERATE (6)	MODERATE (9)	HIGH (12)	HIGH (15)
Unlikely	2	LOW (2)	LOW (4)	MODERATE (6)	MODERATE (8)	HIGH (10)
Rare	1	LOW (1)	LOW (2)	LOW (3)	LOW (4)	MODERATE (5)

## Council Policy 1.4.2 – Risk Management

### References

<b>Name of Policy</b>	1.4.2 Risk Management
<b>Previous Policy</b>	G913 – Risk Management (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted
<b>Review dates and Resolution Numbers</b>	Reviewed
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995 S2.7 – Role of Council</i>  <i>Local Government Act 1995 Part 7 – Audit</i>  <i>Local Government (Audit) Regulations 1996, Regulation 17 – CEO to review certain systems and procedures</i></p> <p><b>Plans/Strategies</b>            Corporate Business Plan 2017 - 2021            Risk Management Framework            Business Continuity Plan</p> <p><b>Policies/References</b>            AS/NZS ISO 31000 Risk Management            IEC/ISO 31010 Risk assessment techniques            State Planning Policy “Natural Hazards and Disasters” 3.4            Planning for Bush Fire Protection Edition 2            Local Planning Policy No.43 Hazards and Natural Disasters            Local Planning Policy No. 21 Management Plans            Code of Conduct</p> <p><b>Delegations</b>            Nil</p> <p><b>Work Procedures</b>            Risk Management Procedure            Risk Management – Completing Risk Registers            Template for Risk Register</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 1.4.3 – Health and Safety**

**Objectives:** People

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The Shire of Serpentine Jarrahdale is committed to protecting the health and safety of all persons in its workplace including workers, contractors and visitors. The Shire demonstrates this commitment by providing safe systems of work, work instructions with the aim of a safe working and community environment to minimise risk of illness or personal injury.

### **Definitions**

**Code of practice** as defined by the Occupational Safety and Health Legislative framework (WA) as, a document prepared for the purpose of providing:

- a) practical advice on preventive strategies; and
- b) practical means of achieving any code, standard, rule, provision or specification relating to occupational safety and health in Western Australia.

**Guidance Note** is an explanatory document providing detailed information on the requirements on legislation, regulations, standards, codes of practice or matters relating to occupational safety and health, as approved by the Commission for Occupational Safety and Health.

**Australian Standards** is a term that refers the standards are documents setting out specifications, procedures and guidelines. They are designed to ensure products, services and systems are safe, reliable and consistent.

**AS/4801** specifies requirements from an Occupational Health and Safety Management system (OHSMS) to enable an organisation to formulate a policy and objectives taking into account legislative requirements and information about hazards or risks. It applies to those hazards or risks over which the organisations may exert control and over which it can be expected to have an influence. It does not state specific OSH performance outcomes.

### **Policy**

The Shire of Serpentine Jarrahdale will continuously work towards achieving best practice in accordance with the *Occupational Safety and Health Act 1984*, *Occupational Safety and Health Regulations 1996*, Codes of Practice, Guidance Notes and Australian Standards.

### **Council Policy 1.4.3 – Health and Safety**

The Shire of Serpentine Jarrahdale shall take reasonable and practical steps to:

- Improve work safety conditions;
- Continuously review and improving its safety performance;
- Uphold core values of acting safely, doing the right thing, working as a team and focussing on our customers;
- Complying with all applicable health and safety laws, regulations, standards and codes of practice;
- Provide safe plant and equipment;
- Provide health and safety training to all employees;
- Maintain a Safety Management System to ensure relevant information is documented and reported on;
- Maintain relevant policies, procedures, systems, information, training, recognition programs and organisational structures to support and communicate effective health and safety practices throughout the Shire;
- Consult with workers to improve safety;
- Establish clear targets and objectives for the development of health and safety in the workplace; and
- Respond and investigate incidents, events or issues for the purpose of continuous improvement.

The Shire of Serpentine Jarrahdale acknowledges that the achievement a safe work environment requires the commitment of all management, officers, contractors, and volunteers. It is expected, therefore, that everyone will strive to meet their obligations as outlined in the *Occupational Health and Safety Act 1984*, and actively contribute to the Shires workplace safety system.

All persons at the workplace are to abide by procedures that have been created in the interest of worker health and safety. The Chief Executive Officer and the Council are committed to the successful implementation of this policy and provide resources to implement these practices.

#### **Responsibilities**

The Chief Executive Officer is responsible for the implementation and management of this policy.

All senior management are responsible for compliance to this policy by their employees.

## Council Policy 1.4.3 – Health and Safety

All employees are responsible and accountable for the health and safety of themselves and others in the workplace.

All employees are empowered to demonstrate leadership through both personal and team decisions to enhance health and safety performance within their own working environment.

### References

<b>Name of Policy</b>	1.4.3 Health and Safety
<b>Previous Policy</b>	G008 – Occupational Health, Safety, Environment and Community (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM023.1/01/10 2501/2010 Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed CGAM065.3/06/11 27/06/2011 Ordinary Council Meeting Reviewed OCM117/01/13 29/01/2013 Ordinary Council Meeting Reviewed OCM147/02/13 25/02/2013 Ordinary Council Meeting Reviewed OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Occupational Safety and Health Act 1984</i>  <i>Occupational Safety and Health Regulations 1996</i>  <i>Australian Standard 4801</i>  <i>Codes of Practice</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>            Nil</p> <p><b>Delegations</b>            Nil</p> <p><b>Work Procedures</b>            E12/6913 Occupational Health and Safety Work Procedures</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

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## **Council Policy 1.4.4 – Recognition of Long Serving Employees**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The purpose of this policy is to express appreciation to employees with extended periods of continuous service and to promote positive workplace relations between the Shire and its employees.

### **Definitions**

**“continuous employment”** includes long service leave, study leave, sick leave and compassionate leave. It includes part time and full time employees and those who may have, from time to time, been both a full time and part time employee. For the purpose of calculating the anniversary date for qualifying for the entitlement it does not include periods of leave taken without pay, maternity leave and any other type of approved leave where the employee remains an employee of the Shire but is not paid for the period of absence by the Shire.

**“note”** the period a person has been employed in either a full time or part time position will be interpreted for the purpose of this policy as the employment period i.e. five (5) years part time will still be considered employment for a period of five (5) years for the purposes of qualifying for the entitlement.

### **Policy**

#### Milestone service achievements

Eligibility is based upon years of continuous employment with the Shire:

- a) Employees with a minimum continuous service of five (5) years and for every five (5) year increment thereafter, from the date of their employment, is eligible for service recognition.
- b) Eligible employees must be in active service on their anniversary date to receive this recognition.
- c) Employees on leave of absence will receive their award upon return to active employment.
- d) Council will contribute a gift of \$50 per year of service to employees who achieve five (5) years continuous service from the date of their employment, and on every five (5) year increment thereafter.
- e) The Shire will host a morning tea or similar every three months to present the service awards.

## Council Policy 1.4.4 – Recognition of Long Serving Employees

- f) No cash or cheque directly paid to the employee will be allowable – contribution will be made via a gift voucher or gift vouchers to various retailers.

### Anniversary recognition

- a) Permanent employees are eligible for an annual anniversary bonus commencing on their third (3) year anniversary of continuous employment.
- b) No cash or cheque directly paid to the employee will be allowable. Recognition will be a gift voucher to an outlet of the employees' choice to the value of \$100.00.

## References

<b>Name of Policy</b>	1.4.4 Recognition of Long Serving Employees
<b>Previous Policy</b>	G924 – Recognition of Long Serving Employees (E15/5096)
<b>Date of Adoption and Resolution Number</b>	
<b>Review dates and Resolution Numbers</b>	Reviewed OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> TBD</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 2.0.1 – Asset Management**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The key objective of this policy is to ensure that services delivered by the Shire continue to be sustainably delivered. This will be achieved by ensuring that the infrastructure assets used to support the service delivery continue to function to the level of service determined by Council.

It also provides clear direction as to how Council, as custodians of community assets, will manage those assets within an Asset Management Framework.

The Policy provides an integrated and multidisciplinary environment for undertaking Infrastructure Asset Management (IAM) in a way that ensures that assets servicing the community for current and future generations are preserved and also allows for informed decision making, incorporating life cycle costing principles and sustainable management of assets.

### **Definitions**

Not applicable

### **Policy**

#### Objective:

- 1.1 This Policy provides an essential framework and rationale for best practise Infrastructure Asset Management (IAM) decision-making (function and standard) and informing the organisation on how it will maintain its infrastructure asset to meet service delivery requirements.
- 1.2 The dynamic infrastructure asset management framework will also enable IAM to be undertaken in a structured and integrated manner with consideration to full lifecycle costing and assessment of the feasibility and cost of future replacement.
- 1.3 It complements and builds on the Shire's Strategic Community Plan and provides a more formalised approach to IAM principles and methodology and incorporates processes enabling informed decision making to meet service needs over the life of an infrastructure asset from planning, creation, operations, maintenance and renewal through to disposal.
- 1.4 The asset register is to be maintained for accurate reporting and effective decision making.

## **Council Policy 2.0.1 – Asset Management**

### Applying the Policy:

- 2.1 The infrastructure assets to be considered in this policy include such assets as; roads, kerbing, drainage, bridges, buildings, public open spaces, reserves, sporting facilities, playground equipment and street furniture.
- 2.2 As custodians of the Shire's assets, Council is required to represent the community as the asset owner and the administration has the responsibility to provide technical and professional advice to Council.
- 2.3 Consistent standards will be developed and applied to infrastructure assets built by the Shire, Community or the Land Developer.
- 2.4 Council will involve and consult with the community and key stakeholders on determining service standards when developing level of service for infrastructure assets.
- 2.5 Appropriate resources will be allocated to ensure the IAM practices are undertaken effectively, including timely maintenance and renewal to ensure that lifecycle costs are optimised for both existing and new assets.
- 2.6 Council will adopt an annual Infrastructure Works Budget that reflects the objectives of IAM, with adequate funding allocated for maintenance, capital renewal and capital upgrade of existing assets.

To achieve the policy objective, the Shire is committed to ensuring that Asset Management is recognised as a major corporate function of Council, and that staff are committed to supporting the function in line with this policy.

The Shire is committed to making informed decisions in relation to its assets. To achieve this, the Shire will prepare an Asset Management Improvement Strategy that will guide the implementation of Asset Management practices across the organisation with the major outcome being the adoption by Council of an Asset Management Plan for the following classes of assets:

- Roads
- Drainage
- Buildings
- Parks & Reserves
- Pathways and cycleways
- Plant & Fleet

Asset Management Plans will form part of the Shire's day-to-day business practices and will be used to make informed decisions in relation to service delivery when considering the need to acquire new assets, renew existing assets, upgrade existing assets or dispose of existing assets to support service delivery.

## **Council Policy 2.0.1 – Asset Management**

Asset Management plans will be prepared in accordance with the recommended format of the Institute of Public Works Engineering Australia's (IPWEA) International Infrastructure Manual. This will include long term (20 year) financial modelling of the renewal profile of each asset class and will be underpinned by long term financial plans.

In making informed decisions in relation to assets, the Council will consider the following key principles:

- Philosophy of renewing assets before acquiring new assets and, where possible, rationalising assets that are no longer used or do not provide the necessary level of service required to sustainably deliver the service for which the asset was acquired.
- Prior to consideration of any major refurbishment, improvement to an existing asset, construction or acquisition of a new asset, a critical review of the following shall occur as part of the evaluation and prioritization process:
  - Need for facility (short and long term)
  - Legislative requirements
  - Opportunities for rationalisation
  - Future liability including ultimate retention/disposal
  - Opportunities for multiple use
- All capital projects will be evaluated in accordance with a Capital Evaluation model and take into account capital cost, ongoing cost of maintenance, refurbishment, replacement and operating cost ("whole of life" cost assessment).
- Management of assets utilising a team approach supported by the multi discipline cross-functional asset management working group.
- Developing and implementing a 10 year "rolling" financial plan that incorporates infrastructure renewal requirements as identified within the various Asset Management Plans.
- The commitment to involve and consult with the community and key stakeholders when determining service levels.
- Training in asset and financial management will be provided for councillors and relevant staff.

## **Responsibility and Reporting**

**Council** - is responsible for approving (including amendments to):

- Asset Management Policy
- Asset Management Improvement Strategy
- Asset Management Plans

## Council Policy 2.0.1 – Asset Management

**Chief Executive Officer (CEO)** - is responsible for ensuring that systems are in place to ensure that Council's Asset Management Policy, Asset Management Improvement Strategy and Asset Management Plans are prepared and kept up to date, reviewed at least annually. The CEO reports to Council on matters relating to Asset Management.

**Executive Management Group** – is responsible for monitoring the implementation of asset management across the organisation. The Executive Management Group will ensure that strategies are put in place for the successful implementation of Asset Management.

**Asset Management Working Group (AMWG)** – is responsible for ensuring that Council's Asset Management Improvement Strategy is achieved and that Asset Management Plans are prepared and maintained in line with this policy. Where changes to Council's Asset Management Policy, Improvement Strategy or Plans are identified, the AMWG is responsible for reporting these to the Executive Management Group for consideration. The AMWG reports to the Executive Management Group on all matters relating to Asset Management.

**Director Infrastructure Services** – is responsible for resource allocation associated with achieving Council's Asset Management Improvement Strategy. The Director Infrastructure is responsible for supporting the AMWG and ensuring that resources are commissioned (where appropriate) to assist the AMWG to achieve its objectives.

**All Directors** – are responsible for ensuring that resources under their control are appropriately allocated to resource asset management and in particular the Asset Management Working Group.

### References

<b>Name of Policy</b>	2.0.1 Asset Management			
<b>Previous Policy</b>	AP26 – Asset Management (E15/5096) ED601 – Infrastructure Asset Management (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	CGAM056/03/10	22/03/2010	Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
	Reviewed	OCM023.1/01/10	25/01/2010	Ordinary Council Meeting
<b>Next review date</b>	Reviewed by the AMWG on an annual basis with recommendations for amendments submitted to the Executive Management Group if required.			

## Council Policy 2.0.1 – Asset Management

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Council Policy 3.2.10 – Significant Accounting Policies Asset Management Improvement Strategy Asset Register</p> <p><b>References</b> Institute of Public Works Engineering Australia's (IPWEA) International Infrastructure Manual</p> <p><b>Delegations</b></p> <p><b>Work Procedures</b></p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 2.1.1 - Trails**

**Objectives:** Place

**Outcome:** 2.1 - A diverse, well planned built environment.

**Strategy:** 2.1.1 - Actively engage in the development and promotion of an effective planning framework.

### **Purpose**

This policy establishes a framework within which the Shire can work in a cooperative partnership with community volunteers so that an exceptional network of trails can be established and maintained to a sustainable and safe standard.

### **Definitions**

Not applicable

### **Policy**

The Council is committed to the establishment of a comprehensive network of trails throughout the Shire. The Council's policy to achieve this goal is:

1. To nurture and utilise volunteer organisations as an integral part of its trails implementation program.
2. Consider an annual budget based on recommendations from recognised community based volunteer organisations.
3. Where Council approves a budget allocation and funds are not expended within that financial year the funds will be transferred for expenditure in a future year.
4. All trails must be constructed in accordance with approved standards.
5. Standards must be developed and approved by the Council prior to any works being implemented.
6. It is recognised that there will be different standards for different circumstances and Council will consider the standards on the basis of being "fit for purpose", public safety (including measures to mitigate risk) and maintenance requirements.
7. All public funds allocated to community organisations must be properly accounted for and acquitted in accordance with the Trails Administration Procedure.

## Council Policy 2.1.1 - Trails

### References

<b>Name of Policy</b>	2.1.1 Trails
<b>Previous Policy</b>	CSP38 – Trails (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted CGAM067/03/08 25/03/2008 Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Modified OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 – 2027 Shire of Serpentine Jarrahdale Trails Master Plan</p> <p><b>Policies/References</b> Local Planning Policy 9 – Multiple Use Trails within the Shire of Serpentine Jarrahdale Western Australian Strategic Trails Blueprint 2017-2021 TrailsWA</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> PCWP6 – Trails Administration Trails Administration Procedure – Schedule of Approved Standards (E08/770) Trails Administration Procedure – Trails (E08/771)</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 2.1.2 – Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale**

**Objectives:** Prosperity

**Outcome:** 3.3 - An innovative, connected transport network.

**Strategy:** 3.3.1 - Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans.

### **Purpose**

- To identify the roads that are currently approved for Restricted Access Vehicles (RAVs) operation within the Shire of Serpentine Jarrahdale, to ensure they meet the needs of the community and are not susceptible to unsustainable road wear or compromise road safety.
- To meet the needs of our community to establish which roads the Shire wishes to adopt for future RAV operation within the Shire of Serpentine Jarrahdale.
- To clearly establish which type of vehicles, vehicle combinations and vehicle types the Shire wishes to allow on its roads. e.g. Tri axle dollies, increased mass/AMALS and tri drive vehicles etc.
- To manage intensive freight operations and seek contributors contributions.
- To develop a set of operating conditions for RAV operations on Shire roads.
- To enhance road safety within the Shire of Serpentine Jarrahdale and minimise road wear, but allowing local business to obtain the commercial benefits from RAV operations.
- To assist in the attraction of new industries to create local employment.
- To ensure community expectations are met.
- To ensure, where possible, reliable and consistent travel times are achieved on Shire roads.
- To ensure the identified road intersections (suitable for RAV operation) are constructed to the required standards at no cost to the Council when the Tonkin Highway extension is constructed south of Thomas Road.
- To ensure Jarrahdale Road does not become a defacto Southern Link Road, when the Tonkin Highway extension is constructed.
- To encourage RAVs and General Access Heavy Vehicles to use the Tonkin Highway extension when constructed to avoid the Byford town site.

## **Council Policy 2.1.2 – Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale**

- To protect our local rural and equestrian lifestyle.
- To enable local businesses to operate as competitively as possible.

### **Definitions**

Not applicable

### **Policy**

In view of the high level of development and rapid expansion of residential and commercial properties, Council determined that it was necessary to develop and establish a policy for RAVs using Shire roads.

Council is aware that some Shire roads are currently being damaged and increased road wear has been identified as being caused by the current RAV operations.

This policy will enable the Shire to confirm which roads are currently approved as suitable for RAVs and to determine (following the eventual construction of the Tonkin Highway Extension), which roads should be nominated as Shire preferred RAV routes. This will enable the correct road construction and junction standards to be constructed, such that the roads and junctions are able to cater for current and future traffic (possibly even 36.50 metre road train operation).

#### **1. Application**

This policy applies to all designated roads that RAVs are currently operating on (and shall include those roads which operators may in future request to run heavy vehicles on) in the Shire of Serpentine Jarrahdale. Consideration shall also be given to RAV network continuity in adjacent local governments to protect the road infrastructure and aid road safety.

In order to be able to run on the appropriate Shire roads, all vehicles must comply with the *Road Traffic Act 1974* and the *Road Traffic Code 2000*.

Restricted Access Vehicles are authorised by the following means:

##### **1.1 Notice System (sometimes called an Order)**

A Notice is a type of administrative mechanism or instrument whereby the Commissioner of Main Roads Western Australia can grant Restricted Access Vehicles (RAVs) access, provided for by legislation.

##### **1.2 Permit System**

A method of approval that the Commissioner of Main Roads may authorise to enable a vehicle or vehicle combination to operate outside of the approved mass and dimension

## **Council Policy 2.1.2 – Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale**

limits contained within the *Road Traffic Vehicle Standards 2002 Regulations* and the *Road Traffic Vehicle Standards 2002 Rules*.

All RAVs require a permit, unless they are authorised under a class of Notice issued by either the Commissioner of Main Roads or the Director General, Transport.

### **1.3 Letter of Agreement System with Conditions**

The Shire is required to provide a formal letter of agreement to Main Roads before Main Roads will assess a road for RAV operation.

Under certain conditions the Shire may authorise Main Roads to issue an approval and stipulate special operating conditions to address local community and industry concerns.

Main Roads has standard operating conditions but can impose the condition that on a certain road or section of road the RAV operator must obtain a written agreement with additional local operating conditions. The Letter of Agreement from the Director Infrastructure must be carried within the vehicle at all times. The Letter of Agreement is in addition to the permit required from Main Roads and forms part of the Main Roads approval.

The Director Infrastructure may grant agreement to Main Roads for all RAVs up to Network three (N3) without referring the matter to Council providing the road/roads comply with the Main Roads Route Assessment Guidelines at standard VSR axle mass limits.

If access is requested for a RAV and the road/roads do not comply with Main Roads Route Assessment Guidelines or RAV Category is greater than N3, any request must be brought before Council for consideration.

Applications for the operation of a RAV with a Tri-axle dolly, increased mass/AMALS and tri-drive vehicles etcetera will require to be brought to Council and a cost recovery method considered.

### **1.4 Operating Conditions to Suit Local Needs for all RAVs**

In order to assess whether or not RAVs are permitted to run on Shire roads, the following guidelines will be applied:

#### **1. RAV access up to Network 3**

Must comply with Main Roads Route Assessment Guidelines.

## **Council Policy 2.1.2 – Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale**

### **2. RAV access up to Network 4**

Review current network access and report to Council. Consider if the current approvals are still in the best interest of the community.

Any applications for the operation of a RAV with a Tri-axle dolly, increased mass/AMALS and tri-drive vehicles etcetera will be determined by Council and a cost recovery method considered. Current approvals on Thomas Road are exempted from this requirement.

### **3. RAV access 5, 6, 7 or 8**

Will be determined by Council and any routes of operation must comply with the Main Roads Route Assessment Guidelines.

### **4. Concessional loading applications**

The Shire does not permit any concessional loads (Accredited Mass Management Scheme) on Shire managed roads.

### **5. Tri-drive (tridems etc.)**

Should not be approved on any Shire road unless special cost recovery methods are implemented and a cost benefit assessment is submitted to Council. The Shire to carry out a desk top survey and consider if the current RAV approvals are still meeting community expectations and the Director Infrastructure is able to confirm that Road Wear is within acceptable parameters and road safety is not compromised. Consideration will also be given to determining whether the Shire considers the Road in question to be desirable as a RAV route.

Roads identified as possibly not conforming to Main Roads route assessment guidelines will be referred to Main Roads and a request made for an assessment to be carried out at no cost to Council to confirm that the identified roads meet the Main Roads route assessment guidelines for the particular operations.

## **1.5 Identification of roads in the Shire which could require RAV operation in the future**

The current preliminary design of the Tonkin Highway Extension incorporates on/off ramps at the following intersections:

- Thomas Road (currently a large round about is being considered)
- Orton Road
- Bishop Road
- Mundijong Road

## Council Policy 2.1.2 – Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale

The Shire does not consider the use of RAVs on Bishop Road to be desirable, from a safety perspective, as this route passes the Serpentine Jarrahdale Grammar School. Any RAV application for operation on Bishop Road will be required to identify its specific requirements with curfews and possible electronic tagging of vehicles to manage compliance at no cost to Council.

Consideration will be given to RAV access related to the chicken farming industry and the new shopping centres in various locations within the Shire. Council may require curfews, speed controls to any operation, and an electronic tagging system for compliance monitoring.

### References

<b>Name of Policy</b>	2.1.2 Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale
<b>Previous Policy</b>	ED613 – Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM102.12/14 08/12/2014
<b>Review dates and Resolution Numbers</b>	Reviewed OCM187/09/15 29/09/2015 Reviewed OCM059/05/17 22/05/2017
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Road Traffic Act 1974</i>  <i>Road Traffic Code 2000</i>  <i>Road Traffic Vehicle Standards 2002 Regulations</i>  <i>Road Traffic Vehicle Standards 2002 Rules</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies/References</b>            Shire of Serpentine Jarrahdale RAV Approved Roads (E14/5556)            RAV Access Requests (E15/4017)            RAV Audit Process (E15/4016)            Main Roads Western Australia            Main Roads Route Assessment Guidelines</p> <p><b>Delegations</b>            Nil</p> <p><b>Work Procedures</b>            Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## Council Policy 2.1.3 – Bus Shelters

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

### Purpose

Bus shelters are a valuable community resource and Council has approved their provision by external stakeholders subject to conditions.

### Definitions

Not applicable

### Policy

- Any community group, agency or business may construct a bus shelter based on the Public Transport Authority standard designs and erect the shelter on the Shire's road reserve to the satisfaction of the Director Infrastructure Services.
- Advertising on bus shelters is to be submitted to and approved by the Director Infrastructure Services prior to it being placed on the shelter.
- The Chief Executive officer (or delegate) may approve applications which comply with this policy.

### References

<b>Name of Policy</b>	2.1.3 Bus Shelters			
<b>Previous Policy</b>	ED606 – Bus Shelters (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	24/04/1990		
<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004	
	Reviewed	OCM023.1/01/10	25/01/2010	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>	Annually			

## Council Policy 2.1.3 – Bus Shelters

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995 Part 2, s3.53(1), S3.1</i>  <i>Public Transport Act 2003 (WA)</i>  <i>Land Administration Act 1997 S55 (1)(a)</i>  <i>Main Roads Act 1930 s16</i>  <i>Disability Discrimination Act 1992</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies/References</b>            WALGA - Bus Stop Infrastructure Partnership defining the Roles &amp; Responsibilities for the Planning, Installation &amp; Maintenance of Bus Stop Infrastructure for Local Governments in the Perth &amp; Peel Regions, Western Australia</p> <p><b>Delegations</b>            Delegation E09S - Authority to determine applications and apply conditions to matters connected with road reserves</p> <p><b>Work Procedures</b>            Nil</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

# Council Policy 2.1.4 – Excavations within Road Reserves

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

## Purpose

To ensure that excavations within the road reserves are completed to the appropriate standards.

## Definitions

Not applicable

## Policy

1. Works involving excavation within road reserves may be permitted providing that:
  - a) The applicant is a licensed contractor in this field of work.
  - b) The conditions imposed by the approval are adhered to.
2. In instances where underground services are required to cross Council roads, the road shall be bored.
3. Applications for open trenching across Shire roads shall include data justifying the need for special approval to open trench.
4. All other conditions under which works may be approved shall be determined under delegated authority.

## References

<b>Name of Policy</b>	2.1.4 Excavations within Road Reserves			
<b>Previous Policy</b>	ED603 – Excavations within Road Reserves (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	OCM023.1/01/10	25/01/2010	Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Modified	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				

## Council Policy 2.1.4 – Excavations within Road Reserves

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b></p> <p><b>References</b></p> <p><b>Delegations</b> Delegation: E007D2 - Control of Reserves and unvested facilities</p> <p><b>Work Procedures</b></p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## Council Policy 2.1.5 – Footpaths and Dual Use Paths

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### Purpose

Council recognises the importance of footpaths and dual use paths. There is greater demand than funds available to meet all proposals for footpath and dual use path provision. This policy establishes how priority will be allocated and standards established.

### Definitions

Not applicable

### Policy

1. Footpaths and dual use paths will be constructed in accordance with the priorities established in the Shire of Serpentine Jarrahdale Local Area Bicycle and Share Path Plan.
2. Paths are to be constructed to the standards as set out in the Shire's Guidelines for Subdivisional Development January 2010.

### References

<b>Name of Policy</b>	2.1.5 Footpaths and Dual Use Paths			
<b>Previous Policy</b>	ED611 – Footpaths and Dual Use Paths (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	AS027/10/03	27/10/2003	Asset Services Committee
<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004	
	Reviewed	OCM023.1/01/10	25/01/2010	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				

## Council Policy 2.1.5 – Footpaths and Dual Use Paths

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Shire of Serpentine Jarrahdale Local Area Bicycle and Share Path Plan Shire of Serpentine Jarrahdale Guidelines for Subdivisional Development – January 2010</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> Nil</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 2.1.6 – Cemeteries: Grant of Right of Burial at Serpentine or Jarrahdale Cemeteries**

- Objectives:** People
- Outcome:** 1.1 - A healthy, active, connected and inclusive community.
- Strategy:** 1.1.1 - Provide well planned and maintained public open space and community infrastructure.

### **Purpose**

To ensure the extended availability of burial plots for persons with a personal connection to the area, application for burials at Serpentine and Jarrahdale cemeteries are only accepted for persons with a demonstrable personal link to the district of Serpentine Jarrahdale.

### **Definitions**

Not applicable

### **Policy**

1. Persons making an application for a grant of right of burial at the Serpentine or Jarrahdale Cemeteries are required to demonstrate to the satisfaction of the Chief Executive Officer a personal link to the district of Serpentine Jarrahdale.
2. A demonstrable personal link to the area does not limit burial rights to a current local resident or family member and can extend to a former resident, or other person with some other personal, social or cultural link with the area.
3. The Chief Executive Officer may refuse an application on the grounds that no personal link has been demonstrated.

### **References**

<b>Name of Policy</b>	2.1.6 Cemeteries: Grant of Right of Burial at Serpentine or Jarrahdale Cemeteries			
<b>Previous Policy</b>	ED607 - Cemeteries: Right of Burial at Serpentine or Jarrahdale Cemeteries (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	F196	28/11/1988	
<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004	
	Reviewed	OCM023.1/01/10	25/01/2010	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				

**Council Policy 2.1.6 – Cemeteries: Grant of Right of Burial at Serpentine or Jarrahdale Cemeteries**

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>            Cemeteries Act 1986</p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>            Nil</p> <p><b>References</b>            Nil</p> <p><b>Delegations</b>            EX015D Execute powers and duties of the local government under Local Laws made under Part 3 of the Local Government Act.</p> <p><b>Work Procedures</b>            Nil</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 2.1.7 – Requests for Memorial Plaques and Trees**

**Objectives:** People

**Outcome:** 1.1 - A healthy, active, connected and inclusive community.

**Strategy:** 1.1.1 - Provide well planned and maintained public open space and community infrastructure.

### **Purpose**

This policy seeks to provide consistent and effective administration of requests for the installation of commemorative plaques in the Shire's parks and reserves while avoiding duplication of memorial facilities and services provided by the Metropolitan Cemetery Board.

This policy also provides consistent and effective administration of requests for the planting of commemorative memorial trees in the Shire's parks and reserves.

This policy applies to people and associations who wish to memorialise a deceased person, a folded association or final event that resided/was based/occurred within the current boundary of the Shire of Serpentine Jarrahdale.

### **Definitions**

Not applicable

### **Policy**

#### Details – Memorial Plaques

- a) The Shire wishes to offer a way to acknowledge people, organisations and events that have made a significant social and/or cultural contribution towards the development of the Shire of Serpentine Jarrahdale. One approach is through their memorialisation within Shire parks and reserves. Unfortunately young people that pass away are unable to make a significant contribution due to their limited life although should still be provided with a similar opportunity to be memorialised.
- b) This policy provides clear guidance on the standards needed to be achieved to gain approval to memorialise a person, association or event with a plaque within a park and reserve and the design, installation and management responsibilities of successful plaque donors. Refer to Commemorative Memorials Requests and Memorial Tree Requests policies in relation to donations of park amenities, public art and trees without a plaque.

### **Council Policy 2.1.7 – Requests for Memorial Plaques and Trees**

- c) The Shire will consider the installation of plaques commemorating the anniversary of significant events unique to the Shire's history and development or to provide information of interest to the general community relevant to the plaques specific site or location.
- d) No new commemorative plaque will be considered which commemorates a person, event or occasion already memorialised in the Shire of Serpentine Jarrahdale unless there are exceptional circumstances. Special anniversaries may be acknowledged.
- e) As the Metropolitan Cemetery Board is the primary body responsible for the memorialisation of people, applicants that wish to submit a request will initially be informed of the Board and their responsibilities.

Requests shall be assessed against the primary and if unsuccessful the secondary standards below:

#### Primary Contribution

- a) The person, organisation or event covered all Shire of Serpentine Jarrahdale suburbs;
- b) The person, organisation or event resided/was based in the Shire of Serpentine Jarrahdale for more than 10years;
- c) The person, organisation or event contributed more than 5 years of their life towards the development of the Shire of Serpentine Jarrahdale;
- d) The person, organisation or event contributed to 3 or more sectors of a community eg sport, education, arts, culture, youth, mature age etc ;
- e) That no other memorial exists on the reserve. If this is the case, written permission must be obtained from the existing memorial applicant before another memorial request is assessed;
- f) The person, organisation or event must have a relevant relationship to the proposed site.

#### Secondary Contribution

- a) The person passed away in an unexpected manner or at a young age;
- b) The same type of park amenity or another form of public art requested does not exist within close proximity on the reserve; and
- c) The location and type of amenity does not negatively impact on residents surrounding the reserve.
- d) Where disagreement of the Shire's response, content details, site selection, exact positioning and installation details of any commemorative plaque arises Council will have final approval.
- e) Unless otherwise agreed, the donors of the approved commemorative plaque are required to pay for the design, manufacture, installation and maintenance of the commemorative plaque.

### **Council Policy 2.1.7 – Requests for Memorial Plaques and Trees**

- f) Approval must be sought and granted by the Shire prior to the installation of a plaque.
- g) Any existing plaque or memorial cannot be taken as a precedent for future approvals.
- h) A commemorative plaque will not be approved where there is a religious or political affiliation.
- i) Application approval will not be granted if in the opinion of Council the commemorative plaque is considered offensive or has the potential to offend.
- j) Unless otherwise approved all commemorative plaques are to be to the Shire's standard design specifications and requirements.
- k) Should the plaque be lost or vandalised; repair and replacement costs would remain the responsibility of the donor of the plaque
- l) The Shire may at any time temporarily remove the plaque for maintenance purposes.
- m) The plaque may be permanently removed if the use of the site significantly changes.
- n) In the event the commemorative plaque is damaged or requires repair and the original donor is unable to be reached, the memorial maybe repaired or removed.
- o) In line with the Metropolitan Cemeteries Board policy, commemorative plaques in the Shire are approved for a set period of 25 years, at which point tenure is reviewed.
- p) The Shire receives requests for plaques primarily memorialising deceased people on Shire Parks and Reserves and these need to be responded to and managed in a sensitive manner.
- q) There are two valid sides to this type of memorialisation and a balanced approach between people requesting these plaques and the continued benefit of parks and reserves to a community is needed. Residents of all ages have and become attached to public places such as parks and reserves through experiencing frequent and/or positive and memorable times at these places. On the other side, the Shire is responsible for these places and aims to ensure an aesthetically pleasing appearance and continued positive experiences for all residents within these natural community hubs. It must also be acknowledged that the Metropolitan Cemetery Board is responsible for managing cemeteries and caring for the personal memories of people within the Perth metropolitan area.
- r) The Shire will not permit the burial or interment of ashes of deceased persons on Council owned or managed property given the availability of specialised facilities operated by the Metropolitan Cemeteries Board where the burial of ashes and memorialising of deceased persons is readily available.

#### Details - Memorial Trees

The Shire will consider an application to plant a memorial tree in one of the Shire's parks, reserves or public open space under its control.

## Council Policy 2.1.7 – Requests for Memorial Plaques and Trees

The Shire will only consider an application for a commemorative memorial tree for individuals who have lived in the Shire of Serpentine Jarrahdale or have contributed significantly to the cultural or social aspect of the Shire's development. This includes associations strongly linked to the Shire of Serpentine Jarrahdale and its history.

No new request to plant a memorial tree will be considered which commemorates a person, event or occasion already memorialised in the Shire of Serpentine Jarrahdale unless there are exceptional circumstances. However special anniversaries of events previously commemorated may be acknowledged

Memorial trees will not be identified by a commemorative plaque or other identification. Memorial tree species must comply with existing park or reserve planting design. The Shire will have final approval of the siting and exact location and installation details. The planting location is to be pegged by the Shire prior to the planting ceremony.

The sponsor may assist planting the tree, or if requested, Shire staff will plant the tree on behalf of the sponsor. Unless otherwise agreed, the donors of the proposed memorial tree will pay for the supply, delivery and planting of the tree prior to planting.

### References

<b>Name of Policy</b>	2.1.7 Requests for Memorial Plaques and Trees
<b>Previous Policy</b>	PC108 – Requests for Memorial Plaques and Trees (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>            Metropolitan Cemetery Board  <i>Cemeteries Act 1986</i>  <i>Town Planning Development Act 2005</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b></p> <p><b>References</b></p> <p><b>Delegations</b>            P025D – Management of reserves created under s152 of the Planning and Development Act 2005</p> <p><b>Work Procedures</b>            TBC</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## Council Policy 2.1.8 – Water Supply - Domestic

**Objectives:** Place

**Outcome:** 2.2 - A sustainable natural environment.

**Strategy:** 2.2.1 - Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves and natural assets.

### Purpose

The Council recognises that due to the diversity of the Shire, different solutions may be required to ensure the supply of a safe water supply for domestic use. This policy establishes the acceptable alternatives.

### Definitions

Not applicable

### Policy

Water supply – One 92,000 litre (20,000 gallon) rain water tank to be provided for domestic purposes unless an alternative adequate water supply can be proven (i.e. permanent, plus both chemically and bacteriologically sound). Supply to be established before a health test.

#### An alternative adequate water supply

- Bore water from a properly encased bore greater than 8 metres in depth with the bore protected from contamination and the supply meeting government standards on water quality.
- Combination of surface water, reticulation to the dwelling with a minimum 4,500 litre rain water tank reticulated to a third tap in the kitchen.
- Surface waters which have been chlorinated.

This Policy is to be read in conjunction with any provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme as they apply to the property in question. This Policy is designed to provide clarification to the interpretation of the Town Planning Scheme and not to supersede it.

### References

<b>Name of Policy</b>	2.1.8 Water Supply – Domestic			
<b>Previous Policy</b>	ED403 – Water Supply – Domestic (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	CGAM050/12/08	15/12/2008	Ordinary Council Meeting

## Council Policy 2.1.8 – Water Supply - Domestic

<b>Review dates and Resolution Numbers</b>	Modified OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> Nil</p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 2.1.9 – Vehicle Crossings Subsidy**

- Objectives:** Place
- Outcome:** 2.1 - A diverse, well planned built environment.
- Strategy:** 2.1.1 - Actively engage in the development and promotion of an effective planning framework.

### **Purpose**

To offer a financial subsidy towards the construction of a sufficient vehicle crossing to a property and to ensure that the vehicle crossings conform to a standard and are maintained to a safe condition.

### **Definitions**

**Standard Vehicle Crossing** For the purpose of a vehicle crossing subsidy, a standard vehicle crossing is a residential concrete crossing comprised of a 100mm thick concrete slab (20MPa) constructed over compacted sandy subgrade or limestone and a width of 3.0m measured at the lot boundary, expanding to a width of 5.0m at the back of the kerb. This 5.0m width measurement includes tapers/wings measuring 1.0m wide by 1.5m deep on each side.

### **Policy**

#### Vehicle Crossings Subsidy

1. The Council encourages land owners to install vehicle crossovers in a timely manner.
2. To encourage the installation of crossings by landowners, the Council will offer a subsidy towards the cost.
3. The Shire's standard specification shall be the basis for calculation of a subsidy payment pursuant to this policy.
4. The vehicle crossing subsidy shall be reviewed on an annual basis and included in the Schedule of Fees and Charges. The subsidy will be based upon payment as a maximum of up to half of the cost of a standard 2.80 metres wide concrete crossing from the road surface to the front boundary of the property.
5. Council's contribution shall not exceed the maximum reimbursement detailed in the Schedule of Fees and Charges schedule.
6. The Director Infrastructure Services may approve the specification for the different circumstances within the shire and each crossing must be constructed in accordance with Shire's specifications, the remaining cost shall be payable by the property owner.

## Council Policy 2.1.9 – Vehicle Crossings Subsidy

7. In the instance where an existing vehicle crossing has reached the end of its life cycle a subsidy may be payable if the crossing is replaced in accordance with the Shire's, specifications and standard. Any extra costs associated with the replacement of the crossing i.e. cost to remove deteriorated surface and formwork will be at the owners cost. A substandard crossover will not be considered.
8. Maintenance and upkeep of the crossing to a safe and useable standard is the responsibility of the property owner.

## References

<b>Name of Policy</b>	2.1.9 Vehicle Crossings Subsidy
<b>Previous Policy</b>	ED604 – Vehicle Crossings Subsidy (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM023.1/01/10 25/01/2010 Ordinary Council Meeting Modified OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995, Schedule 9.1, clause 7</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Specifications</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 2.1.10 – Energy and Water Efficiency**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Policy**

#### **1. Statement of Intent**

The policy provides information and education in achieving energy and water efficient outcomes contributing to sustainable development within the Shire.

##### **1.1 Application of this policy**

The policy applies to all development applications for new rural and urban residential buildings and additions, subdivisions and building licence applications, including vegetation and revegetation proposals.

##### **1.2 Shire Commitments**

The Shire is committed to achieving energy and water efficiency in its own actions as well as within the community. It is part of the South East Regional Energy Group including Gosnells and Armadale, who work together to educate and inform the community (Switch Your Thinking Program). It is also committed to participating in the International Council for Local Environmental Initiatives (ICLEI) - Cities for Climate Protection (CCP) program and the Water Campaign program. The Water Campaign has set water conservation targets.

Preparing and implementing a policy on energy and water efficiency, in conjunction with the regional action plans, will significantly help the community achieve its water and energy reduction targets.

##### **1.3 Vision and Objectives**

A vision of the Shire of Serpentine Jarrahdale is to promote and encourage homes which are sustainable, and:

- affordable to purchase;
- comfortable to live in;
- use minimal non-renewable energy;
- are economical to run; and
- contribute positively to an overall reduction in greenhouse gas emissions.

## **Council Policy 2.1.10 – Energy and Water Efficiency**

With objectives:

- To improve and include energy and water efficiency design in new and existing dwellings;
- To assist professionals, technicians and trade persons by providing relevant information;
- To provide leadership and innovation to the community; and
- To develop partnerships with other government agencies and the corporate sector to achieve energy and water efficiency [GB1]

### **1.4 Areas Targeted for Energy and Water Efficiency**

#### a) Subdivisions

- Site analysis
- Orientation and solar access

#### b) Buildings

- Site analysis
- Orientation and solar access
- Thermal mass
- Building materials and colours
- Window shading
- Ventilation/wind orientation
- Insulation
- Water heating and water fixtures
- Renewable energy
- Lighting
- Appliances and swimming pools
- Landscaping and water sensitive design

## **2. Energy and Water Efficiency Outcomes**

- 2.1 Shire officers are able to provide direction for achieving energy and water efficiency outcomes so that informed energy and water efficiency features or designs can be incorporated into buildings and landscaping.
- 2.2 Proposals for subdivisions will be assessed with consideration for satisfactorily addressing and achieving where possible preferred energy and water efficiency outcomes. Subdivision applications will often be able to address the requirements for individual dwellings in their subdivisions, e.g. design specifications, covenants etc.
- 2.3 Wherever practical Council will endeavour to achieve energy and water efficiency outcomes. In some instances there may be reason why energy performance for dwellings, alterations and additions are not feasible and these may include:

## Council Policy 2.1.10 – Energy and Water Efficiency

- a) Block Geometry – orientation or shape of block preclude northerly orientation defined as 20' west of north and 30' east of north.
- b) Block overshadowing – adverse slope of the block, existing obstruction or approved planned obstruction or existing development resulting in overshadowing of northerly windows.
- c) Conflicting guidelines – existing lease and development conditions. Other regulations, local planning policies or detailed area plans will have priority.
- d) Uneconomic requirements – where a requirement can be demonstrated to not be cost effective over a reasonable period of time.
- e) Council may also recognise social, environmental or economic constraints that may apply making it difficult to achieve preferred energy and water efficiency outcomes.

## References

<b>Name of Policy</b>	2.1.10 Energy and Water Efficiency
<b>Previous Policy</b>	EP001 – Energy and Water Efficiency (E15/5096)
<b>Date of Adoption and Resolution Number</b>	
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 2.1.11 – Street Lighting**

**Objectives:** Place

**Outcome:** 2.2 - A sustainable natural environment.

**Strategy:** 2.2.2 - Seek to minimise resource usage and continue to maximise reuse opportunities.

### **Purpose**

The Council recognises that because of the diversity within the Shire there are different requirements for street lighting in different land use zones. This policy is to determine the standards for street lighting supported by Council and relevant conditions.

### **Definitions**

Not applicable

### **Policy**

1. Street lighting in different areas

- Urban areas are to be supplied with street lights.
- Rural areas will be given special consideration on request.
- New Urban and Rural Living “A” subdivisions shall include provision of street lighting by the developer.
- Footpaths, walkways and pedestrian trails constructed within urban areas should be suitably illuminated.

2. Energy Saving Technology

Council shall encourage the utilisation of best practice energy saving technology for street lighting throughout the Shire.

3. Solar Power

Council supports and encourages the use of solar power where practical.

## Council Policy 2.1.11 – Street Lighting

### References

<b>Name of Policy</b>	2.1.11 Street Lighting
<b>Previous Policy</b>	ED608 – Street Lighting (E15/5096)
<b>Date of Adoption and Resolution Number</b>	
<b>Review dates and Resolution Numbers</b>	Reviewed OCM023.1/01/10 25/01/2010 Ordinary Council Meeting Reviewed OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## Council Policy 2.2.1 – Subdivision – Road Upgrade

**Objectives:** Place

**Outcome:** 2.1 - A diverse, well planned built environment.

**Strategy:** 2.1.1 - Actively engage in the development and promotion of an effective planning framework.

### Purpose

Subdivision of property may create a requirement to upgrade an existing road to service the new lots. This policy establishes the alternatives Council will accept to ensure that the upgrading is undertaken at the cost of the subdivision.

### Definitions

Not applicable

### Policy

When a subdivision of property results in additional lots on an existing road requiring upgrading of that road, the subdivider may;

- Undertake the works required to the specification and satisfaction of the Director Infrastructure Services, or
- Pay to the Shire an amount assessed by the Director as the estimated cost of carrying out the required upgrading, in which case the Shire will undertake the upgrading work.

### References

<b>Name of Policy</b>	2.2.1 Subdivision – Road Upgrade		
<b>Previous Policy</b>	ED409 – Subdivision – Road Upgrade (E15/5096)		
<b>Date of Adoption and Resolution Number</b>	Adopted	27/04/1997	Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004
	Reviewed	OCM023.1/01/10	25/01/2010
	Reviewed	OCM187/09/15	29/09/2015
<b>Next review date</b>			

## Council Policy 2.2.1 – Subdivision – Road Upgrade

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b></p> <p><b>References</b> Guidelines for Subdivisional Development - January 2010</p> <p><b>Delegations</b> Delegation E008S – Notices requiring things to be done by owner or occupier of land and additional powers when notice is given, undertake works on land that is not local government property and powers of entry</p> <p><b>Work Procedures</b></p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 2.2.2 – Subdivision – Drainage Headworks**

- Objectives:** Place
- Outcome:** 2.1 - A diverse, well planned built environment.
- Strategy:** 2.1.1 - Actively engage in the development and promotion of an effective planning framework.

### **Purpose**

Subdivision of property may create a requirement to upgrade drainage systems in situations where stormwater discharge is not contained entirely within the subdivision. This policy establishes the basis upon which the Shire will recover a proportional contribution from the subdivision to allow drainage works to be undertaken.

### **Definitions**

Not applicable

### **Policy**

The Shire will impose drainage headworks charges on residential and special residential lots where stormwater discharge from the subdivision is not contained entirely within the subdivision.

The sum to be levied is the estimated proportional cost of drainage headworks required for the impact of the subdivision as a proportion of the wider catchment, and includes land and infrastructure construction cost.

Where applicable, all works that are not exempt from requiring a building approval under the *Building Act 2011* and *Building Regulations 2012*, will have a building permit issued for the works. All works on land owned by the Shire or associated with the Shire will need to have Certificates of Design compliance provided by independent building surveyors.

### **References**

<b>Name of Policy</b>	2.2.2 Subdivision – Drainage Headworks			
<b>Previous Policy</b>	ED411 – Subdivision: Drainage Headworks (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	T366 25.01.81	06/06/1981	
<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004	
	Reviewed	OCM023.1/01/10	25/01/2010	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting

## Council Policy 2.2.2 – Subdivision – Drainage Headworks

<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995 Part 3 Division 3 Section 3.52</i>  <i>Planning and Development Act 2005</i></p> <p><b>Plans/Strategies</b>          Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>          Local Government Guidelines for Subdivisional Development          Serpentine Jarrahdale Guidelines for Subdivisional Development          Institute of Public Works Engineering Australia, Local Government          Guidelines for Subdivisional Development (As amended)</p> <p><b>References</b>          LPP22 – Water Sensitive Urban Design</p> <p><b>Delegations</b>          Nil</p> <p><b>Work Procedures</b>          Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

# Council Policy 2.2.3 – Subdivision: Engineering Guidelines

- Objectives:** People
- Outcome:** 1.3 - A safe place to live.
- Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

## Purpose

When new infrastructure is created due to subdivision it will become the responsibility of the Shire. It is in the community interest that the standard of infrastructure that is provided meets the Shire's standards. This policy requires development to be in accordance with the Shire's standards.

## Definitions

Not applicable

## Policy

All subdivision works undertaken and which is to become the responsibility of the Shire must be undertaken to the standards contained in the Subdivisional Guidelines approved by Council from time to time.

Any works for which a standard has not been established within the guidelines, must comply with standards approved by the Director Infrastructure Services.

Where applicable, all works that are not exempt from requiring a building approval under the Building Act 2011 and Building Regulations 2012, will have a building permit issued for the works. All works on land owned by the Shire or associated with the Shire will need to have Certificates of Design compliance provided by independent building surveyors

## References

<b>Name of Policy</b>	2.2.3 Subdivision: Engineering Guidelines			
<b>Previous Policy</b>	ED412 – Subdivision: Engineering Guidelines (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	24/03/2003		
<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004	
	Reviewed	OCM023.1/01/10	25/01/2010	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting

## Council Policy 2.2.3 – Subdivision: Engineering Guidelines

<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Shire of Serpentine Jarrahdale Subdivision Guidelines LPP22 - Water Sensitive Urban Design</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> BOP TBC</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 2.3.1 – Control of Weeds**

**Objectives:** Place

**Outcome:** 2.2 - A sustainable natural environment.

**Strategy:** 2.2.1 - Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves and natural assets.

### **Purpose**

The objectives of this policy are to:

1. Reduce the impact of unwanted plants on agriculture, conservation and landscape values in the Shire;
2. Encourage co-operative approaches between land managers to control unwanted plants; and
3. Ensure Council meets its legal responsibilities to control unwanted plants within the Shire under the *Agricultural and Related Resources Protection Act 1976*

### **Definitions**

**Declared Plant** – A plant that is declared by the Agriculture Protection Board under the *Agriculture & Related Resources Protection Act (1976)*. Under the Act landholders are legislatively required to control these plants on their properties.

**Declared Pest Plant** – A plant that has been “Declared” by the Local Government, using local laws, under the *Local Government Act (1995)*, requiring local landholders to control these plants on their properties.

**Pest Plant** – Non-native plants which can be either a threat to biodiversity or a nuisance to property owners.

### **Policy**

1. **The following applies to weed control on Council land:**
  - a) All weed control on high conservation roadsides and reserves for protection of flora and fauna should minimise herbicide application through maximising physical/mechanical control and should be followed by rehabilitation with local provenance species where necessary.
  - b) Where weed control on medium and low conservation roadsides or bushland reserves is made a priority, it should be in combination with other means (e.g. slashing) and should be accompanied with revegetation and/or direct seeding once effective control is obtained.

### **Council Policy 2.3.1 – Control of Weeds**

- c) Where large (rural) landowners and groups of small landowners have expressed a commitment to control weeds, Council should assist with co-ordination and increase the priority of weed control on land in the vicinity under its management.
- d) Council to discourage utilities from being placed in areas that would require clearing of native vegetation.
- e) Council is to ensure, as far as possible, that where clearing of roadside vegetation is unavoidable, utilities are aware and able to rehabilitate the site with local provenance vegetation.
- f) Where roadworks cause disturbance to roadsides, Council should carry out revegetation to prevent re-establishment of weeds.
- g) Weed control of high conservation road reserves and reserves for protection of flora and fauna are to extend to roadsides adjacent to the priority areas.
- h) Ensure that Main Roads WA roadside management guidelines, including the Control of Road Verge Burning Guidelines, are implemented.

#### **2. The following applies to weed control on all lands within the Shire:**

- a) All weed control in the shire is to start in the areas where vegetation is mostly intact and move towards areas which are increasingly weed infested.
- b) Council is to trial alternative methods of weed control which minimise or avoid use of chemicals, and apply these methods where feasible.
- c) Before clearance of subdivisions, all subdivided land should be free of Schedule 1, 2 and 3 weeds.
- d) A review of Roadside Conservation Value should be conducted every five years to assess the effectiveness of this policy and roadside management generally.
- e) New weeds appearing within the shire which are considered potential Schedule 1 or 2 weeds, especially when appearing on roadsides, should be controlled as a priority.
- f) Where control of a weed or area is a priority, the source of the weeds should be identified if possible and control measures put in place.
- g) Landowners shall be discouraged from planting, and encouraged to remove, all Schedule 1, 2 and 3 weeds.

#### **3. Schedules of Weeds**

Weed Schedules 1, 2 and 3 are to be reviewed every two years or as necessary.

#### **Schedule 1 - Common invaders of native bushland, generally limited in distribution**

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## Council Policy 2.3.1 – Control of Weeds

Narrow leaf Cottonbush	DP	<i>Gomphocarpus fruticosus</i>
Victorian Tea Tree	DPP	<i>Leptospermum laevigatum</i>
Blackberries	DP	various <i>Rubus</i> species
Fig	PP	<i>Ficus carica</i>
Bamboo/Giant reed	PP	<i>Arundo donax</i>
Evening primrose	PP	<i>Oenothera drummondii</i>
Castor oil plant	PP	<i>Ricinus communis</i>
Pampas grass	PP	<i>Cortaderia selloana</i>
Bridal creeper	PP	<i>Asparagus asparagoides</i>
Wild Gladiolus	PP	<i>Gladiolus undulata</i>

### Schedule 2 - Common invaders of native bushland, generally widespread in distribution

Lovegrass	DPP	<i>Eragrostis curvula</i>
Watsonia	DPP	various <i>Watsonia</i> species
Veldt Grass/perennial Veldt Grass	PP	<i>Ehrharta calycina</i>
Arum Lily	DP	<i>Zantedeschia aethiopica</i>
Wild Gladiolus	PP	<i>Gladiolus caryophyllaceus</i>
Apple of Sodom	DP	<i>Solanum <u>linnaeanum</u></i>

### Schedule 3 - Weeds of cleared areas, generally poor invaders of native bushland

Paterson's Curse	DP	<i>Echium plantagineum</i>
One leaf Cape Tulip	DP	<i><u>Moraea flaccida</u></i>
Two leaf Cape Tulip	DP	<i><u>Moraea miniata</u></i>
Docks	PP	various <i>Rumex</i> species
Melons	PP	various species
Double gees	DP	<i><u>Emex australis/spinosa</u></i>
Saint John's Wort	DP	<i><u>Hypericum perforatum</u></i>

- DP – Declared Plant  
DPP – Declared Pest Plant  
PP – Pest Plant

## References

<b>Name of Policy</b>	2.3.1 Control of Weeds			
<b>Previous Policy</b>	E204 – Control of Weeds (E15/5096)			
<b>Date of Adoption and Resolution Number</b>				
<b>Review dates and Resolution Numbers</b>	Reviewed	OCM023.1/01/10	25/01/2010	Ordinary Council Meeting
	Reviewed	OCM101/03/12	26/03/2012	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting

## Council Policy 2.3.1 – Control of Weeds

<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Agricultural and Related Resources Protection Act 1976</i>  <i>Pest Plants Local Law 1986</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b></p> <p><b>References</b></p> <p><b>Delegations</b></p> <p><b>Work Procedures</b></p>

Note: changes to references may be made without the need to take the Policy to Council for review.

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## **Council Policy 2.3.2 – Request to Remove Dangerous Trees**

- Objectives:** Place
- Outcome:** 2.2 - A sustainable natural environment.
- Strategy:** 2.2.1 - Develop, maintain and implement plans for the management and maintenance of Shire controlled parks, reserves and natural assets.

### **Purpose**

This policy recognises that there may be circumstances which justify the removal of trees and this policy establishes how the Shire will deal with applications.

### **Definitions**

Not applicable

### **Policy**

Requests for the removal or permission to remove dangerous trees are to be made to the Shire as follows:

#### Trees on applicant's property

An application will only be considered for removal of a dangerous tree (other than permitted under Clause 7.13.4 of Town Planning Scheme No. 2) if a report by a qualified arborist detailing the reason for removal is provided to the Shire.

#### Trees on adjacent private property

The Chief Executive Officer may authorise the use of powers under Schedules 3.1 and 3.2 of the *Local Government Act 1995* in relation to serving notice for the removal of a tree or entering a property to remove a tree in the following circumstances:

- a) Where Director Infrastructure Services advises that the tree has been assessed and is deemed to be in a dangerous condition; or
- b) Where the affected neighbour can demonstrate reasonable negotiation has occurred with the owner of the property on which the tree is located and no agreement can be reached and provides a report by a qualified arborist detailing reason for removal.

#### Trees on land under the care and control of Council

In the event that a request by a resident is denied for the removal of a tree on land under the care and control of Council, the resident may apply for a decision of Council subject to the application including a report by a qualified arborist detailing reason for removal. If Council resolves to approve the removal of the tree, the cost of the arborist report will be refunded to the resident.

## Council Policy 2.3.2 – Request to Remove Dangerous Trees

### References

<b>Name of Policy</b>	2.3.2 Request to Remove Dangerous Trees
<b>Previous Policy</b>	ED612 – Request to Remove Dangerous Trees (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted CGAM030/03/05 29/03/2005
<b>Review dates and Resolution Numbers</b>	Modified OCM023.1/01/10 25/01/2010 Ordinary Council Meeting Reviewed OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i> <i>Town Planning Scheme No 2</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b></p> <p><b>References</b></p> <p><b>Delegations</b> Delegation E008D Notices requiring things to be done by owner or occupier of land and additional powers when notice is given, undertake works on land that is not local government property and powers of entry.</p> <p><b>Work Procedures</b> Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 3.2.1 – Changing Methods of Valuation of Land**

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

### **Purpose**

Rates are the main source of revenue for the Shire. To optimise rate revenue, the Shire must ensure that the most appropriate method of valuation is used as the basis of rates. Standardising the method of valuation will lead to minimal enquiries from ratepayers, and lead to a consistent and equitable process across the Shire. This Policy relates to properties that are more than two hectares and that have been subdivided into land parcels two hectares or less, or properties that are rated on the unimproved method of valuation but have a commercial/industrial business use on their land.

### **Definitions**

Not applicable

### **Policy**

Properties may be rated based on an unimproved value (UV) or a gross rental value (GRV). Unimproved value applies to rural land and gross rental value applies to urban land. When a property is rated based on an unimproved value and this property is subdivided, the method of valuation may change, as the use of the land may change.

Under section 6.28 of the *Local Government Act 1995*, the Minister will determine the method of valuation of land, and will consider whether the land is being used predominately for rural or non-rural purposes.

Subdivision, development and changes to land use can change the method of valuation. Approved subdivision, zoning, or building application, or a change in land use, will ensure the Shire assess the method of valuation and whether a rating change is required.

The following situations apply when application must be made to the Minister for change of methodology to gross rental value;

1. Where a subdivision has occurred, if the subdivided lots are two hectares (4.94 acres, or 20,000 square metres) or less, then the method of valuation will change from unimproved value to gross rental value, and the request will be sent to the Minister from date of subdivision approval.

## Council Policy 3.2.1 – Changing Methods of Valuation of Land

2. Where a property that is over two hectares has changed its land use and is no longer using it for rural purposes and are carrying on a non-rural pursuit, then the method of valuation will change from unimproved value to gross rental value, for the period it carries on the non-rural purpose. For example, a rural property carrying on a commercial business will change to gross rental value for the period it continues to operate the business.
3. Where a property that is over two hectares has a split rural and non-rural purpose, Council will apply a gross rental value to the entire property. However, Council will allow both methods of valuation to the distinct portions, often referred to as “split valuations”, if the landowner, reimburses the Shire for the full cost of a licensed surveyor in order for Landgate to prepare a technical description of the area.

The changing of method of valuation will only occur when there is an actual change in the use of the land. Existing properties will not be affected by this Policy.

Australian taxation legislation provides properties that are two hectares or less with an exemption from fringe benefits tax if it is the taxpayer’s main residence. Although properties that are two hectares or less may carry on some rural use on the land, the activities will be of a small scale and generally for personal consumption. Therefore if the above situations arise, a request to the Minister may be made to change the methodology to gross rental value.

### References

<b>Name of Policy</b>	3.2.1 Changing Methods of Valuation of Land
<b>Previous Policy</b>	G921 – Changing Methods of Valuation of Land (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM023/08/13 26/8/2013 Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Section 6.28 Local Government Act 1995</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies/ References</b>            Department of Local Government – Rating Policy – Valuation of Land guidelines</p> <p><b>Delegations</b></p> <p><b>Work Procedures</b>            TBC</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 3.2.3 - Investments**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

This policy is to ensure that there are effective and accountable systems in place to safeguard the Shire's financial resources. This includes the development of proper systems to authorise, verify and record the investment of monies in appropriate financial instruments.

This policy ensures the Council and all officers entrusted with a role in the investment of the Shire's funds act with the highest regard for their fiduciary duties.

### **Definitions**

Not applicable

### **Policy**

#### **1.0 Objectives**

To invest the Shire's surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are being met. While exercising the power to invest, consideration is to be given in preservation of capital, liquidity and the return of investment as follows;

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.
- The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

#### **2.0 Delegated Authority**

Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the *Local Government Act 1995*. The CEO may delegate the day to day management of Council's Investment to senior staff subject to regular reviews.

## Council Policy 3.2.3 - Investments

### 3.0 Risk Management Guidelines

Investments obtained are to comply with four key criteria relating to:

- a) Portfolio Credit Framework: limit overall credit exposure of the portfolio
- b) Counterparty Credit Framework: limit exposure to individual counterparties/institutions
- c) Diversification: limit credit and market risk
- d) Fraud

#### Overall Portfolio Limit

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Rating	Long Term	S&P Rating	Short Term	Direct Investment Maximum%	Managed Maximum %	Funds
AAA		A1+		100%	100%	
AA		A1		100%	100%	
A		A2		60%	60%	

#### Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Rating	Long Term	S&P Rating	Short Term	Direct Investment Maximum%	Managed Maximum %	Funds
AAA		A1+		45%	45%	
AA		A1		35%	35%	
A		A2		20%	20%	

If any of the Shire's investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

#### Diversification

Even if funds are to be invested 100% in Bank Deposits/Securities, diversification between counterparties is desirable.

No more than 70% of funds may be invested in one organisation without Council approval.

#### Fraud

Two authorised signatories are required to authorise any investment transaction.

## **Council Policy 3.2.3 - Investments**

### **4.0 Prudent Person Standard**

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.

### **5.0 Ethics and Conflict of Interest**

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the Chief Executive Officer.

### **6.0 Authorised Investments**

6.1 Without approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds
- Interest bearing deposits
- Bank accepted/endorsed bank bills
- Commercial paper
- Bank negotiable Certificate of Deposits

6.2 Bendigo Bank

Deposits with the Bendigo Community Bank do not require Council approval as long as their Standards and Poor's rating does not drop below a short term domestic credit rating of A2 strong and a long term credit rating of BBB+.

### **7.0 Prohibited Investments**

7.1 This investment policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.

7.2 This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

7.3 This policy also requires that the Shire may not do any of the following when investing money, as per r19C of the *Local Government (Financial Management) Regulations 1996*:

- Deposit with an institution except an authorised institution
- Deposit for a fixed term of more than 3 years
- Invest in bonds that are not guaranteed by the Commonwealth Government or a State or Territory government
- Invest in bonds with a term to maturity of more than 3 years; and
- Invest in a foreign currency

## Council Policy 3.2.3 - Investments

### 8.0 Reporting and Review

- 8.1 A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.
- 8.2 This Investment Policy will be reviewed at least once every two years or as required in the event of legislative changes.
- 8.3 Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.
- 8.4 Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

### References

<b>Name of Policy</b>	3.2.3 Investments			
<b>Previous Policy</b>	G006 – Investments (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	OCM023/01/10	25/01/2010	Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed	OCM119/01/13	29/01/2013	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
	Reviewed	ARG003/09/15	06/06/2017	Ordinary Council Meeting
<b>Next review date</b>				
<b>Related documents</b>	<b>Acts/Regulations</b>			
	<i>Local Government Act 1995, s6.14 (1) and (2), r8 (3), r19(1) &amp; (2), r28, r49</i>			
	<i>Local Government (Financial Management) Regulations 1996</i>			
	<i>Trustees Act 1962 - Part III</i>			
	<i>Banking Act 1959</i>			
<i>Australian Accounting Standards 139 (1) and 139.9 (iii)</i>				
<b>Plans/Strategies</b>				
Strategic Community Plan 2017 - 2027				
<b>Policies</b>				
Nil				
<b>Delegations</b>				
1.1.20 Power to Invest and Manage Investments				
<b>Work Procedures</b>				
TBC				

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 3.2.4 - Purchasing**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The Shire of Serpentine Jarrahdale (the **Shire**) is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the “**Act**”) and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the “**Regulations**”) Procurement processes and practices to be complied with are defined within this Policy and the Shire’s prescribed procurement procedures.

Local government buyers operate in an increasingly dynamic commercial environment. It is essential to have a structured and consistently applied approach to the purchase of goods and services which is both transparent and accountable.

The purchasing strategy must reflect appropriate consideration of matters including, but not limited to:

1. Identifying, managing and controlling the risks associated with purchasing;
2. Value for money;
3. Accountability for actions;
4. Controlling the costs of purchasing;
5. Use of regional (local) suppliers;
6. Sustainability principles;
7. Monetary thresholds for tendering and quoting; and
8. Ensuring that all relevant legislative obligations are properly met.

### **Definitions**

Not applicable

## **Council Policy 3.2.4 - Purchasing**

### **Policy**

#### **Ethics and Integrity**

All employees of the Shire shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

1. Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money.
2. All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire's policies and code of conduct.
3. Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently.
4. All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements.
5. Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.
6. Any information provided to the Shire by a supplier shall be treated as commercial-inconfidence and should not be released unless authorised by the supplier or relevant legislation.

#### **Value for Money**

Value for money is one of the overarching principles governing purchasing that allows the best possible outcome to be achieved for the Shire of Serpentine Jarrahdale. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

1. All relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
2. The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;

### **Council Policy 3.2.4 - Purchasing**

3. Financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
4. A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

#### **Underlying Principles**

1. All purchases must be made in accordance with the *Local Government Act 1995* and relevant Regulations made under that, or any other Act, and relevant Delegations determined by the Council and/or CEO.
2. All employees of the Shire shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner.
3. Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money.
4. All processes, evaluations and decisions shall be transparent, free from bias and appropriately documented to ensure processes and decisions are able to be assessed and audited as required to ensure compliance with this policy.
5. Any employee who has an actual or perceived conflict of interest must disclose the interest, in writing, and may not exercise any discretion allowed by this policy without the prior approval of the Chief Executive Officer. Approval to exercise a discretion when an actual or perceived conflict of interest may exist, is to be sought via a memorandum to the Chief Executive Officer prior to raising a purchase order and the creditor being appointed to carry out works. The memo, if approved, is to be attached to the signed and authorised purchase order and forwarded to Finance for processing.

#### **Purchasing Thresholds**

##### **1. Up to \$5,000**

Where the value of goods or services is less than \$5,000 it is permissible to direct purchase based on a single verbal quote – where the market is known and the purchase is very low risk. This instance should only apply for a single or occasional, very simple purchase where the cost of seeking competitive quotes would be unreasonable on a cost to benefit analysis basis (for example purchasing a book, platter of sandwiches or tin of paint).

##### **2. \$5,001 to \$15,000**

Where the value of procurement of goods or services is between \$5,001 and \$15,000 it is permitted to purchase on the basis of at least two verbal quotations.

### **Council Policy 3.2.4 - Purchasing**

However, it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained. This purchasing method is suitable where the purchase is relatively small and low risk.

#### **3. \$15,001 to \$30,000**

Where the value of the purchase of goods or services ranges between \$15,001 and \$30,000, the following principles apply:

- 3.1 At least three verbal or written quotations (or a combination of both) are required to be sought. Where this is not practical due to a limited number of suppliers, a proprietary product or non-responses from potential suppliers asked to quote, this should be recorded.
- 3.2 Quotation records must be maintained and registered in accordance with record keeping policies.

#### **4. \$30,001 to \$149,999**

- 4.1 For the procurement of goods or services where the value exceeds \$30,001 but is less than \$149,999, it is required to seek three written quotes (this requirement may only be varied by authority of the CEO in circumstances where a written request and justification satisfies the CEO that there are exceptional circumstances).
- 4.2 The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be met in accordance with record keeping policies.
- 4.3 The general principles relating to written quotations are:
  - a) An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
  - b) The request for written quotation should include as a minimum:
    - Written specification
    - Selection criteria to be applied
    - Price schedule
    - Conditions of responding
    - How long the offer is valid for
  - c) Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
  - d) Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.

### **Council Policy 3.2.4 - Purchasing**

- e) Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.

4.4 Respondents should be advised in writing as soon as possible after the final determination is made and approved.

#### **5. Over \$150 000**

5.1 In instances where the purchasing involves conducting a tender, refer to Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering.

5.2 State Government Common Use Agreements or WALGA Preferred Supplier Program Procurement of goods or services where the value exceeds \$150,000 and involves the use of State Government Common Use Agreements or WALGA Preferred Supplier Program, Council requires the responsible officer to obtain three (3) written quotes. This requirement may only be varied by authority of the CEO in circumstances where the purchase is the subject of an approved budget and a written request and justification satisfies the CEO that there are exceptional circumstances.

Points 4.2, 4.3 and 4.4 above also apply.

#### **6. Variations**

Where a purchase order has been issued for the procurement of goods or services and it is identified that a variation to the original quoted price is required, a second purchase order for the variation should be issued. In such cases, the original purchase order plus the value of the variation, cumulatively needs to be appropriately authorised.

For example, a purchase order has been issued for \$30,000 for agreed works. The purchase order has been authorised by the Coordinator/Manager (in accordance with their authorisation limit), a variation of \$10,000 is required. The project now totals \$40,000 and therefore the Director (in accordance with their authorisation limit) is required to authorise the purchase order for the variation of \$10,000.

Authorisation of purchase orders and limits is detailed in section 11 below.

#### **7. State Government Common Use Agreements and WALGA Preferred Supplier Program**

7.1 Employees are encouraged to make use of state government supply contracts (Common Use Agreements) and WALGA's Preferred Supplier Program for goods and services where possible - as these items have been the subject of a competitive tendering process prior to their inclusion on the relevant government supply contract. As such they may offer administrative cost savings. Purchases made through the Common Use Agreements and Preferred Supplier Program are exempt from requirements within this Policy, except in cases of purchases of \$150,000 and above, whereby point 5.2 above applies.

## **Council Policy 3.2.4 - Purchasing**

### **8. Green Purchasing**

Interpretations:

**Energy efficient** products or facilities use less energy than typical products or facilities to provide a given energy service (such as heating or lighting) or level of activity.

**Environmentally preferred** products and services that have less impact on human health and the environment than competing products and services that serve the same purpose. This comparison may consider the source of raw materials, production, manufacturing, packaging, distribution, potential for reuse and recycling, operation, maintenance, or disposal of the product.

#### ***Environmentally preferred***

Wherever possible and practicable, the Shire will purchase goods and services that meet the following criteria:

#### 1. Minimum Waste

Purchasing decisions shall be made in the context of the waste hierarchy to avoid, reduce, reuse and recycle.

- i. Avoid – Identify ways of carrying out a function or task without using materials that generate waste (e.g. send information electronically instead of on paper; choose products that are easy to maintain and write repair services into supply contracts).
- ii. Reduce – Use less in the first place and avoiding waste (e.g. purchase in bulk to reduce packaging and purchase printing equipment that prints double sided).
- iii. Reuse – Use the same item more than once, and extend the useful life of products and equipment before replacing an item. Aim to reuse or repair an existing product. Ensure that new purchases are durable, have a long service life and are easy to maintain and upgrade.
- iv. Recycle – Purchase products that contain recycled materials or those that have or can be remanufactured (e.g. choose suppliers who have cradle-to-grave policies and will take responsibility for recycling products at the end of their lives; stipulate in purchasing contracts that suppliers are responsible for recycling products at the end of their lives, especially for products that are costly or difficult to recycle such as IT equipment).

#### 2. Minimum Greenhouse Gas Emissions

- i. Purchase energy efficient products and materials by checking that the energy rating and efficiency features are the best available for the cost over the lifetime of the product. This includes motor vehicles.

### **Council Policy 3.2.4 - Purchasing**

- ii. Purchase renewable energy and reduce the purchase of fossil fuels.
- iii. Purchase goods that have not been transported long distances (e.g. choose suppliers with Carbon Reduction Policies and ask suppliers about the carbon policies of their supply chains).

#### 3. Minimum Habitat Destruction

- i. Purchase paper and wood products obtained from recycled, plantation, salvaged or renewable sources (e.g. purchase 100% post consumer waste paper and Forest Stewardship certified products).
- ii. Purchase green cleaning products that don't result in discharges of toxic chemicals to waterways.

#### 4. Minimum Toxicity

- i. Purchase materials and products that are free of toxic or polluting materials.
- ii. Purchase products and materials that will not release toxic substances that can affect human health and pollute water, land or air at any stage of their life cycle.

#### 5. Maximum Water Efficiency

Purchase products that conserve water or use water in an efficient way.

#### 6. Minimum Soil Degradation

Purchase products, materials and services that will not degrade or pollute the soil, or result in erosion through their use.

### **9. Repetitive Purchases**

- 9.1 In making regular or repetitive purchases for the same goods or services, officers should be conscious of the potential for the annual purchases of the same, or a similar kind, to accumulate to an amount in excess of the tender threshold (currently \$150,000 or more). Where this repetitive purchasing issue is relevant and such occurrence is subsequently identified, officers should take appropriate actions to ensure that future purchases for these items are progressed in accordance with the requirements to obtain tenders as per the *Local Government (Functions and General) Regulations 1996*.

### **10. Anti Avoidance**

- 10.1 It is not permissible to enter into 2 or more contracts in circumstances such that the desire to avoid the requirements of tendering is a significant reason for not dealing with the matter in a single contract. Refer Regulation 12 of the *Local Government (Functions and General) Regulations 1996*.

## Council Policy 3.2.4 - Purchasing

### 11. Exemptions

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

### 12. Authorising Purchase Orders & Invoices

12.1 The issue of Purchase Orders on behalf of the Shire and the authorisation of invoices for payment is to be conducted in strict accordance with the Shire's Purchasing Policy and Work Procedures, as well as relevant provisions of the Register of Delegations which are developed and maintained under the authority of the Chief Executive Officer.

### 13. Records Management

13.1 All records associated with direct purchasing must be recorded and retained. This includes:

- Quotation documentation;
- Internal documentation;
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the *State Records Act 2000* and the Shire's Business Operating Policy (BOP) 2.3.0 – Employees Record Keeping Requirements.

## References

<b>Name of Policy</b>	3.2.4 Purchasing			
<b>Previous Policy</b>	G001 – Purchasing (E15/5096)			
<b>Date of Adoption and Resolution Number</b>				
<b>Review dates and Resolution Numbers</b>	Reviewed	OCM147/05/12	28/05/2012	Ordinary Council Meeting
	Reviewed	OCM179/04/13	08/04/2013	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
	Reviewed	OCM037/03/16	14/03/2016	Ordinary Council Meeting
<b>Next review date</b>	2019			

## Council Policy 3.2.4 - Purchasing

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995, S207 – Role of Council, S3.57</i>  <i>Local Government (Functions and General) Regulations 1996 Part 4</i>  <i>Division 1 – Purchasing Policies for Local Governments</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies/References</b>            WALGA Purchasing and Tendering Guidelines            Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering            Business Operating Policy (BOP) 3.1.0 – Employees Record Keeping Requirements            Business Operating Policy (BOP) 3.3.6 - Authorisation to Issue Purchase Orders Threshold            Federal Governments Online Green Vehicle Guide            (<a href="http://www.greenvehicleguide.gov.au">www.greenvehicleguide.gov.au</a>)</p> <p><b>Delegations</b>            Payments from the Municipal of Trust Funds</p> <p><b>Work Procedures</b>            GWP21 - Provision of Goods and Services to External Clients (under review)            E11/6387 - Evaluation Matrix for Submissions</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The Shire of Serpentine Jarrahdale (the **Shire**) is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the “**Act**”) and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the “**Regulations**”) Procurement processes and practices to be complied with are defined within this Policy and the Shire’s prescribed procurement procedures.

### **Definitions**

Not applicable

### **Policy**

#### Ethics and Integrity

All officers and employees of the Shire of Serpentine Jarrahdale shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire’s policies and code of conduct
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements

## **Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering**

- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed
- any information provided to the Shire by a supplier shall be treated as commercial-inconfidence and should not be released unless authorised by the supplier or relevant legislation

### Value for Money

Value for money is one of the overarching principles governing purchasing that allows the best possible outcome to be achieved for the Shire of Serpentine Jarrahdale. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history)
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

### **Tendering**

#### **1. Requirement for Tender**

Regulation 11(1) of the *Local Government (Functions and General) Regulations 1996* determines where tenders are required:

*Tenders are to be publicly invited before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.*

## **Council Policy 3.2.5 – Procurement of Goods or Services through Public 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* details such circumstances.

### **3. Anti-Avoidance**

It is not permissible to enter into two (2) or more contracts in circumstances such that the desire to avoid the requirements of tendering is a significant reason for not dealing with the matter in a single contract. Refer Regulation 12 of the *Local Government (Functions and General) Regulations 1996*.

### **4. Tender Criteria**

The Shire of Serpentine Jarrahdale shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase. The panel shall contain a minimum of 3 members.

### **5. Advertising Tenders**

Tenders are to be advertised in a state wide publication e.g. “The West Australian” newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

The tender must remain open for a minimum of 14 days after the date the tender is advertised. Care must be taken to ensure that 14 full days are provided as a minimum.

The notice must include;

- a) a brief description of the goods or services required;
- b) information as to where and how tenders may be submitted;
- c) the date and time after which tenders cannot be submitted;
- d) particulars identifying a person from who more detailed information as to tendering may be obtained;
- e) detailed information shall include:
  - i such information as the Shire of Serpentine Jarrahdale decides should be disclosed to those interested in submitting a tender;
  - ii detailed specifications of the goods or services required;

## **Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering**

- iii the criteria for deciding which tender should be accepted;
- iv whether or not the Shire of Serpentine Jarrahdale has decided to submit a tender; and
- v whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

Part 4, Division 2 of the *Local Government (Function and General) Regulations 1996* applies.

### **6. Issuing Tender Documentation**

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Serpentine Jarrahdale not to compromise its duty to be fair.

### **7. Tender Deadline**

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected. Refer Regulation 18 of the *Local Government (Functions and General) Regulations 1996*.

### **8. Opening of Tenders**

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

When tenders are opened:

- (a) there must be present:
  - i at least 2 employees of the local government; or
  - ii one employee of the local government and at least one person authorised by the CEO to open tenders; and
- (b) members of the public are entitled to be present; and
- (c) details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.

Refer Regulation 16 of the *Local Government (Functions and General) Regulations 1996*.

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## **Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering**

Tenders are to be opened at the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as commercial-in-confidence to the Shire of Serpentine Jarrahdale until the Tenders have been considered and a decision has been made by Council or an officer with delegated authority to do so.

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Shire of Serpentine Jarrahdale Officers present at the opening of tenders.

### **9. No Tenders Received**

Where the Shire of Serpentine Jarrahdale has invited tenders and no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained
- the process follows the guidelines for seeking quotations between \$30,001 & \$149,999 as detailed in Council Policy 3.2.4 – Purchasing
- the specification for goods and/or services remains unchanged
- purchasing is arranged within 6 months of the closing date of the lapsed tender

### **10. Tender Evaluation**

Tenders that have not been rejected shall be assessed by the Shire of Serpentine Jarrahdale by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous and will make recommendations regarding the awarding of the contract and present to Council or an officer with delegated authority to determine same.

### **11. Addendum to Tender**

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Serpentine Jarrahdale may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation. Refer regulation 14(5) of the *Local Government (Function and General) Regulations 1996*.

### **12. Minor Variation**

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Serpentine Jarrahdale and tenderer have entered into a Contract, a minor variation may be made by the Shire of Serpentine Jarrahdale.

## **Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering**

A minor variation will need to meet all three requirements:

1. Does not alter the nature of the goods and/or services procured;
2. Does not materially alter the specification or structure provided for by the initial tender; and
3. Less than 10% of the original contract price.

If the variation does not meet all three of the minor variation requirements, then the variation must be presented to Council for consideration/adoption.

Refer regulation 20 of the *Local Government (Functions and General) Regulations 1996*.

### **13. Variation after Contract Commencement**

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless:

- (a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j) of the *Local Government (Functions and General) Regulations 1996*.

Regulation 21A of the *Local Government (Functions and General) Regulations 1996* applies.

### **14. Notification of Outcome**

The Chief Executive Officer is to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the successful offer

The details and total value of consideration for the winning offer must also be entered into the Tender Register at the conclusion of the tender process.

Regulation 19 of the *Local Government (Functions and General) Regulations 1996* applies.

### **15. Records Management**

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation;
- Internal documentation;

## **Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering**

- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation;
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the *State Records Act 2000*, and the Shire of Serpentine Jarrahdale's internal records management policy.

### **References**

<b>Name of Policy</b>	3.2.5 Procurement of Goods or Services Through Public Tendering
<b>Previous Policy</b>	G002 – Procurement of Goods or Services Through Public Tendering (E15/5096)
<b>Date of Adoption and Resolution Number</b>	
<b>Review dates and Resolution Numbers</b>	<p>Reviewed (incorporates previous policy CSP2)</p> <p>OCM147/05/12      28/05/2012      Ordinary Council Meeting</p> <p>Modified      OCM163/04/14      14/04/2014      Ordinary Council Meeting</p> <p>Reviewed      OCM187/09/15      29/09/2015      Ordinary Council Meeting</p> <p>Reviewed      OCM037/03/16      14/03/2016      Ordinary Council Meeting</p>
<b>Next review date</b>	March 2018

## **Council Policy 3.2.5 – Procurement of Goods or Services through Public Tendering**

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995 s3.57</i>  <i>Local Government (Functions and General) Regulations 1996 Part 4 Division 2</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies/References</b>            Council Policy 3.2.4 – Purchasing            WALGA Purchasing and Tendering Guidelines            WALGA Procurement Toolkit</p> <p><b>Delegations</b>            Tenders for Goods and Services</p> <p><b>Work Procedures</b>            Business Operating Policy (BOP) 3.3.5 - Provision of Goods and Services to External Clients            E11/1439 Process 16 – Request for Tender            E11/1464 – Procedure 16 – Tender Evaluation Panel Guide            E11/1592 – Procedure 16 – Tender Evaluation Panel Authorisation            E13/489 – Tender Compliance Summary            E15/2297 – Tender Register</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 3.2.6 – Corporate Purchasing Cards**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The purpose of the Corporate Purchasing Card Policy is to establish the use and responsibilities of the cardholder. Corporate Purchasing Cards can deliver significant benefits through improved administrative practices and more effective cash management. However, if not properly controlled, Purchasing Cards can also expose the Shire to significant risks. These risks can be minimised by implementing a Policy to guide and control the responsible use of the Shire's Corporate Purchasing Card. Purchasing cards can be a more efficient purchasing method than that of formal methods in some circumstances. It can reduce administration costs, and the need to carry reasonable levels of petty cash.

### **Legislation**

The use of Corporate Purchasing Cards is not specifically mentioned in the *Local Government Act 1995*. However the impacts of the use and control of corporate credit cards are related to the following sections of the *Local Government Act 1995*;

1. *Section 2.7(2)(a) and (b)* requires the Council to oversee the allocation of the local government's finances and resources and determine the local government's policies.
2. *Section 6.5(a)* requires the CEO to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government.

*Local Government (Financial Management) Regulations 1995 11(1) (a)* requires local governments to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained.

### **Definitions**

Not applicable

### **Policy**

The following sections are designed to control the use of the Corporate Purchasing Card –

## **Council Policy 3.2.6 – Corporate Purchasing Cards**

### **General**

1. The Shire of Serpentine Jarrahdale will operate one (1) Corporate Purchasing Card for the purposes of Shire business transactions.
2. The Shire's Corporate Purchasing Card is to be issued by the same financial institution that municipal transactions are made.
3. The Corporate Purchasing Card is to be issued to a nominated person (Cardholder) as per banking institution regulations. The nominated person will be the Director Corporate Services.
4. In the event that a cardholder ceases employment, takes an extended period of leave, the cardholder must notify the Chief Executive Officer two (2) weeks before termination date, to arrange cancellation and settlement of receipts.
5. In the event that the cardholder loses or misplaces the Purchasing Card it must be reported to the issuing financial institution by telephone. Written notification must also be forwarded to the Chief Executive Officer.
6. An agreement must be signed by the cardholder and the Shire setting out the cardholder's responsibilities and legal obligations when using the Corporate Purchasing Card.
7. Where the Corporate Purchasing Card, issued by the financial institution, includes reward schemes, these will be accumulated in the name of the Shire of Serpentine Jarrahdale. The Chief Executive Officer, at their discretion will decide how these rewards are utilised and could include offering these to charitable institutions, or sporting clubs. Under no circumstances is the reward scheme to be used for employees or Councillors' private benefit.

### **Breaches of the Corporate Purchasing Card Policy**

1. Any transactions that appear to be unauthorised, excessive, or unreasonable shall be reported to the Chief Executive Officer. Any breach shall be investigated and appropriate action taken by the Chief Executive Officer, including but not limited to withdrawal of the card or in more serious circumstances, possible termination of employment.

### **Purchasing**

1. The Corporate Purchasing Card shall only be used for purchasing goods and services on behalf of the Shire which are authorised in the current budget. Transactions must follow Council Policy 3.2.4 – Purchasing.
2. Personal expenditure is prohibited.
3. The Corporate Purchasing Card shall not be used for cash withdrawals.
4. The maximum credit limit is determined by the Chief Executive Officer.

### **Council Policy 3.2.6 – Corporate Purchasing Cards**

5. All uses of Corporate Purchasing Card must be requisitioned and outline details of the purchase, the budget code and explanation as to why the Corporate Purchasing Card is being used in lieu of a Purchase Order. This must be authorised by the cardholder prior to purchase.
6. An invoice or receipt of purchase is required in all circumstances and must contain details of the purchase and submitted to the Director Corporate Services.
7. For Fringe Benefits Tax purposes, any expenditure for entertainment must include the number of people who were in attendance and the full names of any Shire employees.

#### **Payments**

1. A monthly account statement shall be sent to the cardholder. The cardholder is required to certify the statement and attach all requisitions, invoices/receipts for transactions. All invoices/receipts must include the suppliers ABN, amount and whether GST applies, and a brief description of goods and services purchased.
2. A detailed summary of all purchases is to be provided to the Chief Executive Officer with the statement and all receipts. The Chief Executive Officer is to authorise the completed statement for payment.
3. All paperwork is to be returned to Finance Services within 7 days of receiving the statement.

#### **Financial Services Responsibilities**

Financial Services shall;

1. Coordinate and register the issue, replacement and cancellation of the Corporate Purchasing Card.
2. Provide the cardholder with a copy of this Policy.
3. Process payments for the Corporate Purchasing Card. This includes ensuring all receipts and tax invoices are submitted and the relevant authorising officers have authorised the credit card statement.
4. Ensure the cardholder signs the Corporate Purchasing Cardholder Agreement when issued with a new card and place the signed agreement in the Corporate Purchasing Card Register in TRIM.

#### **Cardholder Responsibilities and Obligations**

The Cardholder must;

1. Keep their card in a safe place.
2. Ensure purchases are within the card limit, budget, and authority to do so.

## Council Policy 3.2.6 – Corporate Purchasing Cards

3. Adhere to policies and procedures in relation to the Corporate Purchasing Card Policy and Council Policy 3.2.4 - Purchasing.
4. Ensure all requisitions, receipts and tax invoices are provided and submitted to Finance with the purchasing card statement, within seven (7) days of receipt.
5. Assign costing accounts for each item on the purchasing card statement.

### Reporting

Council shall receive a detailed list of transactions for the Corporate Purchasing Card as part of the monthly financial reporting requirements.

### References

<b>Name of Policy</b>	3.2.6 Corporate Purchasing Cards
<b>Previous Policy</b>	G917 – Corporate Purchasing Cards (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted CGAM051/04/11 27/04/2011 Ordinary Council Meeting Adopted OCM193/05/13 13/05/2013 Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed OCM18/09/15 29/09/2015 Ordinary Council Meeting Amended OCM093/05/16 29/05/2016 Ordinary Council Meeting
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i> Local Government (Financial Management) Regulations 1996</p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Council Policy 3.2.4 - Purchasing</p> <p><b>References</b></p> <p><b>Delegations</b> C007S Payments from Municipal or Trust Funds</p> <p><b>Work Procedures</b> TBC</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 3.2.7 – Farmland Concession**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

In line with the vision category Financial Sustainability, Council provides a rate concession to properties maintaining genuine farming interests. It ensures that Council is protecting and developing appropriate agricultural and horticultural industries and pursuits within the Shire.

This policy outlines the criteria that must be met to be eligible for the concession and maintains the rural character of the area in line with the strategic goals of Council.

### **Definitions**

Not applicable

### **Policy**

#### **1. Criteria**

To be eligible for the farmland concession, all of the following criteria must be satisfied;

- a) The property must be zoned Rural (except those properties previously zoned Rural prior to the Urban Development zone adopted in 2000).
- b) Letter from your accountant stating that the indicators that are relevant to whether or not a person is carrying on a business of primary production in Tax Ruling 97/11 (or any later revised versions of this ruling) have been fulfilled;

Other requirements that need to be included in the letter are;

- i) In the subject line, include the address of the property that is applying for farmland concession.
- ii) Must state that the address of the property has derived primary production and the owner has claimed primary production in their tax return.
- iii) The latest tax return year that has been lodged.
- iv) Signed by the accountant and is on the accountants letterhead

## **Council Policy 3.2.7 – Farmland Concession**

- v) If you prepare and lodge your own tax return, you are to;
- address all indicators that are relevant to carrying on a business of primary production (refer to (b)); and
  - provide a copy of the last tax return lodged with the Australian Taxation Office; and
  - provide a copy of the notice of assessment to verify amounts on the tax return match amounts lodged; and
  - provide a signed Statutory Declaration stating that you are still using the property for Primary Production and are carrying on a genuine business of primary production.

### **2. Other**

- a) The applicant ordinarily resides\* on the property or is farming it in association with a home property within the Shire of Serpentine Jarrahdale.
- b) Where the applicant is a tenant and liable to pay the Council rates on the property, a copy of the lease stating that they are required to pay Council rates will need to be provided (*Note: the applicant will only be eligible for the concession if all of the above conditions have been satisfied*).
- c) To be eligible, all rates and services, and other charges owing to the Shire, for this property, must be paid, and no current and prior years amounts are to be outstanding.
- d) The farmland concession provides for a concession of 31% off the rural rate in the dollar.
- e) The concession does not apply to the minimum rate set for the rural rate. If after discounting the rural rate by 31%, the property is on minimum rates, then the rural minimum rate will apply.
- f) Shire officers can request from applicants to inspect any documents that they have requested a third party to verify, such as business plans, and tax returns, when considering eligibility.
- g) All information submitted for consideration by land owners will be considered confidential.
- h) If applications are not received by 30 June of each financial year then they will not be taken to effect until the following financial year. For example, if an application is received between 1 July 2012 and 30 June 2013, the farmland concession will not take effect until the next financial year, being 1 July 2013.
- i) A farmland concession will still be applied if the applicant has multiple group rated properties, or is farming it in association with a home property if they meet all other conditions.

### **Council Policy 3.2.7 – Farmland Concession**

- j) Council may consider a variation to part (f) of the criteria where there is a clear demonstrated history of the farming the property for at least 30 years. This will only be accepted by proof of ownership by providing a copy of the certificate of title, and a statutory declaration to be completed by owner.
- k) A review will be conducted every two years, and applicants will be required to reapply at every review.
- l) If the property is subdivided, the farmland purpose will no longer be valid and revert back to the rural rate category code, and property owners must reapply if they meet the criteria.
- m) If the property sells, then the farmland purpose will no longer be valid and revert back to the rural rate category code.

*\* see definition below*

*Based on the information from the Australian Taxation Office (ATO)....*

*...Serpentine Jarrahdale Shire defines “ordinarily resides” as being your ordinary place of residence. The Shorter Oxford Dictionary defines reside as: ‘...to dwell permanently, or for a considerable time, to have one’s settled or usual abode, to live in a particular place.....’.*

*The Shire of Serpentine Jarrahdale will accept your application if our records show your postal address as matching the property on which the application is being made. Proof of residence can also be in the following forms;*

- *Where it states home address on your tax return*
- *Copy of utility expense where your mailing address is the respective property*
- *Confirmation from the Australian Electoral Commission*
- *Letter from your Accountant, stating you ordinarily reside at the respective property (the property address must be mentioned)*
- *If in the case, a company owns the property, a director must reside at the property*

## Council Policy 3.2.7 – Farmland Concession

### References

<b>Name of Policy</b>	3.2.7 Farmland Concessions			
<b>Previous Policy</b>	SEG01 – Farmland Concessions (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	CGAM036/12/11	19/12/2011	Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed	OCM160/06/12	11/06/2012	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Section 6.47 Local Government Act 1995</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>            Nil</p> <p><b>References</b>            Nil</p> <p><b>Delegations</b>            Nil</p> <p><b>Work Procedures</b>            Nil</p>			

Note: changes to references may be made without the need to take the Policy to Council for review.

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## **Council Policy 3.2.11 – Rates Collection and General Debtors**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

It is essential for the good governance of the Shire that monies owed to the Shire are paid when due and that effective steps are taken for debt management. This policy establishes the parameters within which the Council expects the Chief Executive Officer to ensure staff are controlling the rates and general debtors function.

### **Definitions**

Not applicable

### **Policy**

#### **Collection of Local Government Rates**

1. A copy of the rate assessment marked “Final Notice” shall be issued fifty (50) days after issue of the original assessment, allowing fourteen (14) days for payment of the account.
2. For outstanding rate accounts for which no satisfactory arrangements have been made, a Notice of Intention to Claim shall be sent advising of impending legal action for recovery of outstanding rates. The Notice of Intention to Claim shall be issued seventy (70) days after issue of the original assessment, allowing seven (7) days for payment.
3. For outstanding rate accounts for which no satisfactory arrangements have been made within ninety (90) days after issue of the original assessment, Shire officers will commence court proceedings in accordance with section 6.56 of the Local Government Act 1995. The process to enforce judgment is as follows;
  - a) Preparation and issuing of a General Procedure Claim
  - b) Service of Claim
  - c) Judgement Obtained after twenty one (21) days of service of claim
  - d) Obtain a Property Seizure and Sale Order (PSSO)
4. Other Courses of action that may be taken include;

### **Council Policy 3.2.11 – Rates Collection and General Debtors**

- a) In accordance with section 6.60 of the *Local Government Act 1995*, the Shire of Serpentine Jarrahdale may require the lessee to pay the rent as it falls due to the Local Government.
- b) For rates remaining unrecoverable after legal action, a caveat is to be lodged.
- c) In accordance with section 6.64 of the *Local Government Act 1995*, if any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, take possession of the land and hold the land as against a person having an estate or interest in the land.

#### **Back Rating and Interim Valuations**

1. Back rating of properties:
  - a) On provision of a valuation from the Valuer General's Office indicating that a previously incorrect valuation has been applied (either undervalued or overvalued), the Council's Rates Officer shall forward a refund or adjusted assessment calculated to the date the valuation was effective, within the limitations of the *Local Government Act 1995*.
  - b) Where a property settlement has occurred, back rates raised in 1(a) shall only be backdated to the date of settlement, thus not effective on the previous owners.
2. Interim valuations shall be applied from the effective date specified by the Valuer General's Office.
3. Ratepayers subjected to back rates are to be given the option to pay the same by instalments over an extended period.

#### **Sundry Debtors**

1. Whenever practical, pre-payment be sought for works, services and facilities. The estimated cost may form the basis of pre-payment.
2. In all other cases invoices shall be forwarded within seven (7) days of the debt being incurred.
3. If the account is outstanding beyond thirty (30) days, a reminder notice is forwarded requesting a payment within seven (7) days.
4. Where the account remains outstanding after a further fourteen (14) days from the reminder notice, a "Notice of Intention to Claim" shall be issued allowing seven (7) days for payment.
5. The Chief Executive Officer is granted delegated authority to proceed with legal action to recover debts overdue by sixty (60) days.
6. A sundry debtor report shall be submitted monthly to the Council.

## **Council Policy 3.2.11 – Rates Collection and General Debtors**

- Interest on outstanding debtors will be set by Council with the adoption of the annual budget.

### **Exemption Policy**

- Rating exemptions will be provided only in accordance with Section 6.26 of the *Local Government Act 1995*.
- Exemptions will be granted from 1 July of the financial year in which applications are received or from the relevant date e.g. settlement or lease where applicable. Exemptions shall not be backdated into prior financial years.
- Exemptions granted in accordance with Section 6.26 are to be reviewed every two (2) years where practicable and the list submitted to Council on an informational basis.

### **Satisfactory Arrangements**

- Where a ratepayer's circumstances do not suit the payment options under the Act a formal payment arrangement (via direct debit) may be entered into. Refer to Councils Direct Debit Application Form.
- The formal payment arrangement is the only option available if the debtor cannot satisfy the payment options set out in the *Local Government Act 1995*. Both parties are to agree on the proposal, including any conditions imposed.
- All formal payment arrangement debts will need to be finalised before 1 July of the proceeding financial year. Any debts that will exceed the financial year will need to be approved by Council. This can include the claim of financial hardship; however this must be confirmed by a financial counsellor.
- An administration fee and instalment interest will be imposed at the rate set within the budget each financial year.
- Should a ratepayer choose to undertake instalments and then clear their account within the original due date, then administration and interest costs will be reversed. Should full payment be received after this date, no adjustment will be made to the costs.

### **References**

<b>Name of Policy</b>	3.2.11 Rates Collection and General Debtors			
<b>Previous Policy</b>	G903 – Rates Collection and General Debtors (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	C163/04/01	23/04/2001	Ordinary Council Meeting

## Council Policy 3.2.11 – Rates Collection and General Debtors

<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004	
	Reviewed	OCM023.1/01/10	25/01/2010	Ordinary Council Meeting
	Reviewed	CGAM039/02/11	28/02/2011	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				
<b>Related documents</b>	<b>Acts/Regulations</b>			
	<i>Local Government Act 1995</i>			
	<i>Civil Judgments Enforcement Act 2004</i>			
	<i>Local Government (Financial Management) Regulations 1996</i>			
	<i>Rates and Charges (Rebates and Deferments) Act 1992</i>			
	<b>Plans/Strategies</b>			
Strategic Community Plan 2017 - 2027				
<b>Policies</b>				
Nil				
<b>References</b>				
<b>Delegations</b>				
C014D Waive a rate or service charge and alternative arrangement for payment				
C015D Actions against land where rates or service charges are unpaid				
<b>Work Procedures</b>				
TBA				

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 4.1.1 – Proceedings before the State Administrative Tribunal**

**Objectives:** People

**Outcome:** 1.3 - A safe place to live.

**Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

### **Purpose**

To prescribe procedures for the Shire's administration for the most appropriate manner to deal with matters relating to the State Administrative Tribunal (SAT).

The Chief Executive Officer is authorised to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal.

### **Definitions**

Not applicable

### **Policy**

#### **1. Policy Objectives**

The objectives of this Policy are:

1. Outline the Shire's general position and approach to proceedings before the State Administrative Tribunal;
2. Support the Shire's continued efforts to achieve general community compliance with relevant statutory requirements;
3. Support the Shire's continued efforts to operate in an open and transparent manner; and
4. Support the Shire's continued efforts to operate in a financially responsible manner.

#### **2. Background and Application**

The State Administrative Tribunal (SAT) was established in Western Australia in 2005 as an independent body that makes and reviews a range of administrative decisions. Individuals, businesses, public officials and vocational boards can bring before the SAT many different types of applications related to civil, commercial and personal matters. These range from reviews of multi-million dollar tax judgements and dog destruction orders to disciplinary proceedings, guardianship questions and town planning and compensation issues.

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## **Council Policy 4.1.1 – Proceedings before the State Administrative Tribunal**

The SAT was established by the *State Administrative Tribunal Act 2004* (SAT Act) and the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* (Conferral Act). The Conferral Act refers to more than 130 existing Acts of Parliament, known as enabling Acts. The enabling Acts give the SAT the jurisdiction to make decisions on specific matters. The most common proceedings before the SAT for the Shire are in relation to the following:

- Where an applicant is aggrieved by a determination on an application for development approval under the provisions of the Shire's Town Planning Scheme No. 2 (TPS 2);
- Where an applicant is aggrieved by the lack of a determination on an application for development approval within the timeframes prescribed in TPS 2;
- Where a party is aggrieved under the provisions of the *Dog Act 1976*.

The SAT is required to consider all relevant information available to it, including any submissions received during the advertising of the proposal previously conducted by the local government and the formal determination of the local government. In general terms, the SAT may ultimately:

- Reaffirm the original decision;
- Set aside or vary the original decision and substitute its own decision; or
- Invite the Shire to re-consider the proposal, often in the light of new information that has become available during proceedings before the SAT.

This policy does not deal with the procedures involved in making an application for review or the process of the review as these matters are the subject of separate legislation and regulations.

### **3. Status**

#### **(a) Relationship to *State Administrative Tribunal Act 2004***

This policy shall be read in conjunction with the SAT Act. To the extent of any inconsistency between this policy and the SAT Act, the SAT Act shall prevail.

#### **(b) Relationship to *Town Planning Scheme No.2***

This Policy shall read in conjunction with Clause 8.6 of TPS2, which states the following:

'An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and Rules and Regulations made pursuant to the Act.'

To the extent of any inconsistency between this policy and the provisions of TPS2, the Scheme shall prevail.

## **Council Policy 4.1.1 – Proceedings before the State Administrative Tribunal**

### **4. Interpretations**

This policy does not seek to establish any specific interpretations or definitions for terms it contains.

### **5. Policy Measures**

#### Council's Role in SAT Proceedings

5.1 Upon the commencement of a SAT review the Council ceases to be the decision-maker with respect to the matter the subject of the review (unless the SAT invites the Council to reconsider its original decision), and instead becomes a party to the proceeding. However the Council has an obligation under the SAT Act to use its best endeavours to assist the SAT to make the correct and preferable decision in the review.

5.2 In order to maintain the integrity of the SAT review process and uphold its obligation to the SAT, elected members and employees should avoid discussions or correspondence concerning an ongoing SAT review with third parties, except where necessary or appropriate:

- to inform a person that a matter is before the SAT;
- to make a person aware of their ability to access relevant information on the SAT website at **[www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au)**, including information concerning the role of third parties in SAT reviews;
- to inform a person of the outcome of a step in, or the outcome of, the SAT proceedings; and
- to assist the SAT or the Council in the SAT review (e.g. to obtain advice from an expert or government agency, or to obtain a witness statement).

5.3 In the interests of avoiding any later conflict and in maintaining integrity in the process, direct communication between a proponent and the Shire's elected members (individually or collectively) should be avoided for the duration of proceedings before the SAT. Should contact be made by a proponent, the elected member/s are encouraged to:

- Make the person aware of this Council policy; and
- Advise the applicant to contact the Shire's responsible officer if they require any further information.

#### Representation

5.4 Where the applicant has retained legal representation, the Shire will be legally represented.

## **Council Policy 4.1.1 – Proceedings before the State Administrative Tribunal**

- 5.5 Where an applicant has elected on their application for review to the SAT in a Class 1 planning matter to not have legal representation, the Shire shall be represented by either officers or appointed consultants.
- 5.6 Where a Council decision is the same or essentially the same as an officer's recommendation, or corrects or improves the content of an officer's recommendation, then officers shall generally provide a written response on behalf of the Council and/or attend a mediation or Tribunal hearing as an expert witness to represent the Council's position. Decisions in respect of which officers are to attend proceedings shall be determined by the Chief Executive Officer.
- 5.7 Where an application is made for the review of a decision that is substantially inconsistent with a recommendation made by Shire officers, then in the interests of the Council and Shire officers, and to assist the SAT, independent consultants may be engaged to represent the Shire during the SAT process, and will usually be engaged if the matter proceeds to a final hearing.
- 5.8 The decision to engage, or not engage, independent consultants as described in 5.7 above, shall be made by the Chief Executive Officer or relevant Director.

### Mediation Proceedings

- 5.9 The Shire acknowledges the Tribunal's desire to resolve matters by mediation where possible and will generally agree to participate in the SAT mediation process, provided there is a reasonable prospect of reducing or clarifying the issues in dispute, or achieving a negotiated outcome. Discussions occurring for the purposes of mediation are conducted by the Tribunal on a "without prejudice" and confidential basis and the Council acknowledges that the content of this discussion cannot be discussed outside the mediation session.

Where a matter is referred to mediation, the consultant or officer with conduct of the matter:

- a. Shall participate constructively in the mediation in order to attempt to reach a compromise solution;
- b. Shall not agree to any compromise solution at the mediation beyond the scope of the officer's delegated power.
- c. Shall refer any potential solutions arising out of the mediation back to the decision maker in the original application.

With respect to (b) above, where the matter was originally considered by Council, any proposed compromise solution arising from the mediation shall be presented to Council for further consideration in accordance with the procedures for section 31 reconsiderations set out below.

## **Council Policy 4.1.1 – Proceedings before the State Administrative Tribunal**

- 5.10 Where practical, officers shall provide regular updates on proceedings before the SAT to elected members. The updates shall, however, generally be limited to issues relating to the programming of proceedings, including timeframes and likely cost implications. Specific details in relation to the proceedings shall generally not be discussed and officers and elected members shall acknowledge that such meetings are not decision making forums.

### Section 31 Reconsiderations

- 5.11 The Tribunal may refer a matter to Council under section 31 of the SAT Act, inviting Council to reconsider the original decision. This regularly occurs following the mediation process, or where there has been a deemed refusal. In the interests of achieving time and cost-effective outcomes for all parties involved, officers shall generally seek to resolve matters through a section 31 reconsideration process.
- 5.12 The responsible Shire officer, in consultation with their Director, shall have the discretion to advise the SAT member during mediation proceedings as to whether or not a reconsideration under section 31 would likely assist with the resolution of matter in a timely and cost effective manner.
- 5.13 Upon receipt of an invitation from the SAT to reconsider the matter, the officer shall assess the proposal and refer it to the Council. The Council may then affirm the original decision, vary the decision or set aside the decision and substitute a new decision.
- 5.14 Except where, in the opinion of the Chief Executive Officer there are exceptional circumstances which justify a contrary position, reports presented to Council for consideration under Section 31 of the Act following mediation may be presented as confidential reports.
- 5.15 Where a proposal the subject of a SAT review has already been advertised by the Council, the proposal will not be re-advertised before the Council reconsiders the proposal pursuant to a section 31 invitation except where:
- (a) the SAT mediating member suggests re-advertising, or the applicant agrees; or
  - (b) the proposal to be re-considered is substantially different to the proposal in the form already advertised and may add planning issues not raised by the original proposal;
  - (c) in the judgment of the officer with conduct of the matter, there are exceptional circumstances which justify re-advertising.

If it is determined by the relevant officer that a proposal should be re-advertised before a re-consideration by the Council, but the applicant does not consent to the re-advertising, the officer shall be entitled to decline to refer the proposal back to the Council.

## **Council Policy 4.1.1 – Proceedings before the State Administrative Tribunal**

- 5.16 Following the Council's decision upon re-consideration, the Shire will inform persons who made a submission (whether on the original or amended proposal) of the Council's decision.

### Involvement of third parties

- 5.17 Third parties may make a request at any time to the SAT to make a submission, either in person or in writing, in respect of a particular matter. Such requests must be in writing and sent to the SAT (not through the Shire).
- 5.18 A third party may only be present during a mediation session by invitation from the Tribunal.
- 5.19 It is the responsibility of any third party interested in proceedings before the SAT to obtain their own independent advice. The Shire may, however, raise awareness of the ability of a third party to make a submission to the SAT through the following methods:
- making this policy publicly available through the Shire's policy manual, which is published on the Shire's website; and
  - informing those persons who lodged a submission during the public advertising of a proposal of the lodgement of a SAT application for review. The Shire shall make all reasonable endeavours to contact, in writing, such persons within a fourteen (14) day period of the Shire's receipt of a copy of the application for review.
- 5.20 Upon receipt of a request by a third party to make a submission, the SAT must consider whether the person has 'sufficient interest' in the proposal to justify their involvement and whether the involvement of the person would aid the SAT in progressing the matter towards an ultimate determination. The involvement of a third party is generally limited to final hearings, which are usually only programmed where mediation proceedings have failed to reach an agreed outcome between the applicant and the Shire.
- 5.21 As the Shire is bound by the confidential nature of the process, the Shire will generally be unable to provide any updates to a third party as to the progress of a section 31 re-consideration until after it has been determined.

### Appeals against Decisions of the Tribunal

- 5.22 The Shire will not generally appeal a decision of the Tribunal unless, in the opinion of the Council following legal advice, it is considered that the Tribunal has made an error of law and the issue at stake has significant implications for the Shire or local government in general.

## **Council Policy 4.1.1 – Proceedings before the State Administrative Tribunal**

### Parallel Direction Notice under s214 of the *Planning and Development Act 2005*

5.23 Where an application for review of a decision is lodged and the matter is also the subject of a direction notice under s214 of the *Planning and Development Act 2005*, the Shire will generally defer enforcement of the direction notice until such time as the application before the Tribunal is determined. In the event that the review application is dismissed, the Shire will enforce the direction notice immediately without further consideration by Council.

### Notifying parties of proceeding outcomes

5.24 Upon the conclusion of proceedings before the SAT, information about the outcome is notified in the following manner:

- Through the publication of a decision report by the SAT on the SAT website at [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au);
- Through written advice being sent to those persons who lodged submissions during the public advertising of the proposal;
- Through the inclusion of relevant details in the monthly 'Information Report' presented to Council through relevant Committee and Council Meetings.

5.25 The information made available by the Shire will usually be limited to the decision outcome (e.g. approval or refusal) and shall not include information that is not generally publicly available – for example the nature of discussions before the SAT that were conducted in a confidential manner.

## **References**

<b>Name of Policy</b>	4.1.1 Proceedings Before the State Administrative Tribunal			
<b>Previous Policy</b>	PP11 – Proceedings Before the State Administrative Tribunal (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	SD052/11/10	22/11/2010	Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				

## Council Policy 4.1.1 – Proceedings before the State Administrative Tribunal

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>State Administrative Tribunal Act 2004 (SAT Act)</i>  <i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 (Conferral Act)</i>  <i>Town Planning Scheme No 2 (TPS2)</i>  <i>Planning and Development Act 2005</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>            Nil</p> <p><b>References</b>            Nil</p> <p><b>Delegations</b>            P027D Determination of position on an appeal to the SAT on a decision made under delegated authority</p> <p><b>Work Procedures</b>            Nil</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 4.1.3 – Extractive Industry Licences**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The objectives of this policy are:

1. To provide incentive for good management of extractive industries within the Shire in accordance with extractive industry licence conditions.
2. To provide a level of certainty to extractive industry licence holders on the licence approval and audit process.
3. To set a process for determining audit review timeframes.
4. To set a process for reviewing documents required under licence conditions to be undertaken by Shire officers.

### **Definitions**

The extractive industry licence policy applies to all extractive industries within the Shire as defined in the *Extractive Industries Local Law 1995*.

### **Policy**

The initial licence issued to an extractive industry upon receiving planning approval to commence will be one year. The duration of a licence, where the licence is being renewed, will be determined through a compliance system.

#### Compliance System

Audits are undertaken by Shire staff to review compliance with extractive industry licence conditions. During audits areas of non-compliance are recorded. These areas of non-compliance will be determined to be minor, major or critical as per this policy and assigned points accordingly. The length of licence will be calculated on the total number of non-compliance points accumulated at the most recent audit undertaken in the six months prior to licence renewal. Points achieved in a previous audit will be added to the total score if there has been no action to become compliant or work towards a solution on this issue.

## **Council Policy 4.1.3 – Extractive Industry Licences**

### Non Compliance Points:

The points for each category of non-compliance are:

Critical:	10 points
Major:	5 points
Minor:	1 point

### Length of Licence:

The length of licence will be determined by the total score of non-compliance as follows:

0- 2 points:	5 year licence
3-5 points:	3 year licence
5-10 points:	1 year licence
11 or more points:	6 month licence – this must be resolved by Council

### Category of Non Compliance

Scoring of non-compliance against conditions will be determined by one of two systems. Firstly some conditions will have to be placed on the licence as a critical, major or minor category at the time the extractive industry licence is approved. This is the score non-compliance will receive for these conditions. The categorisation of these conditions will be determined as per table 2. Other conditions will not have a category placed against them as it is the severity and number of non-compliances that will affect the rating. These will be determined at the time of audit using Table 3.

**Table 2**

<b>Category</b>	<b>Community concern</b>	<b>Compliance history of operator</b>	<b>Consequence</b>
Minor (1)	None or little valid community concern within the past 2 years on this issue	No major or critical non-compliance relating to this issue in the past 5 years and all issues remedied	No significant environmental impacts would occur from non-compliance
Major (5)	Valid community concern within the past 2 years by up to 10 affected residents	Major or critical non-compliance history relating to this issue in the past 5 years but all issues have been remedied	Significant environmental impacts would occur from non-compliance that could be remedied in the short term (1 month)

### Council Policy 4.1.3 – Extractive Industry Licences

Category	Community concern	Compliance history of operator	Consequence
Critical (10)	Valid community concern has been raised and significant concerns have been demonstrated to the Shire within the past two years by more than 10 affected residents a year	Non-compliance history relating to this issue in the past 5 years which exceeds 3 major non-compliances or one critical non-compliance and has been remedied or any non-compliance that has not been remedied	Significant environmental impacts would occur from non-compliance that could not be remedied in the short term (1 month)

**Table 3**

Condition	Critical (10)	Major (5)	Minor (1)
<b>Plans Required</b> e.g. vegetation, landscape, water, noise, dust	No plan submitted for approval and 3 months has passed since first licence and site works commence or due date as specified in licence conditions. Requests ignored for plans	Plans submitted over 30 days late	Plan submitted prior to commencement of site works for approval or due date as specified in licence conditions but not of approval standard at present OR Plans submitted between 1-30 days late
<b>Site Operations Requirements</b> relating to site operations e.g. water quality testing, blasting notification, dust management	No notification to the Shire within 5 working days of confirmation of critical or major non-compliance and/or no written report within one month with evidence to satisfy the Executive Manager Strategic and Community	Notification to the Shire within 5 working days of confirmation of critical or major non-compliance and written report within one month with evidence to satisfy the Executive Manager Strategic Community Planning that measures have been undertaken to prevent a recurrence	Notification to the Shire within 24 hours of confirmation of critical or major non-compliance and written report within 5 working days with evidence to satisfy the Executive Manager Strategic and Community Planning that measures have been undertaken to prevent a recurrence

### Council Policy 4.1.3 – Extractive Industry Licences

Condition	Critical (10)	Major (5)	Minor (1)
	Planning that measures have been undertaken to prevent a recurrence		
<b>Site Management &amp; Operations</b> Requirements relating to site management e.g. watercourses, weed management	Non-compliance occurred and no remedial action undertaken by next audit or no notification of breach of licence condition received for critical or major non compliances	Noncompliance occurred and not remediated or no commencement of actions to remedy if long term approach, required within 12 weeks of noncompliance occurrence OR no communication and reporting on remediation being undertaken provided to the Shire on a major or critical non compliance	Noncompliance occurred but remediated or commence actions to remedy if long term approach required within 4 weeks of occurrence and this is supported in writing to the Shire
<b>Rehabilitation</b> e.g. revegetation, site stabilisation	Revegetation not completed in accordance with approved plans and licence conditions or revegetation not commenced or there has been no effort to rectify areas of failed revegetation	Revegetation not completed in accordance with approved plans and licence conditions but report submitted to the Shire with a plan of action and timeframe commitment to complete required works	Revegetation not being completed within proposed timeframe but has been commenced in accordance with approved plans. This excludes where genuine attempts to undertake revegetation has occurred but failed and is being replanted at the next appropriate planting season.

#### Licence Conditions Approval

The proposed licence conditions will be drafted and sent to the operator prior to them being presented to Council for adoption. The proposed licence conditions will be sent to the operator with a minimum of three weeks to comment. These comments will be taken into consideration in determining or recommending the licence approval.

#### Audits

The frequency of full site audits is determined by the risk of the operation as established in the assessment of the length of the licence.

### **Council Policy 4.1.3 – Extractive Industry Licences**

<b>Total audit score</b>	<b>Length of licence</b>	<b>Frequency of site audits</b>
0-2	5 years	1/year - Every 12 months
3-5	3 years	1/year - Every 12 months
6-10	1 years	2/year - Every 6 months
11+	6 months	2/year - Every 6 months

The operator will be notified of an audit by the Shire officers with at least two weeks' notice. The Shire will provide the operator at the time of notification of the audit a copy of the audit table which they will be audited against. This will allow the operator 2 weeks to provide or seek any clarification on any areas listed in the audit. The process for audits is detailed below:

1. Compliance Audit Only (May for 6 and 12 month licences and October for 3 and 5 year licences).
2. Letter sent to operator advising of site inspection minimum 2 weeks prior with audit assessment sheet attached.
3. Site audit undertaken by planning and environmental officers against current extractive industry licence and planning approval.
4. Operators sent a letter advising of any non-compliances within 2 weeks of site audit and given due dates for remediating areas of non-compliance.

#### Audit and Assessment of Licence lengths (October)

1. Letter sent to operator advising of site inspection a minimum 2 weeks prior with audit assessment sheet attached.
2. Site audit undertaken by planning and environmental officers against current extractive industry licence and planning approval.
3. Assessment for length of licence undertaken in accordance with PP14 using completed audit results.
4. Draft assessment including recommendation of licence length sent to operator by 7 November for comment.
5. Comments due back from operators by 21 November.
6. Mediation between operator and officers undertaken if there is disagreement and option given to operator to attend December Concept Forum to present issue/s to Council.
7. Item put to December Ordinary Council Meeting on the length of the extractive industry licence for decision with both officers recommendation and any comment provided on audit and assessment results from the operator.

## Council Policy 4.1.3 – Extractive Industry Licences

### Approval process for documents required in licence conditions:

1. Where documents are required to be submitted by a date as set out in licence conditions, the Shire will acknowledge receipt of those documents within 5 working days and will assess the documents within 3 months of receipt.
2. Further information or modifications may be requested from the Shire which will also be assessed within 3 months of receipt.
3. Where documents are acknowledged as being received by the Council but are not assessed within 3 months of receipt they will be deemed to be approved.
4. Plans will not be accepted for assessment within 3 months of the licence renewal date.

## References

<b>Name of Policy</b>	4.1.3 Extractive Industry Licences
<b>Previous Policy</b>	PP14 – Extractive Industry Licences (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted SD007/07/05 22/08/2005 Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	Reviewed OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Delegation: P003A – Appointment of Authorised Persons – Caravan Parks and Camping Grounds Act</p> <p><b>Work Procedures</b> Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 4.1.5 – Compliance and Enforcement**

**Objectives:** Progressive

**Outcome:** 4.1 - A resilient, efficient and effective organisation.

**Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The primary purpose of this policy is to set out the Shire's approach to compliance and enforcement related matters. The policy provides a range of prescribed compliance and enforcement options for dealing with compliance matters. The policy also aims to ensure consistency in how the Shire makes decisions on enforcement action.

The policy assists the Shire to use compliance and enforcement strategies to achieve legislated objectives and encourage compliance by implementing a cooperative and collaborative approach to enforcement action.

### **Definitions**

Not applicable

### **Policy**

#### **1. Objectives**

- Ensure a consistent approach in enforcement and compliance related matters;
- Provide transparency and apply procedural fairness for all enforcement and compliance related matters;
- Provide an educational, cooperative and collaborative process towards compliance and enforcement, aimed at encouraging compliance; and
- To guide decision making and actions by the Shire in the consistent use of enforcement options commensurate with the risk.

#### **2. Legislation Enforced by Shire**

The Compliance and Enforcement Policy applies to all compliance and enforcement actions where the Shire has a regulatory responsibility under State and Local Laws.

## Council Policy 4.1.5 – Compliance and Enforcement

Various departments within the Shire enforce this legislation:

Building Services	<i>Building Act 2011 and Building Regulations 2012 Caravan and Camping Grounds Act 1995 and Caravan Camping Grounds Regulations 1997 Local Government Act 1995</i>
Planning Compliance Services	<i>Planning and Development Act 2005 and Regulations Shire of Serpentine Jarrahdale Town Planning Scheme No 2 Local Planning Policies Extractive Industries Local Law 1999</i>
Environmental Health Services	<i>Public Health Act 2016 and Regulations Health (Miscellaneous Provisions) Act 1911 Health Local Laws 1999 Food Act 2008 and Regulations Environmental Protection Act 1986 (Public Health component only) Environmental Protection (Noise) Regulations 1997 Environmental Protection (Unauthorised Discharge) Regulations 2004 Caravan Parks and Camping Grounds Act 1995 and Regulations Local Government Act 1995 and Regulations Bee Keeping Local Law 2001 Dust and Sand Local Law 2008 Trading in Public Places Local Law 1999</i>
Engineering Services	<i>Planning and Development Act 2005 Local Government Act 1995 and Regulations</i>
Ranger Services	<i>Local Government Act 1995 and Regulations Local Government Act (Miscellaneous Provisions) 1960 Dog Act 1976 and Regulations Litter Act 1979 and Regulations Control of Off Road Vehicles (Off Road Areas) Act 1979 and Regulations Cat Act 2011 and Regulations Parking and Parking Facilities Local Law 2015 Dog Local Law 1999</i>
Emergency Services	<i>Bush Fires Act 1954 and Regulations Bush Fires (Infringements) Regulations 1954 Emergency Management Act 2005 and Regulations Local Government Act 1995 and Regulations</i>
Environmental and Sustainability Services	<i>Planning and Development Act 2005 Shire of Serpentine Jarrahdale Town Planning Scheme No 2 Cemetery Act 1986 Cemeteries Local Law 2005</i>

### 3. Lodging a complaint

Where a complaint relates to a breach in legislation, for which the Shire is responsible for administrating the complaint shall be made in writing and include:

## **Council Policy 4.1.5 – Compliance and Enforcement**

- Name and address, telephone number, and email address of the complainant;
- Address of the offending property;
- Details of the alleged offence;
- Anonymous or verbal complaints will not be accepted; and
- Every effort will be given to provide confidentiality for complainants, however, this cannot be guaranteed in all cases due to the possibility of freedom of information requests.

### **4. Principles of Compliance and Enforcement Action**

The Shire is required to administer its statutory responsibilities under the applicable legislation, in a transparent and fair manner in the interest of public health, safety, and amenity. Each compliance investigation undertaken by the Shire will be assessed on a case-by-case basis, and actioned according to the Compliance and Enforcement matrix (included as an appendix) for each business unit area.

### **5. Voluntary Compliance**

Education:

- Information placed on Shire Web Site in relation to compliance requirements;
- Working with stakeholders and business to ensure compliance;
- Provide information to residents and ratepayers in relation to compliance requirements;
- Update compliance Policy and Procedures.

Working with residents and stakeholders:

- Carry out site visits to ascertain if there are any issues;
- Conduct Form 2 refusal and approval audits;
- Provide realistic time frames to achieve compliance goals; and
- Provide extensions to time frames to achieve compliance in the longer term.

Enforcement Action:

- Infringement Notices;

## **Council Policy 4.1.5 – Compliance and Enforcement**

- Direction Notices;
- Orders; or
- Prosecution Action.

### **6. Offence Categories**

Where an investigation is undertaken and it is considered that there is sufficient evidence, the Shire will take the appropriate enforcement action based on the specific circumstances of each individual case, and based on the following offence categories:

**Minor:** A minor offence is a breach of legislation, which has a minimal impact on the community, a person or the environment. The breach may be able to be resolved in a relatively short timeframe without any further impact on the community or the environment once compliance has been reached.

**Moderate:** A moderate offence is a breach of legislation that may initially have minimal impact on the community, life, critical infrastructure, property, or the environment but if allowed to continue the impact may have a major or more significant impact on the community. The breach may initially be able to be resolved with a warning or an infringement, however, if allowed to continue could escalate into a major breach, which may require issuing a directions notice or prosecution action.

**Major:** A major offence is a breach of legislation that significantly affects or risks the health and safety of the community, life, critical infrastructure, property, or the environment. It may also be a case where the issue cannot be resolved in a relatively short timeframe or where the alleged offender is not willing to cooperate or negotiate in order to achieve compliance. Officers shall define the potential level of impact in order to determine the category of offence is correct.

### **7. Compliance Investigations**

#### **7.1 Responding to complaints (Reactive Compliance)**

Decisions on enforcement action may have regard to any or all of the following considerations:

- Whether there has been a failure to comply with any written law, any formal request; lawful direction or notice given by the Shire;
- Recommendations made at the Development Assessment Unit;
- Whether the breach or offence was committed wilfully or accidentally;
- The precedent, which may be set by any failure to take enforcement action;

## **Council Policy 4.1.5 – Compliance and Enforcement**

- Any mitigating or aggravating circumstances;
- Any demonstrated history of non-compliance;
- The length of time since the incident;
- The potential short and long-term consequences of non-compliance; and
- Legal precedents and statutory time frames.

The Shire may take no enforcement action after an investigation where:

- Having considered the nature of the non-compliance, an educative approach to preventing the matter from re-occurring is considered most appropriate;
- There is insufficient evidence to prove non-compliance after reasonable attempts have been made by the Shire to investigate the matter;
- The individual or entity has made good the non-compliance;
- Having regard for the legal capacity of the alleged offender, it is determined that an alternative approach to achieving compliance is more appropriate; and
- The matter is considered trivial in nature, or `would be an unreasonable use of the Shire's resources.

### **7.2 Audits, Patrols, and Checks (Proactive Compliance)**

The Shire may carry out proactive compliance in the following manner:

- Carry out audits of Form 2 planning approvals and refusals;
- Carry out audits of extractive industry licencing and conditions; and
- Investigate compliance issues observed by Officers during a patrol.
- The Shire will not carry out compliance checks and investigations by using the Shires mapping system or conducting land use surveys.

### **7.3 Conclusion of an investigation**

At the conclusion of an investigation, Officers shall use the most appropriate action based on this policy and associated priority matrix. Actions may include one or more of the following enforcement options:

- No action required;

## **Council Policy 4.1.5 – Compliance and Enforcement**

- Referral to another statutory agency;
- Informal warning;
- Formal warning;
- Infringement;
- Statutory notices; or
- Prosecution.

Officers may only initiate the above enforcement actions with the relevant delegated authority or authorisation. In undertaking, the enforcement options outlined above the Shire may become involved in proceedings in a court of law or at the State Administrative Tribunal if an alleged offender elects to pursue these options.

### **8. Prosecution Action**

Prosecution is one of the enforcement options that may be used when there are reasonable grounds for suspecting that an offence has been committed contrary to an Act, Regulation, or Local Law. A decision whether or not to initiate a prosecution for an alleged offence will have regard to the following considerations:

- The seriousness and nature of the offence;
- Any evidence of contempt or disregard for the law;
- Any ongoing amenity and social impacts resulting from the continuation of the offence;
- Whether the alleged offender had prior knowledge or industry experience relating to the offence;
- Any public safety or public health impacts resulting from the offence;
- Legal advice received by the Shires Solicitors;
- Whether the prosecution is in the public interest; and
- Any prior convictions or history related to the offence.

The Shire may also become involved in prosecution proceedings when an alleged offender elects to have the matter heard in court in relation to an infringement or notice issued for an offence. The matter may also be escalated to a court of higher jurisdiction in response to a court or State Administrative Tribunal decision.

## Council Policy 4.1.5 – Compliance and Enforcement

### 9. Delegations

The Chief Executive Officer and/or relevant Director may be granted the appropriate level of authority to commence and withdraw prosecution actions.

A prosecution may be discontinued because:

- In the opinion of the CEO, the appropriate level of compliance has been achieved;
- Legal advice received;
- The prosecution complaint is incorrect at law or there is an error in the charges;
- The prosecution involves an error of fact;
- The alleged offender is deceased or cannot be located; and
- In consultation with or following comments or recommendations made by the court

### References

<b>Name of Policy</b>	4.1.5 Compliance and Enforcement
<b>Previous Policy</b>	G019 – Compliance and Enforcement (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM052/05/17 22/05/2017
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	

## Council Policy 4.1.5 – Compliance and Enforcement

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b></p> <p><b>Delegations</b> TBC</p> <p><b>Work Procedures</b> E12/6913 Occupational Safety and Health Work Procedures E17/1694 Compliance matrix for Building Services E17/1684 Compliance matrix for Engineering Services E17/1485 Compliance matrix for Planning Compliance Services E17/1483 Compliance matrix for Ranger Services E17/1484 Compliance matrix for Emergency Services E17/1683 Compliance matrix for Environmental Health Services E17/2847 Compliance matrix for Environmental and Sustainability Services</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

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# **Council Policy 4.1.6 – Bed and Breakfast Accommodation**

**Objectives:** People

**Outcome:** 1.3 - A safe place to live.

**Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

## **Purpose**

The Shire's Town Planning Scheme No. 2 does not include a provision for this facility, consequently this policy is required to establish guidelines and development standards for Council to consider such proposals. The policy is intended as an interim policy pending inclusion of appropriate provisions within Council's Town Planning Scheme text.

## **Definitions**

**“Bed and Breakfast Establishment”** means a private dwelling intended for short stay/overnight accommodation in which one or two guest bedrooms are utilised to provide incidental holiday accommodation for not more than four persons or one family located under the main roof of the dwelling house.

## **Objectives**

1. To ensure that bed and breakfast accommodation will complement and encourage further tourism in the area.
2. To ensure that bed and breakfast accommodation is undertaken to a sufficient quality and standard suitable for tourist use.
3. That approval of bed and breakfast accommodation facilities will not detract from the amenity or character of an area.

## **Policy**

### **1. Scheme Provisions**

Pending inclusion of appropriate provisions within Council's Town Planning Scheme, bed and breakfast is to be assessed as an 'SA' use within the Residential, Special Residential, Conservation, Special Rural, Rural Living A and B and Farmlet zones, and 'AA' within the Rural Zone and Agriculture Protection zones. No bed and breakfast applications will be considered within any other zone comprised within Town Planning Scheme No. 2.

## **Council Policy 4.1.6 – Bed and Breakfast Accommodation**

### **2. Policy Measures**

#### **2.1 Location and Site Area Requirements**

2.1.1 The minimum lot size considered for a bed and breakfast facility will be 900m<sup>2</sup> on the basis that prospective impacts (and hence lot sizes) are similar to duplex development.

#### **2.2 Car Park and Access**

2.2.1 One car parking bay is required for each guest room together with two for the normal permanent residential use. The Council may accept tandem parking for the two permanent residential bays. Accessible parking is to be provided in accordance with the BCA.

2.2.2 Car parking areas should generally be screened from major access roads with car parking area and access to the specifications of the local government

#### **2.3 Building**

2.3.1 Where the existing standard of dwelling is not considered appropriate, consent to the facility may be conditional upon upgrading of the dwelling.

Class 1b classification will apply and the residence must comply with the BCA provisions for this classification.

#### **2.4 Health**

2.4.1 Separate guest rooms conforming to size, light and ventilation requirements as per the Health Act.

2.4.2 Separate toilet, shower, bath and hand basins are to be supplied for guest users, where practical, as determined by Council. Council may require upgrading to existing facilities to meet satisfactory health standards, if required.

2.4.3 An acceptable standard of hygiene, especially in areas of food preparation to be determined prior to approval and in any subsequent inspections. Council may require upgrading to existing facilities to meet satisfactory health standards if required.

2.4.4 Dwelling must be connected to reticulated water supply and/or rainwater tank of sufficient capacity.

2.4.5 Premises must register with the local government as a food premises in accordance with legislative requirements.

## Council Policy 4.1.6 – Bed and Breakfast Accommodation

2.4.6 The swimming pool shall comply with the Health Act and be tested for water quality at regular intervals as determined by the Environmental Health Officer.

### 2.5 Signposting

2.5.1 Signposting will be limited to completely within the property and shall not exceed 0.5m<sup>2</sup> (i.e. 1.0m x 0.5m) on the property frontage. The height of the sign from ground level shall not exceed 1.5m. Directional signposting in general will not be contemplated by Council other than Council standard signs. Applications will be assessed in accordance with Council's Local Planning Policy – Advertising Signs.

### 2.6 Landscaping and Fencing

2.6.1 Council may require the front setback to be landscaped in order to provide a high quality street frontage or sufficient screening of car parking areas where necessary.

## 3. Advertising

In accordance with the provisions of the Shire's Town Planning Scheme for "SA" uses, applications for bed and breakfast in the relevant zones are to be advertised in order that adjoining owners have the opportunity to comment. This is not necessary in the Rural Zone or Agriculture Protection zones where the same zoned land abuts. Adjoining owners will be notified in writing and Council may also require the erection of a sign on site at the applicant's cost. Where an application abuts a regional reserve or roadway, Council may be required to forward the application to other Government agencies for comment.

## References

<b>Name of Policy</b>	4.1.6 Bed and Breakfast Accommodation			
<b>Previous Policy</b>	PP1 - Bed and Breakfast Accommodation (E15/5096)			
<b>Date of Adoption and Resolution Number</b>				
<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				

## Council Policy 4.1.6 – Bed and Breakfast Accommodation

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>            Check</p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>            Nil</p> <p><b>Delegations</b>            Nil            Check</p> <p><b>Work Procedures</b>            Check</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 4.1.7 – Temporary Accommodation**

**Objectives:** People

**Outcome:** 1.3 - A safe place to live.

**Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

### **Purpose**

To provide direction in relation to the conditions for the establishment of temporary accommodation during the construction of a permanent residence.

### **Definitions**

Not applicable

### **Policy**

Temporary accommodation may be approved by officers authorised to do so under the Shire's Delegation of Authority

#### Conditions:

Temporary accommodation applications will only be considered:

1. The only form of temporary accommodation to be approved will be within a caravan.
2. On land one hectare and over.
3. Accompanied by an application for a permanent dwelling.
4. With a statutory declaration acknowledging that approval will not exceed 12 months with the temporary accommodation to be vacated at the time or sooner, on completion of the dwelling, or if the Shire's permission to occupy the temporary accommodation is withdrawn.
5. With a schedule of work for the erection of the permanent dwelling.
6. With a letter from the lending institution confirming that finance is available for the construction of the dwelling.
7. Toilet, shower and laundry must be provided and connected to an approved effluent disposal system and use of the temporary accommodation will not be commenced until facilities are inspected by an Environmental Health Officer.

## Council Policy 4.1.7 – Temporary Accommodation

8. Temporary accommodation will be approved for a period of six months and an extension of up to six months may be granted subject to reasonable progress in building the permanent residence.
9. Payment of the application fee as set by Council each year.

Applications are to be made on the application form and be submitted together with the Statutory Declaration.

### References

<b>Name of Policy</b>	4.1.7 Temporary Accommodation
<b>Previous Policy</b>	HSP2 – Temporary Accommodation (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Reviewed SM047/05/04 24.05.04 Ordinary Council Meeting Reviewed OCM187/09/15 29/09/15 Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i> <i>Caravan Parks and Camping Grounds Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Delegation: P003A – Appointment of Authorised Persons – Caravan Parks and Camping Grounds Act</p> <p><b>Work Procedures</b> Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 4.4.1 – Health Services Functions in Relation to the Environmental Protection Act 1986**

- Objectives:** People
- Outcome:** 1.3 - A safe place to live.
- Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

### **Purpose**

This policy establishes a framework for avoiding duplication of the provision of Health Services within the meaning of the *Environmental Protection Act 1986* given the obligations of Council pursuant to Section 3.18(3) of the *Local Government Act 1995*.

### **Definitions**

Not applicable

### **Policy**

The majority of the Shire's Environmental Health Services are provided under the provisions of the *Public Health Act 2016*, *Health (Miscellaneous Provisions) Act 1911*, and the *Environmental Protection Act 1986*. Other Acts such as the *Caravan Parks & Camping Grounds Act 1995*, *Emergency Management Act 2005*, *Tobacco Control Act 2006*, and the *Liquor Control Act 1988* also influence service provision.

Unlike the performance of duties under the provisions of the *Public Health Act 2016* and the *Health (Miscellaneous Provisions) Act 1911*, there is no statutory power requiring local governments to provide premises monitoring, inspect, or investigate complaints under the provisions of the *Environmental Protection Act 1986*.

A number of these functions e.g. investigation of low level pollution complaints, show a high degree of overlap between *the Environmental Protection Act 1986* and Council's Local Laws. It is acknowledged however that the Shire Environmental Health Officers have been appointed as Authorised Persons and Inspectors under section 87 and 88 of the *Environmental Protection Act 1986* by the CEO of the Department of Water and Environment Regulation.

### **Council Functions in Relation to the *Environmental Protection Act 1986***

Council having considered the provisions of Section 3.18(3) of the *Local Government Act 1995* and the nature of Environmental Health Services relating to matters regulated by the *Environmental Protection Act 1986*, and is satisfied that the Shire of Serpentine Jarrahdale will not be responsible for investigating matters relating to Licensed Premises under the *Environmental Protection Act 1986*, as this service duplicates a service provided by another body or person.

## **Council Policy 4.4.1 – Health Services Functions in Relation to the Environmental Protection Act 1986**

Having considered the provisions of Section 3.18(3) of the *Local Government Act 1995* and the nature of Health Service services relating to matters regulated by the *Environmental Protection Act 1986*, the Shire's Authorised Officers and Inspectors will only undertake the service where it does not inappropriately duplicate services provided by any other body or person, and will continue to:

- Assess and respond to noise pollution and administer the requirements of the *Environmental Protection (Noise) Regulations 1997* with the exception of licensed premises in accordance with the delegation under the *Environmental Protection Act 1986*,
- Assess and respond to unauthorised discharges and administer the requirements of the *Environmental Protection (Unauthorised Discharge) Regulations 2004* with the exception of licensed premises in accordance with the delegation under the *Environmental Protection Act 1986*.
- Investigate low level pollution which can be dealt with by the Council under its Local Laws but where a matter becomes too complex, requires expertise, or resources beyond which the Council could reasonably expect to provide it will be referred to the Department of Water and Environment Regulation for investigation.

### **References**

<b>Name of Policy</b>	4.4.1 Health Services Functions in Relation to the Environmental Protection Act 1986			
<b>Previous Policy</b>	ED204 Duties relating to the Environmental Protection Act 1986 (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	SM047/02/02	25/02/2002	
<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004	
	Modified	CGAM050/12/08	15/12/2008	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				

**Council Policy 4.4.1 – Health Services Functions in Relation to the Environmental Protection Act 1986**

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Environmental Protection Act 1986</i>  <i>Health (Miscellaneous Provisions ) Act 1911</i>  <i>Public Health Act 2016</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>            Nil</p> <p><b>References</b>            Nil</p> <p><b>Delegations</b>            Nil</p> <p><b>Work Procedures</b></p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 4.4.2 – Mobile Food Vendors**

**Objectives:** People

**Outcome:** 1.3 - A safe place to live.

**Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

### **Purpose**

To allow outdoor, unique, and high quality food vending activities for the local community and tourist population and in so doing, protecting the retail sector whilst maintaining public health.

### **Definitions**

**Mobile Food Vending** is defined as the use of the public places for preparing and dispensing food products by Mobile Food Vendors.

**Mobile Food Vendor** includes caravans, vehicles, trailers, carts, and/or trucks.

**Public Place** includes a street, way or place, which the public are allowed to use, whether the street, way or place is or is not on private property. It shall also include parklands, squares, reserves and other lands set apart for the use and enjoyment of the inhabitants of the District and includes all lands vested in or under the care, control or management of the Shire.

**Itinerant Food Vendor** means a person who travels along a road looking for customers and who sells a product from a vehicle which stops temporarily to serve customers who stop the vendor or come to the vendor whilst the vehicle is stopped.

### **Policy**

1. The Shire encourages the use of public places for outdoor Mobile Food Vendors as a means of place activation and enhancing community social interaction and wellbeing.
2. The Shire supports Mobile Food Vendors that practice safe food handling in accordance with the *Food Act 2008* and consider the needs of all users of the area, including the safety of consumers and pedestrians.
3. The Shire seeks Vendors who provide high quality non-standard food options and/or whose vehicle presentation contributes to the character and energy of the area will be given priority.
4. The Shire supports all food outlets, including food vendors, to provide a variety of healthy and nutritious food choices.
5. Food vendors are to comply with all relevant state and local laws in relation to noise, parking, and traffic, etc.

## Council Policy 4.4.2 – Mobile Food Vendors

### Applications

The Shire will consider application for mobile food vendors subject to statutory health provisions and requirements that:

1. Vehicle(s) be kept fully self-contained and mobile at all times;
2. All stock to be kept within the confines of the vehicle;
3. Erection of structures or umbrellas not permitted, unless otherwise approved;
4. No signs allowed on road reserves except on vehicle;
5. Maximum stopping time in any one location – two hours if trading, 30 minutes if not;
6. No trading permitted on any land under the control of Main Roads WA; and
7. Trading must not occur within 500 metres of any existing shops or licence holders which offer for sale the same commodities, unless written permission has been obtained from the shop or licence holder, or unless hours of operation are outside those offered by the existing business.

### Provisions for Itinerant Food Vendors

The above provisions apply as well as:

1. Only remain at a particular location for as long as there is a customer making a purchase. If there is no customer making a purchase, the permit holder must move on from that location as soon as practicable from the last transaction; and
2. The Shire does not permit the playing of music, or any other forms of noise to attract customers, whilst the mobile food vendor is stopped.

### References

<b>Name of Policy</b>	4.4.2 Mobile Food Vendors			
<b>Previous Policy</b>	HSP1 Food Vendors – Itinerant (E15/5096)			
<b>Date of Adoption and Resolution Number</b>				
<b>Review dates and Resolution Numbers</b>	Reviewed	SM047/05/04	24/05/2004	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				

## Council Policy 4.4.2 – Mobile Food Vendors

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Food Act 2008</i>  <i>Trading in Public Places Local Law</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 – 2027             Health and Wellbeing Strategy 2016 – 2019</p> <p><b>Policies</b>            Nil</p> <p><b>References</b>            Nil</p> <p><b>Delegations</b></p> <p><b>Work Procedures</b>            Nil</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 4.5.1 - Fireworks**

- Objectives:** Place
- Outcome:** 1.3 - A safe place to live.
- Strategy:** 1.3.3 - Enhance community safety.

### **Purpose**

This Policy applies to all fireworks displays conducted in the district of the Shire of Serpentine Jarrahdale.

The Shire has no expertise or authority to act in the determining of the safety requirements including the handling, storage and safety clearance distances required for fireworks. Additionally, the Shire does not assess fireworks applications for compliance with the requirements of the relevant legislation for the use and storage of fireworks. The assessment of safety and risk management for fireworks is the sole responsibility of the Licensed Fireworks Contractor and the Department Mines, Industry Regulation and Safety.

The Shire's function in assessing fireworks applications is limited to community impacts associated with noise from fireworks displays, proximity to residences and hospitals, litter, traffic and environmental impacts upon Shire Property.

### **Definitions**

**fireworks** includes all fireworks for indoor and outdoor use but excludes Christmas crackers, bon-bons, party poppers and throwdowns.

### **Policy**

As part of the approval process for a firework display, licensed fireworks contractors are required to obtain approval and sign-off from the relevant local government to conduct an event. Local governments may object to the event.

#### Applications for Fireworks Displays:

- a) Must be submitted to the Shire at least 30 days prior to the event to enable processing and assessment of the request.
- b) Are required to be presented in the formats stipulated by the Shire and the Department of Mines and Petroleum.
- c) Will be assessed having regard to the community impact and local amenity and may be approved with conditions or may be declined with the reasons provided.

## **Council Policy 4.5.1 - Fireworks**

### Applications for Fireworks displays may not be approved;

- a) Where the Fireworks Contractor does not hold or provide a copy of a Public Liability Insurance Policy with a minimum limit of indemnity for General Fireworks - \$20,000,000 coverage.

Note – All public liability insurance policies must stipulate that they provide coverage relevant to fireworks events within a Local Government Area in relation to the event, or contain suitable wording to the satisfaction of the Local Government Insurance Services.

- b) In areas considered environmentally sensitive where the application of fireworks may have a negative impact on local native flora and fauna.
- c) In areas considered to be fire prone or at increased fire risk as assessed and determined by the Shire's Emergency Services Department.
- d) In areas considered to adversely affect the social wellbeing of the community including areas within 500 metres of: aged care facilities; hospitals; animal care facilities.
- e) Outside the following times: Sunday to Thursday before 8:00 am or after 9:00 pm, Friday to Saturday before 8:00 am or after 10:00 pm.

### Conditions of any approval may include the following;

- a) The Shire agrees to the fireworks event, subject to the approval of the WA Police, Department of Fire and Emergency Services, the Department Mines, Industry Regulation and Safety and all conditions stipulated are met and adhered to;
- b) The Applicant and the Fireworks Contractor agrees to indemnify the Shire and any persons acting for or on behalf of the Shire against any claim for damage or injury to persons or property and the costs associated with such a claim that may arise from the event.
- c) At times when DFES has declared a total fire ban, in order to proceed with a fireworks display, the fireworks contractor must hold a current Total Fire Ban Exemption and must follow all conditions associated with the exemption.
- d) Following approval, the Fireworks Contractor is required to ensure that all property owners/residents are notified of the fireworks display in the format and over an area determined and approved by the Shire.
- e) Compliance with the requirements of the Shire's Event Management criteria and where appropriate and deemed necessary the preparation of a separate Traffic Management Plan and/or Risk Management Plan which is to be assessed and approved by the Shire's Emergency Services Department.
- f) Consideration of such things as weather conditions and fire danger rating on the day of such an event may require special conditions be imposed for safety reasons or possibly even the cancellation or relocation of proposed event.

## Council Policy 4.5.1 - Fireworks

### References

<b>Name of Policy</b>	4.5.1 Fireworks
<b>Previous Policy</b>	PC107 – Fireworks (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM187/09/15 29/09/2015
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> Nil</p> <p><b>Plans/Strategies</b> Nil</p> <p><b>Strategic Community Plan 2017 - 2027</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 4.5.2 – The Keeping of Three to Six Dogs**

- Objectives:** People
- Outcome:** 1.3 - A safe place to live.
- Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

### **Purpose**

To provide guidance to Council, staff and the public on the circumstances under which between three (3) and six (6) dogs may be kept on a property.

To promote animal welfare and the responsible ownership of dogs.

To ensure the amenity and safety of the neighbourhood is protected.

### **Definitions**

Not applicable

### **Policy**

An owner or occupier of land within the Shire shall not be allowed to keep more than two (2) dogs over the age of three (3) months on a property, without the prior written approval of the Council.

The keeping of more than 6 dogs, or the keeping of dogs for commercial purposes requires development approval as a Kennel Establishment by the Council.

### Considerations

The following criteria applies for residents seeking approval to keep more than two (2) registered dogs and six (6) dogs or less in the Shire:

- a) Application for an approval to keep between three (3) and six (6) shall be submitted in writing on the prescribed forms.
- b) The applicant shall submit plans showing the specifications and location of fencing and yards in relation to the boundaries and dwellings and proximity to the adjoining properties.
- c) All dogs are to be registered with the Shire.
- d) The existence of a dwelling on the premises, and requires the applicant to be the occupier of the premises.

### **Council Policy 4.5.2 – The Keeping of Three to Six Dogs**

- e) Applications to keep more than 2 dogs on cottage lots are unlikely to be considered.
- f) The area where the dogs are confined must have sufficient area for the dogs to use, play and have adequate shelter and must conform with the relevant provisions of Animal Welfare statutes and standards.
- g) The fencing must be of sufficient strength, configuration and height to confine the dogs within the property boundaries and not allow dogs to dig under or climb/jump over.
- h) Gates must meet the same criteria as the fencing when secured and should also be lockable.
- i) Sterilisation is recommended on all dogs and will improve likelihood of application being approved.
- j) All dogs subject of an application are required to be microchipped.
- k) No substantiated written objections or complaints from occupiers of adjoining premises.
- l) That the owners and dogs subject of the application have had no previous convictions relating to serious Dog Act or Animal Welfare Act convictions.
- m) Written consent from the land owner or managing agent.
- n) The reasons for which the approval is required.
- o) Applications relating to the introduction of Restricted Breed, or Declared Dangerous Dogs will not be considered.

#### Standard Conditions

In approving the application to keep 3-6 dogs the following standard conditions will detail;

- a) the person or persons to whom the permit has been issued;
- b) the address to which the permit applies;
- c) maximum number of dogs to be kept on the property;
- d) that all dogs subject to the permit are required to be microchipped;
- e) applicants should be encouraged to desex all dogs subject of the application;
- f) that the Shire is advised in writing within 14 days if a dog dies or is relocated;
- g) that noise from barking or howling does not create a nuisance to neighbours;

### **Council Policy 4.5.2 – The Keeping of Three to Six Dogs**

- h) that faecal waste is not permitted to accumulate or create offensive odours;
- i) that all faecal waste be disposed of in a sanitary manner;
- j) that all dogs be confined to the property unless under controlled supervision;
- k) that a new permit be applied for if the owners relocate with the dogs to a new address;
- l) the permit applies to the permit holder(s) and not the property. New residents/tenants must obtain a permit should they move onto the property with more than two dogs;
- m) no dogs subject to an approval can be replaced without the written consent of the Council;
- n) that it is the permit holder's responsibility to ensure they hold a valid permit;
- o) that Shire Officers reserve the right to inspect the property at any time;
- p) a date by which all conditions on the permit must be complied with;
- q) compliance with the provisions of the *Dog Act 1976*, *Dog Regulations 2013* and the *Animal Welfare Act 2005* as amended;
- r) that the approval can be reviewed or cancelled by the Council for any significant breach of the *Dog Act 1976*, *Dog Regulations 2013* or the *Animal Welfare Act 2005* as amended.

#### Supplementary Conditions or Considerations:

Council may also apply extra conditions which may include;

- a) the types and breeds of dogs to be kept in relation to the available space for dogs within the premises;
- b) restrictions on access to certain areas within the premises subject of the application; *ie, areas adjoining walkways, access ways, footpaths, bridle paths or other high usage areas likely to effect the general community or welfare of the dogs;*
- c) the use of electrified fences or containment systems;
- d) any other conditions of matters considered relevant by Council or officers.

## Council Policy 4.5.2 – The Keeping of Three to Six Dogs

### References

<b>Name of Policy</b>	4.5.2 The Keeping of Three to Six Dogs
<b>Previous Policy</b>	G013 – The Keeping of Three to Six Dogs (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM187/09/15 29/09/2015 Ordinary Council Meeting
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Dog Act 1976</i>  <i>Dog Regulations 2013</i>  <i>Animal Welfare Act 2005 as amended</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>            Shire's Keeping of Dogs Local Law</p> <p><b>References</b>            Nil</p> <p><b>Delegations</b>            P007S – Appointment of Authorised Persona and Registration Officers under the Dog Act and Local Law.</p> <p><b>Work Procedures</b>            Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 5.1.1 – Alcohol Management Policy**

**Objectives:** People

**Outcome:** 1.3 - A safe place to live.

**Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

### **Purpose**

In acknowledgment of the social and economic cost of alcohol-related harm within the community, the Shire of Serpentine Jarrahdale encourages the responsible availability and consumption of alcohol within its district, in partnership with other external agencies and organisations.

### **Definitions**

Not applicable

### **Policy**

#### Details

The Shire will encourage the responsible availability and consumption of alcohol in the community by:

- encouraging responsible service of alcohol at Licensed Premises;
- promoting safe levels of alcohol consumption;
- supporting relevant external agencies and organisations in alcohol management;
- engaging with the community regarding alcohol matters;
- ensuring that local laws associated with alcohol are enforced; and
- supporting alcohol-related community education.

The Shire will not take on responsibilities undertaken by other Government departments such as Police.

It is noted that the Shire is responsible for assessing Development Applications for outlets providing access to liquor on the basis of planning grounds under the relevant legislation. The final decision on the provision of a Liquor Licence rests with the Department of Racing, Gaming and Liquor.

#### Consumption and/or Sale of Alcohol on Council Property

#### Approval Conditions:

With regard to approving the consumption and/or sale of alcohol on Shire owned or managed reserves and in Shire buildings, the following conditions apply:

- a) The Chief Executive Officer must be satisfied that any application or request to consume or sell alcohol will not cause undue disruption to the community.
- b) If applicable, appropriate Liquor Licence(s) must be in place.

## Council Policy 5.1.1 – Alcohol Management Policy

- c) Liquor Licence applications will be broadly supported in accordance with the following time restrictions:
- Thursdays to 11 pm
  - Fridays and Saturdays to midnight
  - Sundays to 10 pm.

### Supported Events/Activities:

The circumstances in which the Chief Executive Officer should consider an event as being unlikely to cause undue disruption to the community include:

- a) The duration of a wedding ceremony in a Shire park (not to exceed 2 hours).
- b) Private events or functions held within community facilities and/or parks.
- c) A fundraising event held either on a Shire park or within a community building, where alcohol is being sold and a Liquor Licence has been successfully obtained from the Department of Racing, Gaming and Liquor.
- d) Corporate functions or events held on a Shire park or within a community building, where appropriate risk assessments have been conducted.
- e) Shire-run community events held on a Shire park, where BYO alcohol is permitted.

## References

<b>Name of Policy</b>	5.1.1 Alcohol Management Policy
<b>Previous Policy</b>	PC105 – Alcohol Management Policy (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM187/09/15 29/09/2015
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	

## Council Policy 5.1.1 – Alcohol Management Policy

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Liquor Control Act 1988</i>  <i>Liquor Licensing Act 1988</i></p> <p><b>Plans/Strategies</b>            Nil</p> <p><b>Policies</b>            Business Operating Policy (BOP) 1.4.5 - Fitness for Work</p> <p><b>References</b>            Nil</p> <p><b>Delegations</b>            Nil</p> <p><b>Work Procedures</b>            BOP</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## Council Policy 5.1.2 – Road Closures for Events

- Objectives:** People
- Outcome:** 1.3 - A safe place to live.
- Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

### Purpose

Council recognises the contribution of special events to the community. This policy authorises temporary road closures to allow events to occur.

### Definitions

Not applicable

### Policy

Council authorises the temporary closure of roads under the provisions of the *Road Traffic Act 1974* and *Road Traffic (Events on Roads) Regulations 1991* and section 3.50 of the *Local Government Act 1995* and the temporary suspension of the *Road Traffic Act 1974*, Regulations and Code for the conduct of events on roads within the Shire, provided that:

1. Sufficient measures are in place to advise affected parties unless the road closure is in accordance with section 3.50A;
2. Minimise disruption to road users; and
3. Protect public and shire assets.

### References

<b>Name of Policy</b>	5.1.2 Road Closures for Events			
<b>Previous Policy</b>	PC105 – Road Closures for Events (E15/5096)			
<b>Date of Adoption and Resolution Number</b>				
<b>Review dates and Resolution Numbers</b>	Reviewed	OCM023.1/01/10	25/01/2010	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				

## Council Policy 5.1.2 – Road Closures for Events

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Road Traffic Act 1974</i>  <i>Road Traffic (Events on Roads) Regulations 1991</i></p> <p><b>Plans/Strategies</b>          Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>          Nil</p> <p><b>References</b>          Nil</p> <p><b>Delegations</b>          E007D Closure of Streets, Temporary Closure of Thoroughfares to Vehicles and Road Closures for Events</p> <p><b>Work Procedures</b>          BOP</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 5.1.3 – Lease and Licence Management**

**Objectives:** People

**Outcome:** 1.3 - A safe place to live.

**Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

### **Purpose**

The purpose of this policy is to implement a framework and provide basic principles for tenancy arrangements at Shire owned facilities (including land) that:

1. Are consistent with the outcome objectives outlined in the Shire's Strategic Community Plan ;
2. Provide a consistent, equitable and simple approach to arrangements for all tenants of Shire facilities; and
3. Provide for the effective use and management of those facilities.

### **Definitions**

Not applicable

### **Policy**

This policy applies to all community groups and commercial organisations that seek to lease Shire facilities. It is relevant to all Council facilities including sporting, recreational, community, commercial and residential where the use of the facility, or land, is not provided for under the Council Policy 5.2.7 - Facility Hire.

### **Application of Policy**

1. In order to achieve the stated objective that users of Shire facilities shall be treated in a consistent and equitable manner, each user shall fall into a specified category. The type of category will determine the method of dealing when negotiating a tenancy arrangement (Lease/Licence agreement).
2. This policy is intended to provide direction and guidance to Shire officers to assess and negotiate tenancy (applications and renewals in a consistent and equitable manner and should be read in conjunction with the accompanying Work Procedure; Leases and Licences - New, Renewal or Extension.
3. Sporting Bodies/Community Groups will be granted a licence to use Council owned facilities in those situations where the body only requires use of the facility for set hours and/or days.

### **Council Policy 5.1.3 – Lease and Licence Management**

A lease will only be entered into when an organisation has the exclusive use of the facility at all times and the facility is designed only for use by that Sporting Bodies/Community Group.

4. A standard document shall be used in respect of all agreements. Council shall have the right to attach a schedule to the agreement setting out special conditions, fees or concessions as appropriate.
5. Where a Lease is entered into, the Lessee will be responsible for the general maintenance of the facility and for the cost of all utilities. Where a Licence is issued and services are made available to the wider public or a common access point is shared between Council and the organisation, the contribution of the organisation towards this cost will be negotiated (based on utilisation) and will be detailed in the schedule attached to the agreement.
6. Where Council services are sought by the organisation to maintain the facilities in any way, Council shall recoup the full cost of providing those services in the fee as set out in the Annual Fees and Charges.
7. Prior to an agreement being made a condition report shall be produced to determine the condition of the facility at the time of the agreement being made with the organisation and must be signed by all parties agreeing to the condition of the facility.

### **Principles (Guidelines)**

#### **1. Exclusivity Test**

Where the user of a Shire facility (including land) enjoys exclusive use of either part or all of that facility then that arrangement shall be the subject of an appropriately negotiated lease, subject to Council (or an officer delegated by it) approval.

It will also provide clear direction as to how Council, as custodians of community assets, will manage those assets within an Asset Management Framework.

#### **2. At No Cost to the Shire**

In recognition of the benefit to the community provided by Not for Profit groups or organisations the lease fee applicable will be \$1.00 per annum (peppercorn). As a result the remainder of the lease terms and conditions are to be on a 'No Cost to the Shire' basis. The Lessee will be responsible for cleaning, repairs, maintenance, insurances, rates and taxes (if applicable) and all other outgoings associated with the facility.

#### **3. No Recognition of Prior Investment**

On the basis that the annual lease fee for Not for Profit user groups under this Policy is \$1.00, no recognition of prior investment by the Lessee to the capital cost of constructing the leased premises shall be given.

## Council Policy 5.1.3 – Lease and Licence Management

### 4. Lease Term

Due to the uncertainties surrounding future land use, economic factors and other longer-term considerations that may impact on the management of Shire’s leased facilities, lease tenure should not generally be negotiated for a total term, including options, longer than twenty (20) years.

### 5. Lease Categories

Subject to any overriding land and legislative compliance issues, if the use of Shire facilities is exclusive, then, for the purpose of tenancy negotiations, the user group or organisation shall fall into one of the following categories:

Category	Method of Dealing
Government	By Negotiation
Commercial	By Negotiation (at Market Value)
Residential	By Negotiation (at Market Value) subject to the <i>Residential Tenancies Act 1987</i> & Regulations.
Not for Profit (i.e. sporting, recreational and community)	At a rental of \$1.00 per annum – other terms and conditions on a ‘No Cost to the Shire’ basis.

In instances other than Not for Profit, the relevant lease will be negotiated based on the particular circumstances involved in each application and will also be subject to Council (or an officer exercising delegated authority) approval.

Not for Profit organisations must demonstrate their status by producing relevant documentation (i.e. incorporation documentation) and/or Australian Taxation Office written confirmation.

### 6. Council Rates

Section 6.26(1) of the *Local Government Act (1995)* states that “*Except as provided in this section all land within a district is rateable land.*” Section 6.26(2) of the Act provides for circumstances where land is not rateable and more specifically section 6.26(2)(b) provides that land “*...owned by the local government and is used for the purposes of that local government ...*” would be exempt.

Therefore in accordance with the Local Government Act, the use of a Shire facility by a Lessee is not considered exempt and as a result all Lessees will be responsible for Council rates.

### Variations

- **Existence of Head Lease**

In circumstances where the leased area is also the subject of a Head Lease the sublease rental shall be at least equal to the rental payable under the Head Lease.

## Council Policy 5.1.3 – Lease and Licence Management

- **Commercial Activity**

Commercial activity by a Not for Profit lessee will require Shire approval and in the event that the Lessee does undertake such activity at a leased facility, then a Lease Fee may be negotiable.

Where commercial activity is undertaken by a sublessee/sub licensee then a negotiated lease fee will be payable by the Lessee to the Shire regardless of whether or not the activity is related to the activity being carried out by the Lessee.

- **Small Tenancies within a Community Facility**

Where exclusive use is provided to a Not for Profit user over a small portion of a building a standard lease may not be practical. A simplified lease in these instances is considered a more appropriate tenancy arrangement.

- **Land Leases**

Where a lease arrangement is negotiated over Shire land and the improvements to the land are to be (or have been) constructed either in their entirety or predominantly by the Lessee, and the Shire has no requirement for such improvements to remain on the land at the expiration or sooner determination of the lease, then the lease shall be a Land Lease.

- **Licence Agreements**

In certain situations, an arrangement for the non-exclusive use of land, or buildings, will arise. Given the nature of such arrangements it is appropriate for the Shire, subject to Council approval, to enter into a licence agreement.

## References

<b>Name of Policy</b>	5.1.3 Lease and Licence Management			
<b>Previous Policy</b>	G007 – Lease and Licence Management (E15/5096)			
<b>Date of Adoption and Resolution Number</b>	Adopted	OCM186/04/13	22/04/2013	
<b>Review dates and Resolution Numbers</b>	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				

## Council Policy 5.1.3 – Lease and Licence Management

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Residential Tenancies Act 1987 and Regulations</i>  <i>Land Administration Act 1997</i></p> <p><b>Plans/Strategies</b>          Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>          Council Policy 5.1.4 - Facility Hire          Council Policy 3.2.8 - Community Group Rating</p> <p>Serpentine Jarrahdale Shire Plan for the Future 2009 - 2014; this policy is also related to the Focus Area; Success and Sustainability with the following objective:</p> <p><i>'The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth Council.'</i></p> <p><b>References</b>          Nil</p> <p><b>Delegations</b>          Nil</p> <p><b>Work Procedures</b>          BOP 5.1.0 - Leases and Licences - New, Renewal or Extension</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 5.1.4 – Facility Hire**

**Objectives:** People

**Outcome:** 1.1 - A healthy, active, connected and inclusive community.

**Strategy:** 1.1.1 - Provide well planned and maintained public open space and community infrastructure.

### **Purpose**

The Shire owns and operates various facilities for casual and seasonal hire as a service provided to the community. This policy aims to identify a fair and equitable method for determining fees and charges for the hire of community facilities.

### **Definitions**

Not applicable

### **Policy**

#### Hire Fees

A fee is established for the hire of community facilities as part of Council's annual budget process. Fees and charges are designed to assist the Shire with the cost of operating and maintaining community facilities. Fees are to be paid at the time the booking is confirmed by the Shire.

#### Reduced Fees for local community groups

To be entitled to a reduction in facility hire fees, a community group must be based within the shire. The maximum reduction in facility hire fee for local community groups is 50% of the relevant fee.

#### Bond Charges

A bond is a security measure designed to protect the Shire's assets and applies to all facility hire bookings. Full payment of the bond is to be made two weeks prior to the event.

Bond charges are as per Council's Schedule of Fees and Charges except for schools (primary and high schools) and local sporting groups who are charged a maximum \$100 bond.

#### Cancellation Fees

If a hirer cancels a booking four weeks prior, a full refund of hire fees is to be made.

If a hirer cancels the booking less than four weeks prior, 75% of the hire fee is to be refunded with 25% of the hire fee retained by the Shire.

## Council Policy 5.1.4 – Facility Hire

### References

<b>Name of Policy</b>	5.1.4 Facility Hire
<b>Previous Policy</b>	PC104 – Facility Hire (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted      OCM042/09/12      24/09/2012
<b>Review dates and Resolution Numbers</b>	Reviewed      OCM187/09/15      29/09/2015
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995 s6.16, s6.17</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b></p> <p><b>References</b> Nil</p> <p><b>Delegations</b> C009D Power to defer, grant discounts, waive or write off debts and authority to make donations to community and individuals</p> <p><b>Work Procedures</b> BOP</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

# Council Policy 5.1.5 – Reserve Improvement / Development by the Community

**Objectives:** People

**Outcome:** 1.1 - A healthy, active, connected and inclusive community.

**Strategy:** 1.1.1 - Provide well planned and maintained public open space and community infrastructure.

## Purpose

The purpose of this policy is to ensure that the commitment and effort of community groups in carrying out improvement or development works on Council reserves is undertaken within approved guidelines and has lasting value.

## Definitions

Not applicable

## Policy

Policy clause	Explanation and implementation issues
1. Any work carried out by the community on Council reserves must be in accordance with the endorsed Management Plan for that reserve.	Self-explanatory.
2. If a Management Plan is not in existence, any community improvement or development works must be assessed through the "Reserves Improvement" or "Development Approval Process" prior to their commencement.	<p>The Shire is working towards having a Management Plan in place for all significant reserves. If a Management Plan does not exist for the reserve then this process is designed so that the Shire has knowledge and approves all community on-ground works on reserves to ensure:</p> <ol style="list-style-type: none"> <li>1. works are in accordance with purpose / values of the reserve;</li> <li>2. Shire and Operations staff are aware of works taking place to prevent accidental damage to plantings or structures during maintenance activities; and</li> <li>3. activities on the reserve will not cause a public liability concern.</li> </ol>

## Council Policy 5.1.5 – Reserve Improvement/Development by the Community

<p>3. Only local native species are to be planted on reserves.</p>	<p>Shire and/or Landcare Officers can assist in providing advice for suitable species to be planted on reserves. Only local native species are recommended as they are low maintenance, have a greater chance of survival and do not pose a risk of becoming a problem weed in the future.</p>
<p>4. Unless part of an agreed partnership project with the Shire, community groups/members are responsible for the ongoing maintenance of any plantings on Council reserves for two years.</p> <p>Structures are to be maintained by the community group members.</p>	<p>Mass plantings of seedlings require ongoing maintenance (predominately weed control) to ensure plants survive. In the past some planting projects have taken place with little thought to the issue of further maintenance. Reserve management budgets have been stretched to accommodate these planting sites. Prior to these projects taking place it should be agreed upon between the Shire and the community group who will be responsible for the initial ongoing management, thus the Shire can budget for any contributions.</p> <p>By the same token, structures such as horse jumps must be maintained to ensure they are safe. This maintenance should also be agreed upon with the community group prior to any work taking place.</p>

## References

<b>Name of Policy</b>	5.1.5 Reserve Improvement/Development by the Community			
<b>Previous Policy</b>	PC107 – Reserve Improvement/Development by the Community (E15/5096)			
<b>Date of Adoption and Resolution Number</b>				
<b>Review dates and Resolution Numbers</b>	Reviewed	OCM023.1/01/10	25/01/2010	Ordinary Council Meeting
	Reviewed	OCM187/09/15	29/09/2015	Ordinary Council Meeting
<b>Next review date</b>				

**Council Policy 5.1.5 – Reserve Improvement/Development by the Community**

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> BOP</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 5.2.1 – Police Clearance and Working With Children Certificates for Volunteers**

- Objectives:** People
- Outcome:** 1.3 - A safe place to live.
- Strategy:** 1.3.1 - Comply with relevant local and state laws, in the interests of the community.

### **Purpose**

To assist Council in protecting members of the community participating in Council managed activities.

### **Definitions**

Not applicable

### **Policy**

(Note: this policy is not intended to cover Volunteer Bush Fire Brigade Members.)

1. Any volunteer acting on behalf of the Shire of Serpentine Jarrahdale shall undergo a Volunteer National Police Check prior to undertaking any matter on behalf of the Shire, the cost of which is to be borne by the Shire.
2. Any volunteer acting on behalf of the Shire of Serpentine Jarrahdale who will be supervising children in their capacity as a volunteer, should obtain a Working with Children Check prior to undertaking any matter on behalf of the Shire, the cost of which is to be borne by the Shire.

The Chief Executive Officer may determine a volunteer un-acceptable to act on behalf of the Shire if :

1. The volunteer refuses to obtain a police clearance certificate or Working with Children Check where necessary;
2. In the opinion of the Chief Executive Officer the police clearance certificate identifies matters that are in the opinion of the Chief Executive Officer, not suitable to the undertaking of volunteer activities on behalf of the Shire of Serpentine Jarrahdale;
3. The Chief Executive Officer is required to identify all issues of concern relevant to any volunteer.

## Council Policy 5.2.1 – Police Clearance and Working With Children Certificates for Volunteers

### References

<b>Name of Policy</b>	5.2.1 Police Clearance and Working With Children Certificates for Volunteers
<b>Previous Policy</b>	PC109 – Police Clearance and Working With Children Certificates for Volunteers (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM187/09/15 29/05/2015
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	
<b>Related documents</b>	<p><b>Acts/Regulations</b>  <i>Local Government Act 1995</i>  <i>Working with Children (Criminal Record Checking) Act 2004</i></p> <p><b>Plans/Strategies</b>            Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b>            Nil</p> <p><b>References</b>            Working with Children Check – <a href="http://www.checkwww.wa.gov.au">www.checkwww.wa.gov.au</a>            National Police Clearance – <a href="http://www.nationalcrimecheck.com.au">www.nationalcrimecheck.com.au</a></p> <p><b>Delegations</b>            Nil</p> <p><b>Work Procedures</b>            Nil</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 5.2.2 – Community Grants**

**Objectives:** People

**Outcome:** 1.1 - A healthy, active, connected and inclusive community.

**Strategy:** 1.1.1 - Provide well planned and maintained public open space and community infrastructure.

### **Purpose**

To provide financial assistance to community groups and individuals that will build capacity within the community, encourage volunteering and youth development, and deliver sustainable, accessible and demonstrated social, environmental and economic benefits.

### **Definitions**

Not applicable

### **Policy**

This policy applies to individuals and incorporated not for profit organisations/associations residing or whose initiative is taking place within the Shire of Serpentine Jarrahdale.

The Community Grants Program aims to provide financial assistance to individuals and incorporated associations that can deliver measureable benefits and outcomes in the following target areas:

- Community Development
- Sport and Recreation
- Economic Development
- Environment and Heritage
- Culture and the Arts
- Emergency Services

### **Grant Categories**

An application shall nominate for one of the following categories:

**Sporting Travel Grant** – a grant of up to \$500 for teams or \$200 for individuals who are authorised by their association's governing body to participate in accredited interstate and international events or activities.

**Youth Leadership & Training** – a grant of up to \$600 is available to individuals residing in the Shire to participate in programs and events relating to leadership or training opportunities that financial or personal circumstances would normally preclude them from.

## Council Policy 5.2.2 – Community Grants

**Sundry Grant** – a grant of up to \$750 is available to eligible incorporated associations to assist with costs associated with establishment, governance or hire of Shire facilities for use by the association.

**Minor Grants** – a grant of up to \$1,500 is available to incorporated associations to assist with the delivery of programs that deliver outcomes and benefits to the identified target areas within the Shire of Serpentine Jarrahdale.

**Event Sponsorship Grant** – a grant of up to \$1,500 is available to incorporated associations to assist with the delivery of events which benefit the identified target areas within the Shire of Serpentine Jarrahdale. Applications must demonstrate volunteer involvement and identify the Shire as a sponsor.

Applications for these categories are open all year round and are to be considered by the Community Development team using the criteria outlined in the guidelines.

**Major Grants** – a grant of up to \$50,000 is available to incorporated associations for infrastructure and programs on land owned, controlled by, or vested in the Shire or other Government agency. Funding is limited to a 50% contribution of the total project cost.

Examples of projects considered for funding include, but are not limited to:

- Upgrades to sporting and community facilities.
- New Infrastructure at sporting or community facilities.
- Development of Programs e.g. Culturally and Linguistically Diverse (CALD), Disability, Intergenerational etc.
- Entry Statements.
- Public Art.

Applications for Major Grants will be considered twice a year in August and February by the Community Grants Assessment Panel using the criteria outlined in the guidelines, with recommendations presented to Council for approval.

## References

<b>Name of Policy</b>	5.2.2 Community Grants
<b>Previous Policy</b>	PC111 – Community Grants (E15/5096)
<b>Date of Adoption and Resolution Number</b>	OCM080/06/17 (replacing G914 Locality Funding Policy; PC101 Community Group Insurance Program; PC102 Financial Assistance to Community) Refer also Community Grants Guidelines 26/06/2017
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	

## Council Policy 5.2.2 – Community Grants

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Community Grants Guidelines – Sporting Travel Grant Application; Youth Leadership and Training Grant Application; Sundries Grants Guidelines; Minor Grants and Sporting Event Sponsorship Grant Guidelines; Major Grant Guidelines</p> <p><b>References</b> BOP (PCWP4 &amp; PCWP5)</p> <p><b>Delegations</b> C007D Payments from Municipal or Trust Funds</p> <p><b>Work Procedures</b></p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 5.2.3 – Community Gardens**

**Objectives:** People

**Outcome:** 1.1 - A healthy, active, connected and inclusive community.

**Strategy:** 1.1.1 - Provide well planned and maintained public open space and community infrastructure.

### **Purpose**

To facilitate and promote community gardens, on Shire of Serpentine Jarrahdale owned or managed land, that are sustainably managed and led by the community in such a way that the needs of all stakeholders are taken into account.

### **Definitions**

**“Community gardens”** A Community garden is a piece of land operated collectively by a group of people for the primary purposes of community food production and recreational gardening. There are a number of different structures of community gardens. The most common types are:

- community gardens with individual allotments allocated to individual members;
- community gardens where the entire garden is run collectively as a shared enterprise; and/or
- community gardens that integrate both allotment and shared gardens.

**“Council owned or managed land”** Includes present and future Shire freehold land (land owned by the Shire of Serpentine Jarrahdale) and Crown land (land owned by the State, under the care and control of the Shire, usually by way of a management order). It excludes privately owned or controlled land, and land owned or controlled by State Departments.

### **Policy**

#### Roles and Responsibilities of the Shire

- Provide a streamlined and consistent approach to the assessment, approval and management of community garden requests on Council owned or managed land.
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- Facilitate community gardens through the provision of advice and referral for interested groups.
- Connect community garden groups to encourage relationship building, encourage knowledge and skill sharing, and strengthen community cohesion.
- Encourage the incorporation of strategies that could enable the establishment of community gardens in new structure plan areas.

## **Council Policy 5.2.3 – Community Gardens**

- Prepare and monitor the terms of the lease for Council approved community gardens.

### Roles and Responsibilities of Community Gardeners

Community gardeners are responsible for maintaining the garden so that the health and safety of the surrounding community is not adversely impacted.

Community Garden groups shall:

- become incorporated associations in order to manage their own insurance and funds and apply for grants;
- abide by all relevant Shire of Serpentine Jarrahdale and state legislation;
- source any necessary funding for the establishment of the community garden;
- ensure any water leaving the garden is not contaminated by sediment, fertiliser, manure or excessive organic matter that might pollute waterways;
- ensure rainwater harvesting systems are maintained so that water is of a high quality;
- ensure compost, worm farming systems and fertilisers are maintained so as not to attract vermin, produce unpleasant odours or present a fire risk;
- ensure any materials delivered to, or stored at the garden are maintained so as not to create an unpleasant or unsafe environment for other residents in the community;
- ensure that, on request and with prior arrangement, visitors are welcomed to the garden;
- maintain appropriate insurance cover for the group;
- abide by the terms of the lease with the Shire; and
- return the site to its original condition should the group disband or the lease not be renewed.

## **References**

<b>Name of Policy</b>	5.2.3 Community Gardens
<b>Previous Policy</b>	PC106 – Community Gardens (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM187/09/15 29/09/2015
<b>Review dates and Resolution Numbers</b>	
<b>Next review date</b>	

## Council Policy 5.2.3 – Community Gardens

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Nil</p> <p><b>References</b> Nil</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> BOP</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.

## **Council Policy 5.3.1 – Public Internet Usage and Access to Computers**

- Objectives:** People
- Outcome:** 1.1 - A healthy, active, connected and inclusive community.
- Strategy:** 4.1.1 - Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.

### **Purpose**

The purpose of this Policy is to promote responsible use of public computer facilities provided by Mundijong Public Library.

### **Definitions**

Not applicable

### **Policy**

The Shire of Serpentine Jarrahdale (Mundijong Public Library) recognises the needs of the community to access information and provides the library computers and a public wireless network as a means of satisfying those needs. The Shire also recognises the need to regulate that access to comply with contemporary social standards and the law.

As with all formats of information, users must respect copyright laws and licensing agreements. The Library cannot act as a censor, the public access the internet at their own discretion.

Users may find materials that are unreliable, personally offensive or illegal under Australian law. The Library does not endorse the viewpoints or vouch for the accuracy of information obtained through the Internet.

As a product of its international character there is no external monitoring of the Internet. The Library cannot police global networks and each individual user must take responsibility for their own activities on the Internet and for the activities of their children.

#### Children and Young People

As with other Library materials, the supervision of children and young persons (under the age of 18) is the responsibility of the parent or legal guardian whilst using the Library's public access computers.

#### Risks applying to the use of the Mundijong Public Library internet connection

Users are advised of the following risks of using the Library's public access computer facilities:

### **Council Policy 5.3.1 – Public Internet Usage and Access to Computers**

- The library has no control over the content of material available via the internet and accepts no responsibility for any damages, direct or indirect arising from the use of its internet access.
- The library takes no responsibility for the accuracy, reliability, or currency of the information obtained via the Internet including confidentiality of any transactions particularly e-commerce transactions.
- The internet is a largely unpoliced domain and is host to people and organisations that pose a danger to others. The Library does not police or monitor interactions over its internet connection and users are advised to exercise due care in disclosing personal information over the internet.
- Each user is required to make their own assessment of the truth, completeness, accuracy or suitability of information found on the internet.

#### Protocols for using the Library's public access computers

It is unacceptable to use the library's public terminals and wireless networks for any of the following:

- Any activities of an illegal or fraudulent nature. Some activities are unlawful; and therefore prohibited. Unlawful activities include but are not limited to:
  - gaining access to any material that is pornographic, offensive or objectionable,
  - harassment (sexually, bullying or otherwise) of another person,
  - engaging in any defamatory message, including reading and then forwarding a message of which you are not the author,
  - sending or forwarding anything that is abusive, sexist, racist, pornographic, offensive or otherwise illegal.
- Violating applicable Australian or state laws, eg *Copyright Act 1968*.
- Violating computer system or network integrity, including attempts to bypass network security functions, obtain passwords or alter the configurations of library workstations or systems in any way.
- Committing illegal activity.
- Harassing others.

#### Terms and Conditions of Use

Access to the public use computers will be through half hour bookings. Additional access is available if it is not booked by other customers.

- Bookings are not transferable. Latecomers lose the unused portion of their reserved time.

## **Council Policy 5.3.1 – Public Internet Usage and Access to Computers**

There will be no charge for computer access, though a charge will apply for material printed (at the applicable photocopying charge).

- The library is not responsible for technical problems experienced by websites beyond its control that may result in down time. Copyright laws and licensing agreements must be respected.
- The Library is not responsible for any fees incurred on websites.
- The computers are located in public areas shared by customers of all ages, backgrounds and sensibilities. Individuals are asked to consider other customers when accessing the internet from the public access computers.
- Access to the public access computers is provided in a public place and through publicly available facilities. Therefore no guarantee of privacy can be made.
- Library internet terminals may not be moved, unplugged or modified in any way.
- All material accessed must be appropriate to a public access site. Non-compliance will result in the suspension of library access rights.
- Any person who abuses protocols for allocating computer facilities may have access to the facilities restricted or withdrawn.
- Users of the Library's computer facilities that infringe the security of people or property is grounds for immediate exclusion from the Library premises and temporary or permanent loss of access to those facilities.

### Disclaimer

Every endeavour will be made to provide reasonable Internet access for all users with bookings, however the Library reserves the right to cancel a booking should it be necessary to do so.

### **References**

<b>Name of Policy</b>	5.3.1 Public Internet Usage and Access to Computers
<b>Previous Policy</b>	PC110 – Public Internet Usage and Access to Computers (E15/5096)
<b>Date of Adoption and Resolution Number</b>	Adopted OCM023/02/16 22/2/2016
<b>Review dates and Resolution Numbers</b>	Reviewed
<b>Next review date</b>	

## Council Policy 5.3.1 – Public Internet Usage and Access to Computers

<p><b>Related documents</b></p>	<p><b>Acts/Regulations</b> <i>Local Government Act 1995</i></p> <p><b>Plans/Strategies</b> Strategic Community Plan 2017 - 2027</p> <p><b>Policies</b> Business Operating Policy (BOP) 3.3.0 - Public Library Lost and Damaged Items</p> <p><b>Delegations</b> Nil</p> <p><b>Work Procedures</b> Public Wifi – Guidelines for Use TBA</p>
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Note: changes to references may be made without the need to take the Policy to Council for review.