



# ORDINARY MINUTES

**DATE:** Tuesday, 24 May 2011

**TIME:** 5:00pm

**VENUE:** Council Chambers, Lowood  
Road, Mount Barker WA 6324

**John Fathers**  
**ACTING CHIEF EXECUTIVE OFFICER**

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5:01pm The Presiding Member declared the meeting open.

## 2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

### Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr S Grylls	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor

### In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Mr Dominic Le Cerf	Manager Works and Services
Mr Peter Duncan	Manager Development Services
Mrs Linda Sounness	Executive Secretary

### Apologies:

Cr J Moir

### Previously Approved Leave of Absence:

Cr G Messmer – 5 July 2011

### Emergency Evacuation Procedures/Disclaimer:

Working to Occupational Safety and Health Best Practices, Mr John Fathers – Acting Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Fathers then read aloud the following disclaimer:

'No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission or statement or intimation occurring during Council / Committee meetings or during formal / informal conversations with staff.

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.'

### **3 PUBLIC QUESTION TIME**

#### **3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

#### **3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995**

Nil

### **4 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr S Grylls disclosed a Proximity (section 5.60(B) LGA) Interest – Location of Mother's House – in Item 10.1.3

Cr M Skinner disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Lease land to Australian Blue Gum Plantation Pty Ltd in Item 10.1.1

Mr D Le Cerf disclosed a Financial/Indirect Financial Interest (Section 5.70) Employee – Designated Driver of a Council owned vehicle in Item 10.2.1

### **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Nil

### **7 CONFIRMATION OF MINUTES**

**Moved Cr S Etherington, seconded Cr G Messmer:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 3 May 2011 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (8/0)**

**NO. 122/11**

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 4 May 2011 – Attended a meeting with members of the TIRES Executive, to discuss the redirection of TIRES.
- 5 May 2011 – Attended a Recreation Advisory Committee which was joined by representatives from the Kendenup Community Recreation Committee.
- 6 May 2011 – Attended a meeting with the Local Regional Development Australia Committee to give support to the Plantagenet Village Homes Inc. Committee who were submitting an application for funding.
- 12 May 2011 – Mr Stewart and I attended the 'Whole of Local Government' Forum in Perth.
- 14 May 2011 – Along with staff and Councillors, I attended the Official Opening of the Mount Barker Skate Park.
- 19 May 2011 – Mr Le Cerf and I attended a meeting of the Pardelup Community Liaison Group.
- 20 May 2011 – Mr Stewart and I attended a Post State Budget meeting with Hon Terry Redman in Albany.

## 9 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

### Cr M Skinner

- 12 May 2011 - Attended a Civic and Business Leaders Breakfast arranged by the Environmental Protection Authority in association with the GSDC. Information was provided on the new governance arrangements; reforms to the environmental assessment and approvals process; and local development proposals and policy initiatives.
- 14 May 2011 – Attended the Official Opening of the Mount Barker Skate Park.
- 14 May 2011 – Attended the Official Handover of Funding towards the Forest Hill Hall 'Restoration of the Roof'.
- 24 May 2011 – Attended a Great Southern Regional Cattle Saleyards Advisory Committee Meeting.

### Cr S Etherington

- 5 May 2011 – Attended a meeting of the Recreation Advisory Committee which was joined by representatives from the Kendenup Community Recreation Committee.
- 14 May 2011 – Attended the Official Opening of the Mount Barker Skate Park.

Cr B Bell

- 14 May 2011 – Attended the Official Opening of the Mount Barker Skate Park.
- 24 May 2011 – Attended a Great Southern Regional Cattle Saleyards Advisory Committee Meeting.

Cr S Grylls

- 5 May 2011 – Attended a meeting of the Recreation Advisory Committee which was joined by representatives the Kendenup Community Recreation Committee.
- 24 May 2011- Attended a Great Southern Regional Cattle Saleyards Advisory Committee Meeting.

Cr G Messmer

- 5 May 2011 – Attended a meeting of the RoadWise Committee.

Cr L Handasyde

- 4 May 2011 – Attended a TIRES Meeting.
- 4 May 2011 – Attended a Bush Fire Advisory Committee Meeting.
- 13 May 2011 – Attended a Plantation Fire Review Meeting to discuss firebreak issues.
- 14 May 2011 – Attended the Official Opening of the Mount Barker Skate Park.
- 19 May 2011 – Attended a Plantation Fire Review Meeting at FESA in Albany.
- 24 May 2011 – Attended a Great Southern Regional Cattle Saleyards Advisory Committee Meeting.

## 10 REPORTS OF COMMITTEES AND OFFICERS

### 10.1 DEVELOPMENT SERVICES REPORTS

#### 10.1.1 LOT 150 CHESTER PASS ROAD, PORONGURUP - AFFIX COMMON SEAL

A Financial/Indirect Financial Interest (Section 5.60(A) and section 5.61 LGA) was disclosed by Cr M Skinner. Nature of Interest – Lease land to Australian Blue Gum Plantation Pty Ltd.

5:13pm Cr M Skinner withdrew from the meeting.

**File No:** N18274

**Attachments:** [Location Plan](#)  
[Deposited Plan](#)  
[Notification Under Section 70A](#)

**Responsible Officer:** Rob Stewart  
Chief Executive Officer

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 24 May 2011

**Applicant:** John Kinnear and Associates

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#### PURPOSE

The purpose of this report is to seek authority for the Shire President and Chief Executive Officer to affix the Common Seal of the Council to an Application for New Title, Notification Under Section 70A for proposed Lot 150 on Deposited Plan 70818 Chester Pass Road, Porongurup.

#### BACKGROUND

This matter was held over from the Council Meeting held 3 May 2011 due to a lack of quorum being present.

Council records show the registered owner of Lot 4706 Chester Pass Road is Australian Bluegum Plantations Pty Ltd.

The Manager Development Services considered the proposed two lot rural subdivision of Lot 4706 Chester Pass Road in March 2010 in accordance with Council Delegation LG035.

The subdivision application was supported subject to the following conditions and advice notes:

- 1. All buildings and effluent disposal systems having the necessary clearance from the new lot boundaries.*
-



2. *A crossover being constructed, sealed and drained to the satisfaction of the Manager Works and Services.*

*Advice Notes:*

1. *Compliance with the Shire of Plantagenet Annual Firebreak Notice and this will require modification to the plantation to ensure a 15m fire break is installed along the new boundary.*
2. *The installation of an external water spray system for the house to aid in bush fire protection is highly recommended.'*

The subdivision application was approved by the Western Australian Planning Commission (WAPC) on 1 July 2010 subject to a number of conditions including:

*'Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed Lot A advising that this lot is located in an existing agricultural area. Use of land may be affected by 24 hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings.'*

On 13 April 2011 the Council received this application to clear the conditions of subdivision imposed by the WAPC (WAPC 141727).

## **STATUTORY ENVIRONMENT**

Transfer of Land Act 1893 (as amended)

Local Government Act 1995

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3)

## **FINANCIAL IMPLICATIONS**

The subdivision clearance fee of \$134.00 has been paid.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

## **OFFICER COMMENT**

The WAPC issued a conditional approval requiring a Notification under Section 70A of the Transfer of Land Act 1893 to be prepared. The notification on the deposited plan will inform prospective owners proposed Lot 150 is located in an agricultural area and may be adversely affected by agricultural operations on surrounding land holdings.

Council Delegation LG035 does not allow the Shire President and Chief Executive Officer to affix the Shire of Plantagenet Common Seal to the Notification under Section 70A of the Transfer of Land Act 1893.

This authority is now sought for a subdivision clearance to be issued.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr B Bell:**

**That authority be granted to the Shire President and Acting Chief Executive Officer to affix the Common Seal of the Council to the Notification under Section 70A of the Transfer of Land Act 1893 (as amended) between Australian Bluegum Plantations Pty Ltd and the Shire of Plantagenet pertaining to the creation of proposed Lot 150 Chester Pass Road, Porongurup.**

**CARRIED (7/0)**

**NO. 123/11**

5:14pm Cr M Skinner returned to the meeting.

**10.1.2 LOCATION 5795 SETTLEMENT ROAD, NARRIKUP – WAIVING  
EXTRACTIVE INDUSTRIES LOCAL LAW ADVERTISEMENT  
REQUIREMENT**

<b>File No:</b>	<b>N18442</b>
<b>Responsible Officer:</b>	<b>Peter Duncan Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>24 May 2011</b>
<b>Applicants:</b>	<b>Ken and Angela Zambonetti</b>

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**PURPOSE**

The purpose of this report is to consider an application to waive the requirement for the applicant to advertise an extractive industry licence application in accordance with the Shire of Plantagenet Extractive Industries Local Law 2008.

**BACKGROUND**

Shire records show the registered owner of Location 5795 Settlement Road, Narrikup is the Zambonetti Family Trust.

The proponents originally applied for planning consent to develop an extractive industry at Location 5795 Settlement Road on 3 August 2010. As the planning consent application was incomplete, further information was sought. On 8 September 2010 the Council informed the proponents a further application for an extractive industry licence was required in accordance with the Shire of Plantagenet Extractive Industries Local Law 2008. On 17 November 2010 the proponents submitted the extractive industry licence application and as this application was also incomplete, further information was sought.

On 24 March 2011 the Council received new information on the extractive industry planning consent and licence applications. The proponents however did not satisfy the requirement to advertise the licence application as required by the Shire of Plantagenet Extractive Industries Local Law 2008. On 4 April 2011 the Council's Planning Officer informed the proponents of the requirement for them to advertise the extractive industry licence application in accordance with the Shire of Plantagenet Extractive Industries Local Law 2008. The Council then received an application from the proponents to waive the requirement to advertise the extractive industry licence application.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Rural – Extractive Industry is a discretionary 'SA' use under TPS3.

An 'SA' use means that the Council may at its discretion, permit the use after notice of application has been given in accordance with Clause 6.2.

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Clause 6.2 – Advertising of Applications of TPS3 states:

- 6.2.1 Where an application is made for planning consent to commence or carry out development which involves an 'SA' use the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this Clause.*
- 6.2.3 Where the Council is required or decides to give notice of any application for planning consent the Council shall cause one or more of the following to be carried out:*
- (a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;*
  - (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;*
  - (c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days stating that submissions may be made to the Council within the display period.*
- 6.2.4 The notice referred to in Clause 6.2.3(a) and (b) shall be in the form contained in Schedule No. VII with such modifications as circumstances require.*
- 6.2.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.'*

Shire of Plantagenet Extractive Industries Local Law 2008.

Clause 2.1 - Extractive Industries Prohibited Without Licence of Shire of Plantagenet Extractive Industries Local Law 2008 states:

*'A person must not carry on an extractive industry –*

- (a) unless the person is the holder of a valid and current licence; and*
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of a licence.'*

Clause 2.2 - Applicant to Advertise Proposal of Shire of Plantagenet Extractive Industries Local Law 2008 states:

- '(1) Unless the local government first approves otherwise, a person seeking the issue of a licence shall, before applying to the local government for a licence -*
- (a) forward by registered mail a notice in the form determined by the local government from time to time to—*

- (i) *the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence, advising of the application and specifying that they may, within twenty-one days from the date of service of the letter, object to or make representations in writing in respect of the issue of a licence by the local government.*
- (ii) *every authority or person having control or jurisdiction over any of the things referred to in clause 2.3(1)(a)(vii) and (viii) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and*
- (b) *as soon as practicable after complying with the requirements of paragraph (a)—*
  - (i) *forward a copy of the notice to the CEO; and*
  - (ii) *publish the notice in a newspaper circulating in the area in which the proposed excavation is located.*
- (2) *The local government may, within 14 days after receiving a copy of a notice referred to in sub-clause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices—*
  - (a) *in the form determined by the local government from time to time;*
  - (b) *the content, size and construction of which have been approved by the CEO;*
  - (c) *specifying particulars of the proposed excavation; and*
  - (d) *inviting objections or comments within 21 days from the placement of the notice.'*

Shire of Plantagenet Extractives Industries Local Law 2008 – discretion exists at Clause 2.2(1) for the Council to waive the requirement to advertise.

Clause 3.1 – Determination of Application of Shire of Plantagenet Extractive Industries Local Law 2008 states:

- '(1) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.'*

### **FINANCIAL IMPLICATIONS**

The application fee of \$676.00 and a bond of \$500.00 for advertising costs have been paid.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

Clause 2.2 of the Shire of Plantagenet Extractive Industries Local Law 2008 requires (unless otherwise approved) the proponent to advertise the application for licence by sending registered mail notices advising adjoining landowners of the extractive industry proposal. Adjoining landowners are required to comment to the Council within 21 days of service of the registered mail notices. Registered mail notices are also required to be sent to various agencies responsible for infrastructure within 500m of the application site that may affect the licence application. The proponent is further required to send copies of the registered mail notices to the Council's Chief Executive Officer, place a notice of the licence application in a local newspaper and place a notice on site.

In accordance with Clause 6.2 of the Shire of Plantagenet Town Planning Scheme No.3 the Council will advertise a 'SA' use planning consent application for 21 days by sending letters to adjoining and nearby landowners that may be affected by the granting of a planning consent. Notices will be placed in the Albany Advertiser, Plantagenet News and the Council's noticeboard and one sign will be placed on site. The Council will also forward copies of the application to various agencies responsible for infrastructure that may be affected in the location. Submissions received within the 21 day advertising period will be included in a report to the Council.

Statutory advertising requirements for both the extractive industry licence application and planning consent application are very similar. The requirements for a 'SA' use planning consent application are more comprehensive in that the application will be advertised in two local newspapers for 21 days and a notice will be placed on the Council's notice board for the 21 day advertising period.

Council officers further ensure all planning consent and licence applications conform to the relevant policy and statutory requirements prior to them being advertised. The proposal to waive the Local Law advertising process is supported.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr A Budrikis, seconded Cr B Bell:**

**That in accordance with clause 2.2 of the Shire of Plantagenet Extractive Industries Local Law 2008 the requirement to consult regarding the application for Extractive Industry Licence at Location 5795 Settlement Road, Narrikup be waived as, in the opinion of the Council, sufficient consultation will be carried out in accordance with the requirements of the Shire of Plantagenet Town Planning Scheme No. 3.**

**CARRIED (7/1)**

**NO. 124/11**

**10.1.3 LOT 195 HASSELL STREET, MOUNT BARKER - OVERSIZE  
OUTBUILDING WITH REDUCED BOUNDARY SETBACK**

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr S Grylls. Nature of Interest – Location of Mother's house.

5:16pm Cr S Grylls withdrew from the meeting.

**File No:** N18356  
**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Elevations](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Vincent Jenkins  
Planning Officer  
**Proposed Meeting Date:** 24 May 2011  
**Applicant:** Michael Baker

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**PURPOSE**

The purpose of this report is to consider a proposal for an oversize outbuilding with a reduced side boundary setback at Lot 195 Hassell Street, Mount Barker

**BACKGROUND**

Council records show the registered owner of Lot 195 Hassell Street, Mount Barker is Michael Baker.

The proposal is for an outbuilding of 96m<sup>2</sup> (8.0m x 12.0m) with a wall height of 2.7m. Town Planning Scheme Policy No. 16 (Outbuildings) sets a maximum wall height of 3.0m together with the maximum cumulative total floor area for outbuildings in residential areas at 80.0m<sup>2</sup>.

The proponent is further seeking approval for a reduced side boundary setback of 1.5m where a side boundary setback of 7.5m is required.

The reason provided by the proponent for the oversize outbuilding is that he owns a number of vehicles (utility, tool trailer and boat) and a carpentry business. These vehicles and carpentry building material will be stored in the outbuilding for protection and safety.

The proposed outbuilding location is a result of the proponent not wishing to obstruct his view on Mount Barker Hill to the west and to align the outbuilding location with the existing driveway.

**STATUTORY ENVIRONMENT**

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R2.5). The R2.5 coding requires a side boundary setback of 7.5m.

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Clause 6.3.2 of TPS3 states:

*'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'*

Residential Design Codes (RCodes).

The RCodes – discretion exists for the Council to vary standards at clause 2.5.2 as follows:

*'Discretion shall be exercised having regard to the following considerations:*

- a) the stated purpose and aims of the scheme;*
- b) the provisions of parts 1-7 of the codes, as appropriate;*
- c) the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- d) the explanatory guidelines of the codes that correspond to the relevant provisions;*
- e) any local planning strategy incorporated into the scheme;*
- f) a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- g) orderly and proper planning.'*

The variation required here relates to 2.5.2(b) above as the outbuilding requirements are in part 6 of the RCodes.

## **EXTERNAL CONSULTATION**

As part of lodging this application, the applicant sought comment from the owner of adjoining Lot 8 to the north. The landowner of Lot 8 raised no objection to the 1.5m setback proposed.

## **FINANCIAL IMPLICATIONS**

The application fee of \$100.00 has been paid.

## **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 16 (Outbuildings) limits outbuildings to single storey with a maximum wall height of 3m and a maximum cumulative floor area of 80m<sup>2</sup> for Residential zones.

## **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.



**OFFICER COMMENT**

Lot 195 is 1.40ha in area and is zoned Residential (R2.5). The RCodes at Table 1 – General site requirements, require a 7.5m side boundary setback for buildings and the proposed outbuilding is to be placed 1.5m from the side boundary.

Existing development at the lot consist of a house built in 2005 and a constructed sand pad at the proposed outbuilding. The outbuilding location is well screened by a 1.8m high Colorbond® fence, vegetation and the existing outbuilding located on the adjoining property (Lot 8) to the north. The proposed reduced side boundary setback in this instance is not likely to adversely affect the amenity of the locality. The 1.5m setback is supported.

The proposed outbuilding is 96m<sup>2</sup> in area with a 2.7m wall height. The proposed outbuilding will be constructed in Colorbond® with external walls to be finished in classic cream colour and the roof is to be ironstone to blend in with the house. No difficulties are seen with the floor area of the outbuilding being 96m<sup>2</sup> and a wall height of 2.7m given the size of the lot being 1.4ha.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr M Skinner, seconded Cr G Messmer:**

**That in respect to the proposed outbuilding at Lot 195 Hassell Street, Mount Barker:**

- 1. In accordance with clause 2.5.2 of the Residential Design Codes, the proposed outbuilding with a reduced side boundary setback of 1.5m, be approved.**
- 2. In accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, Town Planning Scheme Policy No. 16 (Outbuildings) be varied and the proposed outbuilding be approved resulting in the cumulative area of all outbuildings being 96m<sup>2</sup>.**

**CARRIED (7/0)**

**NO. 125/11**

5:17pm Cr S Grylls returned to the meeting.

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### 10.1.4 LOT 221 MARMION STREET, MOUNT BARKER – ADDITION TO NON-CONFORMING USE

**File No:** N18440

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Floor Plan](#)  
[Elevations](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 24 May 2011

**Applicant:** Plantagenet Players Inc.

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#### PURPOSE

The purpose of this report is to consider an application for an addition to the Jack Hambleton Theatrette at Lot 221 Marmion Street, Mount Barker.

#### BACKGROUND

Council records show the registered owner of Lot 221 Marmion Street, Mount Barker is Plantagenet Players Inc.

Plantagenet Players is a local amateur theatre group based in Marmion Street, Mount Barker. Performances are presented in an existing building 346m<sup>2</sup> in area. Plantagenet Players intends improving their facility by adding new toilets (including a disabled person's toilet), a store room, foyer and porch. A new effluent disposal system will also be installed as part of these improvements.

#### STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R12.5/20).

Schedule I - Interpretations of TPS3 states:

*'Non-Conforming Use - means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.'*

The amateur theatre use existed prior to the adoption of TPS3 in 1991.

Shire of Plantagenet Town Planning Scheme No. 3 – Part IV – Non-Conforming Uses:

#### *'4.2 Extension of Non-Conforming Use*

*A person shall not alter or extend a Non-Conforming Use or erect alter or extend a building used in conjunction with a Non-Conforming Use without first having applied for and having obtained the planning consent of the Council*

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*under the Scheme and unless in conformity with any other provisions and requirements contained in the Schemes.'*

Health Act 1911 -

Section 173 - defines a public building as a building or place where persons may assemble for entertainment, recreational or sporting purposes.

Section 176 - local government approval is required to construct, extend, or alter a public building. The Environmental Health Officer approves public buildings under delegated authority.

Health (Public Buildings) Regulations 1992 - local government control of public buildings.

Environmental Protection (Noise) Regulations 1997 – all performances need to be operated in accordance with noise level requirements.

Building Code of Australia 1996 – Class 9B – Public Building.

### **FINANCIAL IMPLICATIONS**

The application fee of \$265.00 has been paid.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

Lot 221 is 3,963m<sup>2</sup> in area and existing development on the lot consists of the building used for performances purposes and one outbuilding use for storage purposes.

The proposed addition is 91.16m<sup>2</sup> (4.3m x 21.2m) in area and will be added to the north elevation of the building. The proposed addition involves a porch, foyer, gents and ladies toilets, a disabled person's toilet and a store room. The facility will now be wheelchair friendly and all toilets will be accessed from the auditorium. The proposed addition will be constructed in Colorbond® with external walls to be finished in classic cream colour and the roof is to be zincalume to blend in with the existing building. The location of the proposed addition meets the setback requirements of the Residential Design Codes (RCodes).

The theatrette is located in a Residential zone developed with houses to the north and south. Activities at the theatre have been successfully managed by Plantagenet Players with no complaints received by the Council. The proposed addition in this instance is not likely to adversely affect the amenity of the locality.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr G Messmer, seconded Cr S Etherington:**

**That in accordance with Clause 4 of the Shire of Plantagenet Town Planning Scheme No. 3 the addition to the non-conforming theatre building at Lot 221 Marmion Street, Mount Barker be approved subject to:**

- 1. Development being in accordance with plans dated 23 March 2011.**
- 2. All stormwater being disposed of to the satisfaction of the Manager Works and Services.**

**CARRIED (8/0)**

**NO. 126/11**

**10.1.5 LOT 455 FOURTH AVENUE, KENDENUP – RELOCATED DWELLING**

**File No:** N18366

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Floor Plan](#)  
[Elevations](#)

**Responsible Officer:** Peter Duncan  
Manager Development Services

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 24 May 2011

**Applicant:** Linda Wilson

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**PURPOSE**

The purpose of this report is to consider an application for a relocated dwelling at Lot 455 Fourth Avenue, Kendenup.

**BACKGROUND**

Council records show the registered owner of Lot 455 Fourth Avenue, Kendenup is Linda Wilson. The proponent intends relocating the timber frame house presently located at 13 Comino Street, Cloverdale in the City of Belmont to Lot 455, Fourth Avenue, Kendenup.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R5). R10 boundary setbacks apply in Kendenup.

**FINANCIAL IMPLICATIONS**

A \$10,000.00 bond will be required as a condition of approval.

**POLICY IMPLICATIONS**

Council Policy No. TP/SDC/5 – Housing – Relocation of Houses – requires various conditions to be satisfied including a bond, engineer's certification, removal of asbestos cladding if being brought into the Shire and a 12 month approval period. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

Lot 455 is 997m<sup>2</sup> in area and is currently undeveloped. The house is of timber frame construction with timber floors. As part of lodging this application, the applicant

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provided engineer's certification that the house is structurally sound for relocation. The existing roof and exterior asbestos cladding will be removed and replaced with Colorbond ® prior to the house being relocated. The house will be finished with raised floors on stumps. In accordance with policy, approval will only be granted for a period of 12 months.

The proposal meets the R10 boundary setback requirements of the Residential Design Codes.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr A Budrikis, seconded Cr G Messmer:**

**That approval be granted for a relocated dwelling at Lot 455 Fourth Avenue, Kendenup subject to:**

- 1. Development being in accordance with the plans dated 30 March 2011.**
- 2. The payment of a refundable bond of \$10,000.00 prior to the issue of a building licence.**
- 3. A crossover being constructed to the satisfaction of the Manager Works and Services.**
- 4. Stormwater being disposed of to the satisfaction of the Manager Works and Services.**
- 5. The approval being valid for a period of 12 months.**

**CARRIED (8/0)**

**NO. 127/11**

**10.1.6 LOT 456 FOURTH AVENUE, KENDENUP - RELOCATED DWELLING**

**File No:** N18545  
**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Floor Plan](#)  
[Elevations](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Vincent Jenkins  
Planning Officer  
**Proposed Meeting Date:** 24 May 2011  
**Applicant:** Linda Wilson

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**PURPOSE**

The purpose of this report is to consider an application for a relocated dwelling at Lot 456 Fourth Avenue, Kendenup.

**BACKGROUND**

Council records show the registered owner of Lot 456 Fourth Avenue, Kendenup is Linda Wilson. The proponent intends relocating the timber frame house presently located at 15 Comino Street, Cloverdale in the City of Belmont to Lot 456, Fourth Avenue, Kendenup.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R5). R10 boundary setbacks apply in Kendenup.

**FINANCIAL IMPLICATIONS**

A \$10,000.00 bond will be required as a condition of approval.

**POLICY IMPLICATIONS**

Council Policy No. TP/SDC/5 – Housing – Relocation of Houses – requires various conditions to be satisfied including a bond, engineer's certification, removal of asbestos cladding if being brought into the Shire and a 12 month approval period. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

Lot 456 is 986m<sup>2</sup> in area and is currently undeveloped. The house is of timber frame construction with timber floors. As part of lodging this application, the applicant

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provided engineer's certification that the house is structurally sound for relocation. The existing roof and exterior asbestos cladding will be removed and replaced with Colorbond ® prior to the house being relocated. The house will be finished with raised floors on stumps. In accordance with policy, approval will only be granted for a period of 12 months.

The proposal meets the R10 boundary setback requirements of the Residential Design Codes.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr M Skinner, seconded Cr B Bell:**

**That approval be granted for a relocated dwelling at Lot 456 Fourth Avenue, Kendenup subject to:**

- 1. Development being in accordance with the plans dated 30 March 2011 and 13 May 2011.**
- 2. The payment of a refundable bond of \$10,000.00 prior to the issue of a building licence.**
- 3. A crossover being constructed to the satisfaction of the Manager Works and Services.**
- 4. Stormwater being disposed of to the satisfaction of the Manager Works and Services.**
- 5. The approval being valid for a period of 12 months.**

**CARRIED (8/0)**

**NO. 128/11**



## 10.2 WORKS AND SERVICES REPORTS

### 10.2.1 POLICY REVIEW - VEHICLE USAGE

A Financial/Indirect Financial Interest (Section 5.70 Employee) was disclosed by Mr Le Cerf. Nature of Interest – Designated driver of a Council owned vehicle.

**File No:** N18381  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Kaye Skinner  
Works Administration Officer  
**Proposed Meeting Date:** 24 May 2011

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#### PURPOSE

The purpose of this report is to review Council Policy No. I/FM/3 – Vehicle Usage.

#### BACKGROUND

This policy was reviewed by the Council on 12 May 2009.

Council Policy No. I/FM/3 Vehicle Usage reads as follows:

#### OBJECTIVE:

*To provide clear guidelines regarding the use of Shire of Plantagenet fleet vehicles.*

#### DEFINITIONS:

*'Business Use' of Shire vehicles is defined as the use required to give effect to all of the Council's operational needs and services.*

*'Commuter Use' of Shire vehicles is defined as journeys directly between an Officer's place of residence and place of work.*

*'Restricted Private Use' of Shire vehicles is defined as private use other than commuter use within a radius set by the Council. The private use of a Council motor vehicle does not include that vehicle being used by the employee for the purpose of conducting a commercial business.*

*'Full Private Use' of Shire vehicles is defined as unrestricted private use within the State of Western Australia. The private use of Council motor vehicles does not include that vehicle being used by the employee for the purpose of conducting a commercial business.*

*'Use Outside of Western Australia' of Shire vehicles is defined as private use outside the State of Western Australia. This use on all occasions would require permission from the Council.*

#### POLICY:

- 1. The full private use of vehicles be available only to employees where negotiated as a condition of their contract of employment.*
  - 2. Other officers may negotiate restricted private use or commuter use of Shire vehicles with the Chief Executive Officer.*
-

3. *All Council owned vehicles be pool vehicles available for use by Council employees and Councillors at all times when required for Council purposes.*
4. *A designated driver shall be an employee of the Shire of Plantagenet who:*
  - i) *Has been assigned the vehicle as part of their contract of employment; and*
  - ii) *Holds a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and*
  - iii) *Is responsible for the care and management of the vehicle.*
5. *An authorised driver shall be:*
  - i) *The holder of a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and*
  - ii) *Any employee or Councillor other than the designated driver on Shire of Plantagenet business who is required to drive the vehicle as part of their duties and responsibilities; or*
  - iii) *The designated driver's spouse or partner; or*
  - iv) *Any other person authorised in writing by the Chief Executive Officer; or*
  - v) *Any other person provided a designated driver is physically present in the vehicle.*
6. *The designated regions for full private use shall be unless otherwise set out in the Officer's contract of employment:*
  - i) *For the Chief Executive Officer and Managers throughout Western Australia; and*
  - ii) *For all other Officers adjoining Shires and to Perth.*
7. *Full private vehicle use does not include annual leave or long service leave unless prior written approval is provided by the Chief Executive Officer, or as specifically written in the Officer's contract of employment.*
8. *Any personal items left in Council vehicles are not insured under the Council's insurance policy if stolen or damaged and are therefore solely the responsibility of the designated driver.*

#### GENERAL CONDITIONS OF USE

*The following general conditions are applicable to the use of a Council motor vehicle:*

1. *Smoking is strictly prohibited within Council motor vehicles at all times.*
2. *The motor vehicle shall be operated in a reasonable manner in accordance with all relevant acts, regulations and Council policies. The designated driver, his/her spouse/partner, or any other authorised person who drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle.*
3. *The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the designated driver to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water and correct tyre pressure in between scheduled servicing. Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the designated driver to ensure that the first aid kit or fire extinguisher is adequately*

*stocked or charged at all times or replacement stock ordered through the Council's Works and Services section when used/expired.*

4. *The authorised person shall comply with the following conditions in respect to the motor vehicle in his/her care:*
  - i) *Advise the Council's Works and Services section when scheduled servicing of the motor vehicle is due;*
  - ii) *Wash, clean and vacuum the motor vehicle as often as required;*
  - iii) *Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;*
  - iv) *Secure the motor vehicle when parked in public/private places;*
  - v) *Examine the motor vehicle prior to use for any damage, operation of light and indicators, tyre pressure etc; and*
  - vi) *Report any motor vehicle accident immediately (or as soon as practicable) to the Chief Executive Officer or Manager Works and Services.*
5. *A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the designated driver, when appropriate.*
6. *Any designated driver or authorised driver shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.*
7. *Any designated driver or authorised driver shall immediately surrender the motor vehicle to the Shire upon:*
  - i) *Cancellation or suspension of his/her driver's licence;*
  - ii) *Leaving the employment of the Shire of Plantagenet; and*
  - iii) *No longer being an elected member of the Council.'*

## **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

## **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## **POLICY IMPLICATIONS**

The review of this policy is presented to the Council as part of the ongoing Council policy review cycle.

## **STRATEGIC IMPLICATIONS**

The Council's Strategic Plan Key Result Area 1, New Initiative provides the following:

*'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations to be undertaken.*

*To achieve this we will:*

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- *Promote and provide access to policies, standards and legislation.'*

### **OFFICER COMMENT**

A minor amendment to the policy is recommended. It is suggested that part 8 of the policy be amended by deleting the words 'designated driver' and replacing them with 'owner of the personal items'. This change is recommended to ensure that responsibility for personal items remains with the owner of those items and not the designated driver.

It is considered that apart from the change above, the current policy is sufficient and should be endorsed. The Chief Executive Officer has delegated authority for the use of vehicles.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That amended Council Policy No. I/FM/3 – Vehicle Usage:

#### **OBJECTIVE:**

To provide clear guidelines regarding the use of Shire of Plantagenet fleet vehicles.

#### **DEFINITIONS:**

'Business Use' of Shire vehicles is defined as the use required to give effect to all of the Council's operational needs and services.

'Commuter Use' of Shire vehicles is defined as journeys directly between an Officer's place of residence and place of work.

'Restricted Private Use' of Shire vehicles is defined as private use other than commuter use within a radius set by the Council. The private use of a Council motor vehicle does not include that vehicle being used by the employee for the purpose of conducting a commercial business.

'Full Private Use' of Shire vehicles is defined as unrestricted private use within the State of Western Australia. The private use of Council motor vehicles does not include that vehicle being used by the employee for the purpose of conducting a commercial business.

'Use Outside of Western Australia' of Shire vehicles is defined as private use outside the State of Western Australia. This use on all occasions would require permission from the Council.

#### **POLICY:**

1. The full private use of vehicles be available only to employees where negotiated as a condition of their contract of employment.
2. Other officers may negotiate restricted private use or commuter use of Shire vehicles with the Chief Executive Officer.

3. All Council owned vehicles be pool vehicles available for use by Council employees and Councillors at all times when required for Council purposes.
4. A designated driver shall be an employee of the Shire of Plantagenet who:
  - i) Has been assigned the vehicle as part of their contract of employment; and
  - ii) Holds a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and
  - iii) Is responsible for the care and management of the vehicle.
5. An authorised driver shall be:
  - i) The holder of a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and
  - ii) Any employee or Councillor other than the designated driver on Shire of Plantagenet business who is required to drive the vehicle as part of their duties and responsibilities; or
  - iii) The designated driver's spouse or partner; or
  - iv) Any other person authorised in writing by the Chief Executive Officer; or
  - v) Any other person provided a designated driver is physically present in the vehicle.
6. The designated regions for full private use shall be unless otherwise set out in the Officer's contract of employment:
  - i) For the Chief Executive Officer and Managers throughout Western Australia; and
  - ii) For all other Officers adjoining Shires and to Perth.
7. Full private vehicle use does not include annual leave or long service leave unless prior written approval is provided by the Chief Executive Officer, or as specifically written in the Officer's contract of employment.
8. Any personal items left in Council vehicles are not insured under the Council's insurance policy if stolen or damaged and are therefore solely the responsibility of the owner of the personal items.

#### **GENERAL CONDITIONS OF USE**

The following general conditions are applicable to the use of a Council motor vehicle:

1. Smoking is strictly prohibited within Council motor vehicles at all times.
2. The motor vehicle shall be operated in a reasonable manner in accordance with all relevant acts, regulations and Council policies. The designated driver, his/her spouse/partner, or any other authorised person who drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle.
3. The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the designated driver to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant,

water and correct tyre pressure in between scheduled servicing. Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the designated driver to ensure that the first aid kit or fire extinguisher is adequately stocked or charged at all times or replacement stock ordered through the Council's Works and Services section when used/expired.

4. The authorised person shall comply with the following conditions in respect to the motor vehicle in his/her care:
  - i) Advise the Council's Works and Services section when scheduled servicing of the motor vehicle is due;
  - ii) Wash, clean and vacuum the motor vehicle as often as required;
  - iii) Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;
  - iv) Secure the motor vehicle when parked in public/private places;
  - v) Examine the motor vehicle prior to use for any damage, operation of light and indicators, tyre pressure etc; and
  - vi) Report any motor vehicle accident immediately (or as soon as practicable) to the Chief Executive Officer or Manager Works and Services.
5. A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the designated driver, when appropriate.
6. Any designated driver or authorised driver shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.
7. Any designated driver or authorised driver shall immediately surrender the motor vehicle to the Shire upon:
  - i) Cancellation or suspension of his/her driver's licence;
  - ii) Leaving the employment of the Shire of Plantagenet; and
  - iii) No longer being an elected member of the Council.'

be endorsed.

**CARRIED (8/0)**

**NO. 129/11**

## 10.3 COMMUNITY SERVICES REPORTS

### 10.3.1 ANNUAL FIREBREAK AND FIRE HAZARD REDUCTION NOTICE 2011 / 2012

<b>File No:</b>	<b>N18542</b>
<b>Attachments:</b>	<a href="#">Annual Firebreak and Fire Hazard Reduction Notice 2011-2012</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Nicole Selesnew</b> <b>Manager Community Services</b>
<b>Proposed Meeting Date:</b>	<b>24 May 2011</b>

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#### **PURPOSE**

The purpose of this report is to endorse the Annual Firebreak and Fire Hazard Reduction Notice – 2011 / 2012 (AFN) for gazettal, publication and distribution to owners of land within the Shire of Plantagenet.

#### **BACKGROUND**

The Shire of Plantagenet publishes an AFN for distribution to all landholders. The AFN is generally distributed with the Rates Notice, although in 2008 we trialled sending the notice out in October. While this generated more enquiries regarding landowners' requirements, the same number of infringements were still issued and the costs associated with the later distribution of the Notice were unjustified.

The content of the AFN has been reviewed by members of the Bush Fire Advisory Committee (BFAC) over the past 12 months. Members of the AFN Review Group considered the comments from the BFAC and reviewed the content of the AFN on 14 April 2011. Several changes have been suggested.

#### **STATUTORY ENVIRONMENT**

Bush Fires Act 1954  
Planning and Development Act 2005  
Western Australian Planning Commission Development Control Policy 3.7 Fire Planning (2001)  
Draft Bush Fire Management and Response Plan.

#### **EXTERNAL CONSULTATION**

Consultation has occurred with members of the BFAC, AFN Review Group and Plantation Industry representatives.

#### **FINANCIAL IMPLICATIONS**

Funds have been allocated in the annual budget to facilitate the printing and distribution of the AFN. Printing costs will be in order of \$6,500.00.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Draft Shire of Plantagenet Bush Fire Management and Response Plan highlights the AFN as an opportunity to inform all landowners about their obligation to implement fire prevention and hazard reduction measures throughout the Shire.

**OFFICER COMMENT**

The layout and presentation of information in the AFN has been altered due to feedback from residents and rural landholders over the past few years that the AFN is difficult to understand and finding information can be complicated.

Several Notices from other Local Government authorities were reviewed for simplicity of information and an 'easy to read' format. The AFN Review Group considered several of these Notices when recommending changes to the Shire's AFN.

The draft AFN title has changed to include the phrase 'Fire Hazard Reduction' to make it more relevant to property owners / occupiers in townsites and small holdings. Residential landowners have often commented that 'Firebreaks' are a rural concern and had therefore often thought the AFN didn't apply to townsites or urban landholdings.

The Glossary has been expanded to avoid duplicating information throughout the Notice and terms such as Firebreak, Boundary Firebreak, Harvest Ban, Vehicle Movement Ban, Total Fire Ban and Fire Permits have been included to help inform landowners. The detail regarding the Shire Fire Zones has also been incorporated onto the Glossary page.

The Important Information and Dates page emphasises the legal requirements of landowners / occupiers and informs people that inspections for compliance with the AFN will occur.

Requirements for Townsites, Settlements, Urban Subdivisions and Rural Land up to 40 Hectares have been combined into one section. This had been separated in the past to simplify the requirements for people living in urban areas. The layout of the information in the draft AFN is considered clear enough for people to identify their relevant requirements.

All rural land requirements have been combined into the one section, rather than separated over two sections as in previous Notices.

The Firebreak Variation options have also been simplified. People seeking an exemption from installing Boundary Firebreaks will now have their exemption approved for a five year period, rather than 12 months. This will relieve the administrative process of endorsing exemptions and provide Officers with more time to check compliance with the Boundary Firebreak exemption.



People seeking a variation to a Firebreak requirement will now also complete the Firebreak Variation Form provided at the rear of the Notice. This will ensure the appropriate level of information is provided for a variation to be considered.

The Plantation requirements have been reviewed following safety concerns associated with six metre wide compartment firebreaks. Fire Control Officers have often indicated that the six metre break is too small for fire fighters to safely enter the area to combat fire.

An increase to the compartment break size was raised by the Chief Bush Fire Control Officer at a Plantation Industry Alliance meeting and the Bush Fire Advisory Committee. A further meeting to discuss specifics such as a 10m compartment break occurred on 13 May 2011 with representatives from Gunns, Albany Plantation Forestry Company, Forest Products Commission, Australian Bluegums and Elders Forestry.

The outcome of the meeting was industry willing to install 10m compartment firebreaks on all new plantations planted from 1 July 2011 with plantation compartment sizes increasing from 30ha to 50ha. The issue of extending compartment breaks on plantations undergoing their second rotation following a harvest requires further discussion which has been scheduled, with the aim of addressing this issue in the 2012 / 2013 AFN.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr B Bell:**

**That the attached Annual Firebreak and Fire Hazard Reduction Notice 2011 / 2012 dated 24 May 2011 be endorsed.**

**CARRIED (8/0)**

**NO. 130/11**

**10.3.2 TOTAL FIRE BAN LEGISLATION – BUSH FIRES ACT 1954**

**File No:** N18546  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Nicole Selesnew  
Manager Community Services  
**Proposed Meeting Date:** 24 May 2011

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**PURPOSE**

The purpose of this report is to consider a recommendation from the Shire of Plantagenet Bush Fire Advisory Committee (BFAC) to lobby for changes to the 'Bush Fires Act 1954 – Division 4 Total Fire Ban' legislation.

**BACKGROUND**

At its meeting held on 4 May 2011, the BFAC resolved:

*'That the Council be requested to lobby the West Australian Local Government Association, Fire and Emergency Services Authority, Government Ministers and opposition members for changes to the Total Fire Ban legislation, specifically:*

- 1. Total Fire Bans need to be limited to the more populous areas of the State, to that end Total Fire Bans should be limited in their application to metropolitan or major provincial Local Governments and specifically excluded from rural Local Government areas where existing Harvest and Vehicle Movement Ban provisions apply.*
- 2. If it is decided to continue with Total Fire Bans in rural areas, that Local Governments be empowered to impose and lift Total Fire Bans based on prevailing weather conditions within its designated Fire Weather Zones.'*

**STATUTORY ENVIRONMENT**

Bush Fires Act 1954 – Division 4  
Emergency Management Act 2005

**EXTERNAL CONSULTATION**

Consultation has occurred with the BFAC, Fire and Emergency Services Authority (FESA) and the District Operations Advisory Group.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

## **STRATEGIC IMPLICATIONS**

The Draft Shire of Plantagenet Bush Fire Management and Response Plan identifies the process for setting Vehicle and Harvest Movement Bans throughout the Shire.

## **OFFICER COMMENT**

A Total Fire Ban (TFB) is declared by the Minister for Emergency Services, on advice from FESA. When a TFB is declared it prohibits the lighting of any fires in the open air and any other activities that may start a fire. The definition 'activities' is very wide and this is why the legislation is causing some concerns.

The Bush Fires Act 1954 was amended in December 2009 to include Division 4 – Total Fire Bans. The aim of the legislation was to minimise fire risk on extreme and catastrophic fire weather days, with particular emphasis on minimising risk in the rural / urban interface. In December 2010 the new legislation was reviewed and further changes made.

Three TFBs have been implemented in the Great Southern area, including the Shire of Plantagenet, since the legislation was established.

The process of setting a TFB is based on predicted weather forecasts using a Fire Danger Index (FDI) rating. A FDI is calculated from a number of weather variables including temperature, relative humidity and wind speed. FESA will set a TFB based on different levels of predicted FDIs throughout the state. For the Shire of Plantagenet, a TFB will be implemented when the predicted FDI is 50 or more (more commonly referred to as 'Severe Fire Weather Danger').

FESA refers to the predicted FDI for a Fire Weather Region when considering TFBs. The Shire of Plantagenet is located within the Stirling Sub District Fire Weather Region, which incorporates the Stirling Inland and the Stirling Coastal regions. Effectively, this area stretches from Denmark throughout to Jerramungup.

A TFB is set for a minimum 24 hour period, from 12am to 12pm, however it should be noted that the 24 hour period is not a requirement under legislation.

The BFAC recommendation is based on a number of issues associated with the TFBs which have occurred since the new legislation was introduced. In each instance a TFB was set, the actual weather pattern within the Shire did not warrant a Vehicle and Harvest Movement Ban. For example when a TFB was imposed on 29 January 2011 as a result of a cyclonic weather pattern off the west coast of the South West indicating Severe to Catastrophic fire weather, the weather index rating in the Shire of Plantagenet was Low. It had also rained across the Shire on the day prior and the morning of the TFB. Despite the Shire's weather conditions, a TFB was set encompassing the Shire.

On 6 April 2011 a TFB was imposed. Conditions in the Plantagenet Shire reached 'Moderate' at its peak during the day. Again on 29 December 2009 a TFB was imposed due to an impending trough, however the weather front passed the evening prior and the Shire experienced rainfall during the day of the TFB.

Further research regarding the setting of a TFB has identified that the Bureau of Meteorology bases their weather forecast for a Fire Weather Region on 10% of the

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worst case scenario within a sub-district. For example, if there are strong hot northerly winds predicted for the eastern portion of Jerramungup which would result in a Severe Fire Danger Rating, the Severe Fire Danger Rating will be applied to the whole of the Stirling Sub District. There have been many instances where the Severe Fire Danger rating has been applied for the Stirling Sub District while concurrently, predictions for Plantagenet are cool, temperate conditions or even rainfall.

There is no consideration of individual Local Government weather predictions when setting a TFB despite the variable nature of weather throughout Fire Weather Regions. Within Plantagenet alone there is two Fire Weather Zones (East and West) which have been established due to the variable weather conditions within our own boundary.

Other issues include the lack of consultation with Local Governments prior to setting a ban. Despite FESAs promotion that they will consult with relevant Local Governments that may be affected prior to setting a TFB, consultation has been either minimal or non existent.

There has been widespread confusion regarding activities that may or may not occur during a TFB. FESA has improved the distribution of information relating to TFB restrictions which has resulted in feedback that the conditions placed on the rural sector are onerous and impractical, especially when a TFB has been set and the weather conditions do not warrant it. Rural landowners must have a fire fighting unit present when undertaking work in their paddocks which is impractical when carrying out normal activities such as feeding hay to stock with a tractor or a vineyard operator undertaking spraying.

FESA has implemented a procedure of setting a TFB for a 24 hour period (this is not a requirement under legislation). In the Lower Great Southern Region severe weather conditions rarely arise until mid morning. Further, the setting of a TFB for 24 hours means that the TFB is not lifted if the forecast weather conditions do not eventuate or the high fire danger weather dissipates early.

There has also been an inconsistency with the broadcast of TFB impacted areas. When the TFB has been set over a widespread area the announcement of the impacted Shires by radio broadcasters has often been adhoc, leading to confusion and a lack of clarity. Relevant information may be obtained through the FESA website however this service is not always accessible in rural areas.

The Shire has its own fire danger risk mitigation process in place through the imposition of Vehicle and Harvest Movement Bans. Generally, when the FDI reaches 28 or higher, the Chief Fire Weather Officer in consultation with the Chief Bush Fire Control Officer sets a Harvest and Vehicle Movement Ban. During a ban no vehicles or combustion engines are to be driven / operated unless on a constructed, gazetted road and/or front entrance of property residences. Hot work such as welding or grinding is not to be undertaken in the open air.

The ban remains in place as long as local weather conditions warrant.

When a Harvest and Vehicle Movement ban is set a text message is distributed to all registered people, information is forwarded to the ABC radio station for broadcasting

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and a recorded message is placed on the Fire Information Phone Line. Adjoining Local Governments, the Department of Environment and Conservation and FESA are also advised by facsimile.

The Shire has consulted with FESA through the District Operations Advisory Committee regarding the new TFB legislation. Issues raised include:

1. Lack of consultation with Local Governments when considering a ban;
2. Confusion regarding the requirements / obligations that apply during a TFB;
3. The period of time a TFB applies; and
4. Insufficient broadcasting of a TFB.

FESA has replied to these concerns with the following:

1. Reinforcing the need to consult with Local Governments by FESA staff and investigating a contact system to allow rapid conferral with the Chief Bush Fire Control Officer or delegate to ensure timely decision making. FESA has acknowledged that there will be circumstances that preclude extensive consultation with all affected Local Governments should the forecast fire weather be widespread and the number of TFBs proposed be extensive;
2. FESA is looking for ways to better promote the public education of TFBs, in particular the requirements / obligations that apply;
3. The 24 hour period of a TFB is based on maximising public education opportunities. FESA maintains that a TFB is a public education tool to forewarn of potentially bad fire weather and to encourage people to limit activities that may be a source of ignition. A TFB is meant to apply across the whole community. The term is aligned with the application in all other states so the travelling public and visitors will be familiar with the term and the period of application. The 24 hour period is also easier to administer and minimises the doubt in public minds regarding how long a Ban applies; and
4. FESA is looking for ways to better publicise a TFB including the form and frequency of the publicity.

The Shire has also corresponded with the CEO of FESA directly, asking that the application of TFBs be delegated to a Local Government level to ensure that Bans are only applied when warranted and for the period of time required. Failing the ability for Local Government to apply a TFB, the responsibility should be delegated to Regional FESA Officers.

FESA replied stating that the aim of the TFB is to minimise fire risk on extreme and catastrophic fire weather days by educating the public on ways to limit activities that may start a fire. They did not feel it was appropriate or efficient for Local Governments or Regional Officers to set the Bans.

FESA has also maintained that the process of Shires setting their own Harvest and Vehicle Movement Bans will mean that a local ban will be set (at the FDI of 28 plus) well before a TFB will be set (at the FDI of 50).

However, experience has shown that because TFBs are set based on predicted weather, not actual weather conditions, they have been implemented at times when our local conditions have not warranted a Harvest or Vehicle Movement Ban.

Delegates at the recent Bush Fire Advisory Committee Meeting have expressed their growing frustrations that TFBs are being implemented when local conditions do not warrant it, thereby reducing the effectiveness of the Ban as a public education tool and effectively bringing normal community, industry and agricultural activities to a halt due to the restrictions associated with a TFB.

The recommendation of the BFAC is supported.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr G Messmer:**

**That the West Australian Local Government Association, Fire and Emergency Services Authority, Government Ministers and opposition members be requested to support changes to the Total Fire Ban legislation, specifically:**

- 1. That Total Fire Bans should be limited to the more populous areas of the State, so that Total Fire Bans are limited in their application to metropolitan or major provincial Local Governments and specifically excluded from rural Local Government areas where existing Harvest and Vehicle Movement Ban provisions apply.**
- 2. That should Total Fire Bans continue in rural areas, Local Governments affected be empowered to impose and lift Total Fire Bans based on prevailing weather conditions within their designated Fire Weather Zones.**

**CARRIED (8/0)**

**NO. 131/11**

## **10.4 CORPORATE SERVICES REPORTS**

### **10.4.1 FINANCIAL STATEMENTS – APRIL 2011**

<b>File No:</b>	<b>N18434</b>
<b>Attachment:</b>	<b>Financial Statement (separate attachment)</b>
<b>Responsible Officer:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Brendan Webb Accountant / Office Manager</b>
<b>Proposed Meeting Date:</b>	<b>24 May 2011</b>

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#### **PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending April 2011.

#### **STATUTORY ENVIRONMENT**

Regulation 34 of the Financial Management Regulations 1996 requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates ie: surplus/deficit position.

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

#### **VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr L Handasyde:**

**That the Financial Statements for the period ending April 2011 be received.**

**CARRIED (8/0)**

**NO. 132/11**



**10.4.2 LIST OF ACCOUNTS - APRIL 2011**

**File No:** N18445  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Accounts Officer  
**Proposed Meeting Date:** 24 May 2011

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of April 2011.

**STATUTORY ENVIRONMENT**

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (10 May 2009). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

Council Policy F/FM/7 – Purchasing and Tender Guide applies.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr S Etherington:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended April 2011 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$793,815.11; and
- b. Municipal Cheques 41912 - 41986 totalling \$187,613.83.

**CARRIED (8/0)**

**NO. 133/11**

**10.4.3 MATERIAL VARIANCE AMOUNT – 2011/2012**

**File No:** N18435  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Rayona Evans  
Administration Officer (Relief)  
**Proposed Meeting Date:** 24 May 2011

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**PURPOSE**

The purpose of this report is to adopt reportable budget variance values for the 2011/2012 financial year.

**BACKGROUND**

Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AASB 1031 (formerly AAS 5) to be used in the statements of financial activity for reporting material variances. According to AASB 1031:

*'materiality means, in relation to information, that information which if omitted, misstated or not disclosed has the potential to adversely affect decisions about the allocation of scarce resources made by users of the financial report or the discharge of accountability by the management or governing body of the entity.'*

The purpose of this report is to assist the Council in adopting the required annual percentage and minimum value over which budget variances would be considered material.

At its meeting held 23 March 2010, the Council resolved:

*That material financial variances for the 2010/2011 financial year be set at:*

1. *Expenditure in excess of 10% of (monthly) budget to a minimum of \$5,000.00.*
2. *Income less than 90% of (monthly) budget to a minimum of \$5,000.00.*

**STATUTORY ENVIRONMENT**

Regulation 34 of the Local Government (Financial Management) Regulations requires local governments to report on a monthly basis. The Financial Management Regulations require local governments to prepare, each month, a statement of financial activity reporting on revenue and expenditure for the month in question and must include - material variances i.e.: material variances between the comparable amounts in YTD Budget and YTD Actual. The relevant parts of that Regulation are detailed below:

*'34. Financial activity statement report — s. 6.4*

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —...*

*(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*

...

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.'*

### **FINANCIAL IMPLICATIONS**

There are no actual budget implications from adopting these materiality figures as they are there to assist and guide management and the Council. Adoption of this recommendation should assist the Council in making sound financial management decisions.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

The UHY Haines Norton Management Reporting Manual 2009 advises:

*'For the purposes of the monthly financial report (given the users are essentially management and Council requiring assistance making management decisions) 10% would be considered a reasonable guide for highlighting variances.*

*The Council may also wish to adopt a value rather than a percentage or incorporate a minimum value threshold into the materiality consideration.*

*This amount should not be so high as to allow important variances to go unnoticed and by the same token should not be so low as to cause administrative headaches.*

*As a guide, an overall level, based upon total revenue of Council could be employed and we provide the following as a guide:*

<i>Less than \$2,000,000</i>	<i>\$2,000</i>
<i>\$2,000,000 to \$4,000,000</i>	<i>\$5,000</i>
<i>\$4,000,000 to \$6,000,000</i>	<i>\$10,000</i>
<i>Above \$6,000,000</i>	<i>As Decided</i>

The manual notes that these levels are subjective and must be used as a guide only. The amount alone does not dictate whether an item is material and that disclosures should be adjusted where necessary.

The current material variances utilised by the Council appear to be working well and meeting legal and practical requirements.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr M Skinner, seconded Cr G Messmer:**

**That material financial variances for the 2011/2012 financial year be set at:**

- 1. Expenditure in excess of 10% of (monthly) budget to a minimum of \$5,000.00.**
- 2. Income less than 90% of (monthly) budget to a minimum of \$5,000.00.**

**CARRIED (8/0)**

**NO. 134/11**

**10.4.4 WRITE OFF - OUTSTANDING RATES**

**File No:** N18529  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Vanessa Ward  
Rates Officer  
**Proposed Meeting Date:** 24 May 2011

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**PURPOSE**

The purpose of this report is to seek approval for outstanding rates relating to Strata Lot 4 Muirs Highway, Mount Barker (Valley View Tree Farm) to be written off.

**BACKGROUND**

On 27 August 2010 a memorandum was provided to all Councillors advising that sale of land actions had commenced in accordance with Section 6.64 (1) (b) of the Local Government Act 1995 and Delegation LG022 on a number of properties, including Strata Lot 4 Muirs Highway Mount Barker.

A public auction was conducted by Wellington and Reeves Great Southern on 26 March 2011 which resulted in the sale of Lot 133 (8) First Avenue Kendenup and Strata Lot 4 Albany Highway Mount Barker.

**STATUTORY ENVIRONMENT**

Sections 6.63 to 6.75 of the Local Government Act 1995 and Section 72 to 78 of the Local Government (Financial Management) Regulations govern the actions to be taken against landowners of rateable land to which rates have remained unpaid for more than 3 years.

Section 6.12 of the Local Government Act 1995 gives a local government the power to write off any amount of money owed to it.

**FINANCIAL IMPLICATIONS**

Strata Lot 4 sold for \$10,500.00. At the time of sale, there was an amount of \$14,872.27 (including rates, interest and costs incurred from the auction) owing against this property. Once all payments were disbursed (including the buyer's proportion of the rates at \$229.32), an amount of \$4,142.95 remains outstanding on this assessment.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

The auction held on 26 March 2011 was the second attempt to recoup outstanding costs on this property and the amount received at the auction was considered to be a fair and reasonable price given that the land area of this lot was significantly reduced by the Muirs Highway bypass. It is appropriate that the remaining amount be written off.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr M Skinner:**

**That the rates and charges that remain outstanding on Rates Assessment 140426, Strata Lot 4, Muirs Highway Mount Barker (Valley View Tree Farm) totalling \$4,142.95, be written off.**

**CARRIED (8/0)**

**NO. 135/11**

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### 10.4.5 COUNCILLORS' ATTENDANCE FEES AND ALLOWANCES

**File No:** N18483  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 24 May 2011

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#### PURPOSE

The purpose of this report is to review and recommend adoption of the elected member expenses and allowances for the 2011/2012 financial year.

#### BACKGROUND

The Shire of Plantagenet currently pays elected members the following attendance fees and allowances:

- Annual attendance fee (Shire President) \$14,000.00
- Annual attendance fees (Councillor) \$7,000.00
- Shire President's Annual Allowance \$5,610.00
- Deputy Shire President's Annual Allowance \$1,402.50

At its meeting held on 23 February 2010, the Council resolved to adopt a policy that Councillors' annual attendance fees and allowances are to be paid on a pro-rata basis, based on time served in the position and that fees and allowances are to be paid monthly in arrears.

#### STATUTORY ENVIRONMENT

The Local Government Act 1995 (section 5.98 to 5.102) and Local Government (Administration) Regulations 30 to 34 legislate the payment of expenses and allowances to elected members. This legislation defines minimum and maximum allowances as follows:

- Annual attendance fee (Shire President) – Minimum \$6,000.00; Maximum \$14,000.00.
- Annual attendance fees (Councillor) - Minimum \$2,400.00; Maximum \$7,000.00.
- Shire President's Annual Allowance - Minimum \$600; Maximum:
  - \$12 000.00; or
  - 0.002 of the local government's operating revenue, whichever is the greater amount (this currently equates to \$17,369.00 for the Shire of Plantagenet); but in any case no more than \$60,000.00.
- Deputy President's Annual Allowance - minimum \$125.00, Maximum 25% of the Shire President's allowance.

Section 5.98A (1) of the Local Government Act 1995 states that:

*'A local government may decide\* to pay the deputy mayor or deputy president of the local government an allowance of up to the prescribed percentage of the annual*

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*local government allowance to which the mayor or president is entitled under section 5.98(5).*

*Absolute majority required.'*

Section 5.99 of the Local Government Act 1995 states that:

*'A local government may decide\* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —*

- (a) the prescribed minimum annual fee; or*
- (b) where the local government has set a fee within the prescribed range for annual fees, that fee.*

*Absolute majority required.'*

### **FINANCIAL IMPLICATIONS**

An allocation of \$77,013.00 has been made in the 2010/2011 annual budget for elected members' attendance fees and allowances. The outcome of this report will guide the formulation of the 2011/2012 draft budget.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

Elected member attendance fees are currently set at the maximum permitted amount. The Shire President's and Deputy President's Annual Allowances were increased in 2010, but prior to then had not been increased since 2005/2006. It will be recommended that a further increase be made to those allowances for the forthcoming financial year in line with the annual Consumer Price Index (All Groups Perth) which is currently 3.3%, to ensure that they keep pace with other budget items.

Also, Councillors are reminded that many Councils (Shire of Plantagenet included) have sought increases to allowances to reflect cost of living increases. The Western Australian Local Government Association has now adopted the policy position:

*'That the Western Australian Salaries and Allowances Tribunal be given the responsibility for establishing the range of fees and allowances for elected members, with each local government having the ability to set a fee within this range.'*

### **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr G Messmer, seconded Cr M Skinner:

That in accordance with Sections 5.98A (1) and 5.99 of the Local Government Act 1995, elected member attendance fees and allowances for the 2011/2012 financial year be set as follows:

- a) Annual attendance fee (Shire President) \$14,000.00.
- b) Annual attendance fees (Councillor) \$ 7,000.00.
- c) Shire President's Annual Allowance \$ 5,795.00.
- d) Deputy President's Annual Allowance \$1,448.75.

**CARRIED (8/0)**

**NO. 136/11**

**Absolute Majority**

## 10.5 EXECUTIVE SERVICES REPORTS

### 10.5.1 DELEGATIONS - ANNUAL REVIEW

<b>File No:</b>	<b>N18357</b>
<b>Attachments:</b>	<a href="#">Approved Delegations - 24 May 2011</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Linda Sounness</b> <b>Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>24 May 2011</b>

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#### **PURPOSE**

The purpose of this report is to present the Delegations Register for endorsement.

#### **BACKGROUND**

Delegations are granted to the Chief Executive Officer (CEO) (and other officers in some instances) to assist in the efficient and effective running of the organisation so as to preclude many minor matters from coming before the Council and to maximise service to members of the public, residents and ratepayers. Delegations were endorsed by the Council at its meeting held on 25 May 2010, and updated on 6 July 2010 and 28 September 2010.

#### **STATUTORY ENVIRONMENT**

Section 5.42 of the Local Government Act 1995 provides for a Local Government to delegate to the CEO the exercise of any of its powers or the discharge of its duties (Absolute Majority required).

The Act also provides, at Section 5.43, a number of powers or duties that cannot be delegated. Furthermore, pursuant to Section 5.44 of the Act, the CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Such delegation must be in writing (Section 5.46).

Importantly, Section 5.45 of the Act provides that a delegation has effect for the period of time specified in the delegation or, where no period has been specified, indefinitely.

Nevertheless, at least once every financial year, delegations are to be reviewed by the delegator. Any delegation granted by the Council to the CEO must be reviewed once every financial year.

Finally, a person to whom a power or duty is delegated under the Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Council's Strategic Plan Key Results Area 1, New Initiative provides the following:

*'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations to be undertaken.*

*To achieve this we will:*

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- *Promote and provide access to policies, standards and legislation.'*

**OFFICER COMMENT**

No change is proposed in relation to delegations currently in place.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr A Budrikis:

That:

1. **Delegations LG 001 to LG 035 (inclusive), LG 037, LG 039 to LG 044 (inclusive) to the Chief Executive Officer be adopted.**
2. **Delegation LG 036 to Environmental Health Officer be adopted.**
3. **Delegation LG 038 to Principal Building Surveyor be adopted.**

**AMENDMENT**

Moved Cr B Bell

That Part 1 of the motion be amended by adding the following words 'to LG 012 (inclusive), LG 014' after 'LG 001'.

**AMENDMENT LAPSED FOR WANT OF A SECONDER**

The substantive motion was put.

**CARRIED (7/1)**

**NO. 137/11**

**Absolute Majority**

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY  
DECISION OF THE MEETING**

**13 CONFIDENTIAL**

**14 CLOSURE OF MEETING**

6:03pm The Presiding Member declared the meeting closed.

**CONFIRMED: CHAIRPERSON** \_\_\_\_\_ **DATE:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_