



## **ORDINARY MINUTES**

**DATE:** Tuesday, 5 July 2011

**TIME:** 2:45pm

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

**Rob Stewart**  
**CHIEF EXECUTIVE OFFICER**

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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	2
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
4.1	FRIENDS OF MONDURUP RESERVE – MR KEVIN COLLINS.....	2
5	DISCLOSURE OF INTEREST .....	4
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	4
7	CONFIRMATION OF MINUTES.....	4
8	ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION .....	5
9	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION .....	5
10	REPORTS OF COMMITTEES AND OFFICERS.....	6
10.1	DEVELOPMENT SERVICES REPORTS.....	6
10.1.1	LOT 131 MOUNT MAGOG GARDENS, MOUNT BARKER – HOUSE AND RETAINING WALL WITH REDUCED BOUNDARY SETBACKS .....	6
10.2	WORKS AND SERVICES REPORTS.....	10
10.2.1	ROADWISE COMMITTEE - APPOINTMENT OF MEMBER - COMMUNITY REPRESENTATIVE .....	10
10.3	COMMUNITY SERVICES REPORTS .....	13
10.4	CORPORATE SERVICES REPORTS .....	13
10.4.1	ADOPTION OF THE 2011/2012 BUDGET .....	13
10.4.2	PROPERTY RATES – 2011/2012 .....	17

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- 10.4.3 EMERGENCY SERVICES LEVY ADMINISTRATION - 'OPTION B' ..... 21
- 10.5 EXECUTIVE SERVICES REPORTS..... 23**
- 10.5.1 POLICY REVIEW - CE/CS/2 - MOTOR VEHICLE USE - SHIRE PRESIDENT ..... 23
- 11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN ..... 29**
- 12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING..... 29**
- 13 CONFIDENTIAL..... 29**
- 14 CLOSURE OF MEETING..... 29**

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:45pm 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 S Grylls	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor

### In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Dominic Le Cerf	Manager Works and Services
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mrs Cobie MacLean	Administration Officer (Planning)

There were four members of the public in attendance.

### Apologies

Cr S Etherington  
Cr A Budrikis

### Previously Approved Leave of Absence:

Cr G Messmer – 5 July 2011  
Cr M Skinner – 26 July 2011

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart 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**

#### **4.1 FRIENDS OF MONDURUP RESERVE – MR KEVIN COLLINS**

Mr Collins provided an overview of the Friends of Mondurup Reserve Draft Management Plan as follows:

##### Fire Management Regime

Rotational burning in mosaics (preferably in autumn to minimise loss of plants, birds and animals).

The plan is to get the latest recommendations on burning from the Department of Environment and Conservation.

##### Fire Break Tracks and Maintenance

Prefer spraying to grading as the latter spreads dieback, brings rocks to the surface and leads to erosion.

Question the effectiveness of under storey mulching versus nothing or burning.

Mulching spreads dieback, allows weed and feral plant infestation, which in turn, are a bigger fire hazard.

##### Access To The Reserve

This is a major concern with continued wood cutting on a large scale, trail bike 'hoons' and for wheel drive explorers and some rubbish dumping – all cause the spread of dieback.

Examine all current access roads and restrict to a few key fire-control roads. All other minor access roads to be blocked with trenches or large rocks. In time, with funding opportunities, the major entrances to have lockable gates.

Follow up with Main Roads Department who promised two gates in recompense for damage incurred in widening the gravel access road.

#### Reserve Signage

Main signage board needed for bush trails. We believe Ms Nicole Selesnew has some funding for this and is awaiting our design for the Reserve sign to incorporate same on the board.

Eight signs have been paid for and are awaiting finalisation of design.

#### Liaison With Shire

On a six monthly basis, report our activities and progress (possibly by email) to the Shire.

#### Dieback Mapping

The Reserve needs to be fully dieback mapped to assist with management.

Install signs to show infected and clean areas. South Coast Natural Resource Management (SCNRM) can possibly assist.

Future installation of brush down stations for walk trails.

#### Flora Surveys

Initial surveys have been done. Ongoing to map the increase or decline of species.

Conduct fauna and bird surveys.

#### Ongoing Weed and Rubbish Removal

As per current Friends working bees.

#### Funding and Ongoing Works

Liaise with Shire Grants Officer to seek rural regional or other funding to proceed with the new walk trails identified and costed by Jesse Brampton.

Investigate local funding opportunities from Bendigo Bank, Mount Barker Co-Operative and SCNRM for gates and ongoing works.

We would like a Shire representative and Council representative to do a tour of the Reserve with us to better understand management issues.'

## **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr M Skinner disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Farming 400 head of cattle – in Item 9.4.1.

Cr J Moir disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Employee of Landmark and cattle farmer - in Item 9.4.1.

Cr K Clements disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Recipient of Car (Shire President) pursuant to policy – in Item 9.5.1.

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

Section 5.25 Local Government Act 1995

Cr J Moir requested Leave of Absence for the period 23 July to 31 July 2011 inclusive.

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

**That Councillor Moir be granted Leave of Absence for the period 23 July to 31 July inclusive.**

**CARRIED (6/0)**

**NO. 169/11**

## **7 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 14 June 2011 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (6/0)**

**NO. 170/11**

**8 ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION**

The Shire President distributed notes separately.

**9 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION**Cr M Skinner

- 29 June 2011 – Attended a meeting of the Voluntary Regional Organisation of Councils (VROC).

Cr L Handasyde

- 29 June 2011 – Attended a meeting of the VROC.



## 10 REPORTS OF COMMITTEES AND OFFICERS

### 10.1 DEVELOPMENT SERVICES REPORTS

#### 10.1.1 LOT 131 MOUNT MAGOG GARDENS, MOUNT BARKER – HOUSE AND RETAINING WALL WITH REDUCED BOUNDARY SETBACKS

<b>File No:</b>	<b>N19029</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Site Plan</a> <a href="#">Floor Plan</a> <a href="#">Elevations</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 July 2011</b>
<b>Applicant:</b>	<b>Scott Park Homes</b>

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#### **PURPOSE**

The purpose of this report is to consider a proposal for a house and retaining wall with reduced street and side boundary setbacks at Lot 131 Mount Magog Gardens, Mount Barker.

#### **BACKGROUND**

Shire records show the registered owners of Lot 131 Mount Magog Gardens, Mount Barker are R and D Poett.

Scott Park Homes submitted a building licence application on 31 May 2011 to construct a new house and retaining wall at Lot 131 Mount Magog Gardens.

The proposal involves a house with a street boundary setback of 4.5m where a setback of 6.0m is required by the Residential Design Codes (RCodes). The application further involves a retaining wall with a street boundary setback of 0m where a setback of 6.0m is required and a side boundary setback of 0m where a 1.5m setback is required by the RCodes.

The property directly affected by this proposal is Lot 132 Mount Magog Gardens to the east. The proponent as part of lodging this application sought comment from the landowner of adjoining Lot 132 Mount Magog Gardens. This landowner raised no objection to this proposal.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) – Zoned Residential (R20).

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Building Code of Australia (BCA) – The construction of a retaining wall requires a building licence.

Residential Design Codes (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.’*

RCodes Part 2 Code Approval Process 2.5.4 reads as follows:

*‘A council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provision and the relevant provisions of the council’s planning scheme or local planning policy.’*

RCodes Part 6 Design Element 6.2.1 A1.1 i in relation to buildings setbacks from the primary street reads as follows:

*‘corresponding to the average of the setback of existing dwellings on each side fronting the same street; or in accordance with figure 1a, reduced by up to 50% provided that the area of any building including the carport or garage, intruding into the setback area is compensated for by at least an equal area of continuous open space between the setback line and the line drawn parallel to it at twice the setback distance.’*

The proposed street boundary setback of 4.5m to the garage of the house meets acceptable development provision 6.2.1 of the RCodes as above.

RCodes Part 6 Design Element 6.2.3 A3.5 reads as follows:

*‘Garages set back 4.5m from the primary street. In accordance with figure 1c this may be reduced where the garage adjoins a dwelling, provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch verandah or balcony) or set back 3m where vehicles are parked parallel to the street alignment.’*

The proposed setback also meets this provision.

RCodes Part 6 Design Elements, Explanatory Guidelines read as follows:

*'Retaining walls higher than 0.5m only meet the acceptable development provisions where:*

- the retaining wall is setback in accordance with the requirements for a major opening with a wall height of 2.4m in addition to the height of the retaining wall; or*
- the retained area is screened to prevent views of neighbouring property and is set back in accordance with the requirements for a wall height of 1.8m without major openings in addition to the height of the retaining wall.'*

The proposed height of the retaining walls in this instance is in excess of 0.5m.

RCodes Part 6 Design Elements 6.3.3 read as follows:

*'Retaining walls setback from the common boundaries in accordance with the setback provisions of table 1, tables 2a and 2b, and figure 3.'*

The variations required here relate to 2.5.2(b) above as boundary setback requirements are in part 6 of the RCodes. The retaining wall is setback 0m from the street boundary where a 6m street boundary setback is required and is setback 0m from the side boundary where a 1.5m side boundary setback is required.

#### **EXTERNAL CONSULTATION**

As part of lodging this application, the applicant sought comment from the owner of adjoining Lot 132 Mount Magog Gardens located to the east. The landowner of Lot 132 raised no objection to the proposal.

#### **FINANCIAL IMPLICATIONS**

The application fee of \$100.00 has been paid.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **STRATEGIC IMPLICATION**

Shire of Plantagenet Strategic Plan 2003 Key Result Area 4 Development Services aims amongst other things to encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No 3, conserve and enhance the natural environment, support sustainable and managed growth within existing urban settlements and plan a safe and healthy living environment.

#### **OFFICER COMMENT**

The property is located within an area in Mount Barker where the boundary setbacks for buildings are to be in accordance with the R20 standards in the RCodes. Lot 131 is 711m<sup>2</sup> in area and is currently undeveloped.

Clause 5.3.3 of TPS3 allows residential development to be regulated by the RCodes and all residential development shall conform to the provisions of the RCodes.

The RCodes provide the basis for controlling the siting and design of development in Western Australia. The proposed setback of the garage and house falls within the

extent of the streetscape requirements and performance criteria of the RCodes and meets the acceptable development provisions of the RCodes.

The proposed street boundary setback meets the acceptable development provisions of the RCodes and as such the proposed setback reduction is supported. With the garage at 4.5m from the street boundary and with the averaging provision of the RCodes, the proposal meets the acceptable development standards.

The proposed retaining wall will be located on the side boundary with neighbouring Lot 132 Mount Magog Gardens. The retaining wall will taper from 1.18m to 0m in height and will extend 31.5m along the property boundary. The property boundary shared by Lots 131 and 132 is 35.7m in length.

The proposed engineer certified retaining wall has a maximum height of no greater than 1.18m. The wall will taper down to natural ground level towards the front and rear of the property, minimising any impacts. The retaining wall will be constructed in limestone.

The proposed retaining wall will not cause privacy or overshadowing issues and is not considered to have any significant adverse effect on the amenity of the locality or neighbouring properties.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

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

**That in accordance with clause 2.5.2 of the Residential Design Codes and clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for a house with a reduced street boundary setback and retaining wall with reduced street and side boundary setbacks at Lot 131 Mount Magog Gardens, Mount Barker be approved subject to:**

- 1. Development being in accordance with the plans dated 31 May 2011 and 14 June 2011.**
- 2. A crossover being constructed, sealed and drained to the satisfaction of the Manager Works and Services.**
- 3. Stormwater being disposed of to the satisfaction of the Manager Works and Services.**

**CARRIED (6/0)**

**NO. 171/11**

## 10.2 WORKS AND SERVICES REPORTS

### 10.2.1 ROADWISE COMMITTEE - APPOINTMENT OF MEMBER - COMMUNITY REPRESENTATIVE

<b>File No:</b>	<b>N18981</b>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Megan Beech Administration Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 July 2011</b>

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#### PURPOSE

The purpose of this report is to consider the appointment of a Community Representative to fill the existing community representative vacancy on the RoadWise Committee.

#### BACKGROUND

At its meeting held on 25 September 2007 the Council resolved as follows:

*'That:*

1. *A Committee of the Council be formed pursuant to Section 5.9(2)(c) of the Local Government Act to be named the RoadWise Committee.*
2. *The functions of the committee shall be:*
  - a) *To provide a structured forum for stakeholders to consider and discuss road safety issues; and*
  - b) *To discuss and make recommendations regarding the identification and appropriate counter measures to negative attitudinal, behavioural and environmental factors linked to enforcement, engineering, education, encouragement and evaluation of road safety initiatives.*
3. *Membership of the Committee shall be:*
  - i. *One Local Government Elected Member;*
  - ii. *One Local Government Officer – Works and Services;*
  - iii. *One RoadWise Safety Officer;*
  - iv. *One Police Representative;*
  - v. *One Main Roads Representative;*
  - vi. *One Department of Education Representative;*
  - vii. *One parents and Citizens Representative; and*
  - viii. *One Community Representative.*
4. *Nominations for membership be sought by the Chief Executive Officer and a further report be presented to the Council at its meeting to be held on 23 October 2007.'*

At a special meeting of the Council held on 23 October 2007 the Council further resolved:

*'That:*

1. *Cr Mark, Mr Ian Bartlett Manager Works and Services, Ms Andrea Smithson – RoadWise Safety Officer, Ms Julie MacQueen representing Main Roads WA*
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*and Sergeant Alan Spicer representing the Mount Barker Police, Mr Wes Beck representing the Mount Barker Senior High School and Mr D Williss (Community Representative) be appointed as members on the RoadWise Committee.*

2. *Cr Clements be appointed as Deputy to act on behalf of the Council member unable to attend any meeting.*
3. *Vacant positions be filled by the Council as nominations are received.'*

At its meeting held on 22 April 2008 the Council resolved as follows:

*'That Mr Len Handasyde be appointed as the One Community One College Parents and Citizens Association representative on the RoadWise Committee.'*

The Council received a letter of resignation from Mr D Williss on 4 September 2009 relating to his position as Community Representative on the RoadWise Committee.

At a special meeting of the Council held on 20 October 2009, the Council resolved:

*'That Cr S Etherington, Cr L Handasyde, Mr Dominic Le Cerf – Manager Works and Services, Mr Kendra Green – RoadWise Safety Officer, Mr Andrew Duffield representing Main Roads WA, Sergeant Allan Spicer – representing Mount Barker Police, Mr Wes Beck – representing the One Community One College, Vacant – Community Representative, Mr Norm Bario – One Community One College Parents and Citizen Association be appointed as members of the RoadWise Steering Committee.'*

An advertisement was placed in the Plantagenet News on 3 February 2010 seeking expressions of interest for the position of Community Representative. No applications were received as a result of this advertising.

At its meeting held on 27 July 2010 the Council resolved as follows:

*'That:*

1. *Councillor Gert Messmer, Sergeant Allan Keogh and Ms Mabelle Jeffrey, Department of Transport be appointed as members on the RoadWise Steering Committee.*
2. *Cr Sue Etherington and Sergeant Alan Spicer be thanked for their service to the Committee.'*

An advertisement was placed in the Plantagenet News on 1 June 2011 and on the Council's website, seeking expressions of interest for the position of Community Representative. One application was received from Mr Arthur Patterson.

## **STATUTORY ENVIRONMENT**

Committees of the Council are established pursuant to Section 5.8 of the Local Government Act 1995.

The RoadWise Committee was formed under Section 5.9(2)(c) of the Local Government Act 1995 which provides that a committee is to comprise '...Council Members, Employees and Other Persons...' These appointments must be recorded as an Absolute Majority.

**STRATEGIC IMPLICATIONS**

The existence of community based committees is consistent with the Shire of Plantagenet's Strategic Plan. In particular the New Initiatives in Key Result Area 3 as follows:

*'Engender a sense of belonging and community pride across all sections of the community'* and

Key Result Area 5:

- *The development of strategic partnerships; and*
- *The fostering of regional cooperation.*

**OFFICER COMMENT**

A written application has been received by Mr Arthur Patterson expressing an interest in becoming a Community Representative on the RoadWise Committee. Mr Patterson is a long standing resident of Mount Barker who has held previous roles on the Mount Barker Tourist Bureau and Wilson Inlet Catchment Committee.

It is considered that Mr Patterson would be a suitable candidate for the vacant position of Community Representative on the RoadWise Committee.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

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

**That Mr Arthur Patterson be appointed as the Community Representative member on the RoadWise Committee.**

**CARRIED (6/0)**

**NO. 172/11**

**(Absolute Majority)**

### 10.3 COMMUNITY SERVICES REPORTS

### 10.4 CORPORATE SERVICES REPORTS

#### 10.4.1 ADOPTION OF THE 2011/2012 BUDGET

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr M Skinner.

Nature of Interest – Farming 400 head of cattle.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr J Moir.

Nature of Interest – Employee of Landmark and Cattle Farmer.

Approval has been received from the Department of Local Government and Regional Development via a letter dated 15 June 2011, giving permission for Cr Skinner to participate in matters relating to expenditure in connection with the Great Southern Cattle Saleyards when the Shire adopts its Annual Budget at the Council meeting to be held on 5 July 2011.

Mr Rob Stewart – Chief Executive Officer, read aloud the letter which is attached to these minutes

3:19pm Cr J Moir withdrew from the meeting.

<b>File No:</b>	<b>N19018</b>
<b>Attachment:</b>	<a href="#"><u>2011/2012 Budget (Separate Attachment)</u></a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Brendan Webb</b> <b>Accountant</b>
<b>Proposed Meeting Date:</b>	<b>5 July 2011</b>

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### PURPOSE

The purpose of this report is to adopt the annual budget and fees and charges for the 2011/2012 financial year.

### BACKGROUND

The 2011/2012 budget has been prepared as a balanced budget with significant input from staff, elected members and the community. The Council considered the list of fees and charges for the 2011/2012 financial year as part of its budget workshop process.

### STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires a local government to prepare and adopt, by absolute majority, an annual budget prior to 31 August in each year. Section 6.15 to 6.19 of the Local Government Act 1995 relates to the imposition of fees and charges for a local government.

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**EXTERNAL CONSULTATION**

Consultation has occurred with elected members, staff and the community throughout the budget preparation process. The draft budget was advertised in accordance with best practice principles and a public briefing session held. Four members of the public attended that meeting.

**FINANCIAL IMPLICATIONS**

The adoption of the budget enables the operations of the Council to continue effectively and issue rates in a timely manner to assist with income generation and cash flow.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The 2011/2012 budget has been prepared with due regard for the Council's Strategic Plan adopted and published in 2003. At its meeting held 13 October 2009, the Council adopted Stage 1 of the Long Term Financial Plan which was also used to guide the budget process.

**VOTING REQUIREMENTS**

See individual recommendations.

**OFFICER RECOMMENDATION****PART A – MUNICIPAL FUND BUDGET FOR 2011/2012**

**Moved Cr L Handasyde, seconded Cr M Skinner:**

**That pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Municipal Fund Budget as attached for the 2010/11 financial year which includes the following:**

- a) Statement of Comprehensive Income by Nature and Type on page 1;**
- b) Statement of Comprehensive Income by Program on page 2;**
- c) Statement of Cash Flows on page 3;**
- d) Rate Setting Statement on page 4;**
- e) Notes to and forming part of the Budget, including Transfers to and from Reserve Accounts, on pages to 19 to 48;**
- f) Budget Program Schedules as detailed in pages to 49 to 78;**

**be adopted.**

**CARRIED (5/0)**

**NO. 173/11**

**(Absolute Majority)**

**PART B – RESERVE FUNDS – NEW RESERVE ESTABLISHED****Moved Cr B Bell, seconded Cr L Handasyde:****That:**

- 1. Pursuant to section 6.11 of the Local Government Act 1995 a Recycling Bin Reserve be established;**
- 2. The purpose of this Reserve is to purchase recycling bins to enable such a service to be implemented.**

**CARRIED (5/0)****NO. 174/11****(Absolute Majority)****PART C – GENERAL FEES AND CHARGES FOR 2011/2012****Moved Cr M Skinner, seconded Cr L Handasyde:****That pursuant to section 6.16 of the Local Government Act 1995, the Fees and Charges included at pages 79 to 105 inclusive of the attached 2011/2012 Budget be adopted.****CARRIED (5/0)****NO. 175/11****(Absolute Majority)****PART D – OTHER STATUTORY FEES FOR 2011/2012****Moved Cr B Bell, seconded Cr L Handasyde:****That pursuant to:**

- 1. Section 53 of the Cemeteries Act 1986, the fees and charges for Shire of Plantagenet cemeteries shown on pages 89 to 92 of the attached 2011/2012 Budget;**
- 2. Section 245A(8) of the Local Government (Miscellaneous Provisions) Act 1960, a swimming pool inspection fee of \$55.00 (including GST); and**
- 3. Section 67 of the Waste Avoidance and Resources Recovery Act 2007, the charges for the removal of domestic and commercial waste included at page 83 of the attached 2011/2012 Budget;**

**be adopted.****CARRIED (5/0)****NO. 176/11**

**Moved Cr L Handasyde, seconded Cr M Skinner:**

**That pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 the charges for the deposit of domestic and commercial waste included at pages 83 to 85 inclusive of the attached 2011/2012 Budget be adopted.**

**CARRIED (5/0)**

**NO. 177/11**

**(Absolute Majority)**

3:24pm Cr J Moir returned to the meeting.

**10.4.2 PROPERTY RATES – 2011/2012**

**File No:** N19017  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Brendan Webb  
Accountant  
**Proposed Meeting Date:** 5 July 2011

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**PURPOSE**

The purpose of this report is to set the property rates, establish the early payment discount, early payment incentive, payment instalment options and fees, and set the interest rates for overdue and late payments in readiness for the adoption of the 2011/2012 budget.

**BACKGROUND**Level of Rates

As part of the 2011/2012 budget workshop process, the Council established that property rates should be set at a 6% increase on total rate revenue raised in 2010/2011. The 2011/2012 budget and the respective property rates have been determined on that basis.

The Council first established a General Health (Refuse Site) rate in the 2001/2002 financial year. In 2010/2011, it was advised that the introduction of the Waste Avoidance and Resource Recovery Act 2007 (Section 68) specifically enabled the Council to adopt this as a levy rather than a rate under Section 6.16 of the Local Government Act 1995.

There is some concern within local governments that still charge a refuse site rate (12 councils) that this charge is *ultra vires* in its current form. The Waste Avoidance and Resource Recovery Act requires such a charge to be made based on a rate in the dollar.

The Shire of Plantagenet has continued to charge a levy (\$110.00 in 2010/2011) under Section 6.16 of the Local Government Act. There is some doubt that this is legal and therefore it is recommended that it would be prudent to remove this charge and raise the equivalent amount of lost revenue in rates. This would be far simpler than trying to maintain the charge based on a rate in the dollar. This would result in a 14.4% rate increase, but it still represents an effective 6% rate increase.

The other impact is an increase in the minimum rate to \$695.00. These measures will as far as practicable, replicate the current rating burden.

Discount

Section 6.12 (1)(a) permits a local government to grant a discount or incentive for the early payment of money which is owed to the Council. As in previous years, it is recommended that a discount not be offered and no allowance has been made for any early payment discount to reflect this.

### Incentive

The Council has previously offered incentive prizes to encourage the early payment of rates. Only ratepayers who have paid their rates in full and by 17 August 2011 will be entered into the draw.

For the 2011/2012 year, the following prizes are on offer:

First Prize - \$500.00 bank account with the Bendigo Community Bank.

Second Prize - One night accommodation and breakfast for two at the Esplanade River Suites in Perth valued at \$300.00.

Third Prize - One carton of mixed wine donated by Porongurup Wine Producers at a retail value of \$200.00.

### Instalments

It is recommended to the Council that it continue to offer the following three payment options as in previous years.

- (1) To pay the total rates and charges included on the rate notice in full by the 35<sup>th</sup> day after the date of issue of the rates notice; or
- (2) To pay by two equal instalments. The first instalment will be due on the 35<sup>th</sup> day after the date of issue of the rates notice and the second instalment four calendar months after this date.
- (3) To pay by four equal instalments. The first instalment will be due on the 35<sup>th</sup> day after the date of issue of the rates notice and the remainder at two calendar month intervals after this date.

### Instalment Fee

It is recommended that an instalment fee of \$7.50 be charged for each instalment reminder issued after the first instalment is paid. This is the same as that charged in 2010/2011.

### Interest on Instalments

It is recommended that the maximum interest rate of 5.5% per annum be applied to instalment payments. Again, this is consistent with the previous year's charge and statutory requirements.

### Late Payment Penalty Interest

It is recommended that the Council adopt a late payment penalty interest of 11% per annum. It is proposed that the late payment penalty interest will apply to rates that remain unpaid where no election was made to pay the rate by instalments and on overdue instalment payments where an election was made to pay by instalments. Again, this is consistent with the previous year's charge and statutory requirements.

## **STATUTORY ENVIRONMENT**

Section 6.25 to 6.82 of the Local Government Act 1995 and Sections 52 to 78 of the Local Government (Financial Management) Regulations relate to property rating requirements and procedures.

## FINANCIAL IMPLICATIONS

The property rates proposed have been established on the basis of delivering a balanced budget with an effective 6% increase on the 2010/2011 rate revenue.

## POLICY IMPLICATIONS

Policy A/PA/8 Rating – Rate Incentive Prize applies.

## STRATEGIC IMPLICATIONS

The sensible setting of rates is critical in generating revenue for the Council to deliver services to the community and attain its mission:

*‘To improve the quality of life for the people of Plantagenet, both present and future.’*

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr M Skinner:

That:

1. For the purpose of yielding the deficiency disclosed by the 2011/2012 Municipal Fund Budget, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 the following general and minimum rates be imposed on Gross Rental and Unimproved Values.

### 1.1 General Rates

a) Rural Townsites (GRV)	10.42128 cents in the dollar
b) Rural (GRV)	10.42128 cents in the dollar
c) Mount Barker Townsite (GRV)	10.42128 cents in the dollar
d) Strata Titles (GRV)	10.42128 cents in the dollar
e) Rural (UV)	0.56882 cents in the dollar
f) Mining (UV)	0.56882 cents in the dollar

### 1.2 Minimum Rates

a) Rural Townsites (GRV)	\$695.00
b) Rural (GRV)	\$695.00
c) Mount Barker Townsite (GRV)	\$695.00
d) Strata Titles (GRV)	\$695.00
e) Rural (UV)	\$695.00
f) Mining (UV)	\$695.00

2. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, the Council nominates the following due dates for the payment in full by instalments:

- a) Full payment and 1st instalment due date 17 August 2011;
- b) 2nd half instalment due date 4 January 2012;
- c) 2nd quarterly instalment due date 19 October 2011;
- d) 3rd quarterly instalment due date 4 January 2012;

- e) 4th and final quarterly instalment due date 7 March 2012.
- 3. No discount be offered for the early payment of property rates.
- 4. Incentive prizes for the payment of property rates in full by the due date be offered as follows:
  - a) First prize – Bank Account to the value of \$500.00, donated by the Bendigo Community Bank;
  - b) Second prize – One night accommodation and breakfast for two at the Esplanade River Suites in Perth valued at \$300.00; and
  - c) Third prize – one carton of wine with a retail value of in excess of \$200.00 donated by the Porongurup Wine Producers.
- 5. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, an instalment administration charge be adopted where the owner has elected to pay rates (and service charges) through an instalment option of \$7.50 for each instalment after the initial instalment is paid.
- 6. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, an interest rate of 5.5% be adopted where the owner has elected to pay rates and service charges through an instalment option.
- 7. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, an interest rate of 11% be adopted for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

**CARRIED (6/0)**

**NO. 178/11**

**(Absolute Majority)**

**10.4.3 EMERGENCY SERVICES LEVY ADMINISTRATION - 'OPTION B'**

**File No:** N19022  
**Attachment:** [ESL Option B Agreement](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Vanessa Ward  
Rates Officer  
**Proposed Meeting Date:** 5 July 2011

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**PURPOSE**

The purpose of this report is to seek the Council's endorsement to affix the Common Seal to a new 'Option B' Agreement with the Fire and Emergency Services Authority (FESA).

**BACKGROUND**

On 25 May 2010 Council agreed to move from an Option A agreement to an Option B agreement with FESA for the administration of Emergency Services Levy (ESL) collections. FESA had requested the Council to move to an Option B Agreement whereby the Council would pay FESA on a quarterly basis a portion of the total amount of ESL raised for the year, regardless of what has been collected.

To allow all Option B Agreements to have a common expiry date, the Shire of Plantagenet's agreement with FESA was for an initial term of 12 months.

**STATUTORY ENVIRONMENT**

There are no statutory requirements for this report.

**FINANCIAL IMPLICATIONS**

Under Option B, 30% of ESL raised would be payable in September, December and March with the final 10% payable in June. Any unpaid ESL levies at the end of June each year will become the Shire's debt. However, any future interest raised on unpaid ESL levies will be retained by the Shire.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report

**OFFICER COMMENT**

The main change with the new agreement is that it will be open ended. The transition from Option A to Option B has been successful from an administrative point of view and it is recommended that the Council endorse the affixing of the Common Seal to the new agreement.



**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

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

**That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to a new Emergency Services Levy Administration – Option B Agreement between the Shire of Plantagenet and the Fire and Emergency Services Authority of Western Australia.**

**CARRIED (6/0)**

**NO. 179/11**

## 10.5 EXECUTIVE SERVICES REPORTS

### 10.5.1 POLICY REVIEW - CE/CS/2 - MOTOR VEHICLE USE - SHIRE PRESIDENT

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr K Clements.

Nature of Interest – Recipient of Car (Shire President) pursuant to policy.

3:27pm Cr K Clements withdrew from the meeting.  
Cr M Skinner assumed the chair.

**File No:** N18336  
**Attachment:** [Request to use Council Vehicle Form](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Linda Sounness  
Executive Secretary  
**Proposed Meeting Date:** 5 July 2011

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#### PURPOSE

The purpose of this report is to review Council Policy CE/CS/2 'Motor Vehicle Use – Shire President'.

#### BACKGROUND

At its meeting held on 27 October 2009, the Council adopted the following amended policy:

#### OBJECTIVE

*The objective of this Policy is to provide clear guidelines for the use of a Council motor vehicle by the Shire President.*

#### POLICY

*A motor vehicle will be provided to the office of the Shire President for both Business Use and Private Use to assist the Councillor elected as Shire President carry out the role of Shire President.*

#### DEFINITIONS

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

*Private Use is defined as unrestricted private use within the State of Western Australia.*

MOTOR VEHICLE USAGE

A fully maintained motor vehicle will be made available to the Shire President to enable the undertaking of official duties and activities associated with the position of the office of Shire President.

This table identifies the type of motor vehicle to be provided to the Shire President to enable the undertaking of official duties and activities.

CATEGORY	TYPE OF VEHICLE	POSITION	RESTRICTED USE	UNRESTRICTED USE
Sedan	Luxury vehicle.	Shire President	\$11,372	\$16,246

The motor vehicle will be made available to the Shire President for both Business Use and Private Use within the State of Western Australia.

When the motor vehicle is used for private purposes, the Shire President will be responsible for the cost of all fuels and oils associated with such vehicle usage.

The Shire President or another authorised person may use the motor vehicle provided he/she holds a valid and appropriate Western Australian 'C' Class Driver's Licence. In the event of an emergency, a driver other than the person specified above may be nominated to complete the journey.

The Council will be responsible for all running costs of the motor vehicle, including but not limited to, all registration, insurances, fuels and oils maintenance, and repair costs, except when the vehicle is being used for private purposes.

Alternatively, the Shire President may elect to be reimbursed, when using the vehicle for business purposes, at the rate of 20% of the rate paid to Councillors when using their own vehicles for Council business, on a per kilometre basis.

General Conditions of Vehicle Usage

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

Smoking is strictly prohibited within Council motor vehicles at all times.

Motor vehicles shall be operated in a reasonable manner in accordance with all relevant Acts, Regulations and Council policies. Any authorised person that drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle.

The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the primary user to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water, and tyre pressure.

Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the primary user to ensure that the first aid kit or fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through the Council's Works and Services Division when used/expired.

The primary user shall comply with the following conditions with respect to the motor vehicle:

- a) Advise the Council's Works and Services division when scheduled servicing of the motor vehicle is due;
- b) Wash, clean, and vacuum the motor vehicle as often as required;

- c) *Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;*
- d) *Secure the motor vehicle when parked in public/private places;*
- e) *Examine the motor vehicle prior to use for any damage, operation of lights and indicators, tyre pressure etc; and*
- f) *Report any motor vehicle accident immediately to the Chief Executive Officer or other Senior Officers.*

*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 primary user, when appropriate.*

*The primary user shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.*

*The designated officer shall immediately surrender the motor vehicle to the Shire upon:*

- a) *cancellation or suspension of his/her driver's licence; and*
- b) *cessation of position with the Council the subject of this policy.'*

## **STATUTORY ENVIRONMENT**

The role of the Council is defined by Section 2.7 of the Local Government Act 1995. The role of the Mayor or President is defined by Section 2.8 of the Local Government Act 1995.

The use of vehicles by elected members is now specifically referred to in the Local Government (Administration) Regulations 1996.

## **EXTERNAL CONSULTATION**

Nil

## **FINANCIAL IMPLICATIONS**

The Shire President is not classified as an employee of the Council. The position is therefore exempt from the application of Fringe Benefits Tax (FBT). However, the value of the Shire President's vehicle is shown in the Council's Annual Report, as Gazetted from time to time.

Costs will be incurred during the changeover of a motor vehicle for the Shire President. In addition, costs will be incurred for fuel and oil usage, servicing, registration, insurances, and other costs attributed to the running of a motor vehicle. These costs are factored into the annual budget.

The major change however from a legislative point of view is that the Shire President is now required to reimburse the Council for all private use of the motor vehicle. Strictly speaking, there is no legislative ability to make a car available to an elected member for private use. However the Department acknowledges that where a vehicle is made available for civic/ceremonial purposes, private use will no doubt occur. Any such use must be reimbursed to the Council.

## **POLICY IMPLICATIONS**

The review of this policy is presented to the Council as part of the ongoing Council Policy review cycle. This item recommends that amended Council Policy CE/CS/2 be endorsed. It has been brought forward (from October) to coincide with the review of Policy CE/CS/1 'Elected Member Expenses to be Reimbursed' and prior to elections to be held in October.

## **STRATEGIC IMPLICATIONS**

The Strategic Plan, Key Result Area 1 – initiative 1.4, states:

*'Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken. To achieve this we will:*

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

## **OFFICER COMMENT**

The Shire President currently benefits from civic/ceremonial/restricted private use of a Council supplied motor vehicle within the State of Western Australia. The Shire President meets all private fuel costs and is reimbursed for expenses incurred during business usage of the motor vehicle.

The vehicle is supplied to the office of Shire President to assist that person carry out the duties of the office of Shire President.

Legislative changes now require the Shire President to meet the costs of all private use. This should be calculated through the keeping of a log book for a period of three months.

Also, the vehicle can't be made available to other councillors without the express written authority of the CEO in accordance with any Council policy, including a written request to use the vehicle.

This is a major change to a Council policy.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

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

**That amended Council Policy CE/CS/2 Motor Vehicle Use – Shire President:**

### **'OBJECTIVE**

**The objective of this Policy is to provide clear guidelines for the use of a Council motor vehicle by the Shire President.**

**POLICY**

A motor vehicle will be provided to the office of the Shire President for both *Business Use* and *Restricted Private Use* to assist the Councillor elected as Shire President carry out the role of Shire President.

**DEFINITIONS**

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

'Restricted Private Use' is defined as private use within the geographical area of Western Australia in accordance with this policy and subject to the total cost of running the vehicle for private use being the responsibility of the primary user, based on the Local Government Officers' Award rate of \$0.74c per kilometre from time to time amended.

**MOTOR VEHICLE USAGE**

A fully maintained motor vehicle will be made available to the Shire President to enable the undertaking of official duties and activities associated with the position of the office of Shire President.

This table identifies the type of motor vehicle to be provided to the Shire President to enable the undertaking of official duties and activities.

CATEGORY	TYPE OF VEHICLE	POSITION	EXTENT OF USE
Sedan	Luxury vehicle.	Shire President	Restricted

The motor vehicle will be made available to the Shire President for both *Business Use* and *Restricted Private Use* within the State of Western Australia.

When the motor vehicle is used for private purposes, the Shire President will be responsible for all costs associated with such vehicle usage.

The Shire President or another person authorised in writing by the CEO may use the motor vehicle provided he/she holds a valid and appropriate Western Australian 'C' Class Driver's Licence. In the event of an emergency, a driver other than the person specified above may be nominated to complete the journey.

The Council will be responsible for all running costs of the motor vehicle, including but not limited to, all registration, insurances, fuels and oils maintenance, and repair costs, except when the vehicle is being used for private purposes.

**General Conditions of Vehicle Usage**

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

Smoking is strictly prohibited within Council motor vehicles at all times.

Motor vehicles shall be operated in a reasonable manner in accordance with all relevant Acts, Regulations and Council policies. Any authorised person that

drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle.

The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the primary user to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water, and tyre pressure.

Where the motor vehicle has been equipped with a first aid kit and/or fire extinguisher, it is the responsibility of the primary user to ensure that the first aid kit or fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through the Council's Works and Services Division when used/expired.

The primary user shall comply with the following conditions with respect to the motor vehicle:

- a) Advise the Council's Works and Services division when scheduled servicing of the motor vehicle is due;
- b) Wash, clean, and vacuum the motor vehicle as often as required;
- c) Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;
- d) Secure the motor vehicle when parked in public/private places;
- e) Examine the motor vehicle prior to use for any damage, operation of lights and indicators, tyre pressure etc; and
- f) Report any motor vehicle accident immediately to the Chief Executive Officer or other Senior Officers.

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 primary user, when appropriate.

The primary user shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.

The primary user shall immediately surrender the motor vehicle to the Shire upon:

- a) cancellation or suspension of his/her driver's licence; and
- b) cessation of position with the Council the subject of this policy.'

be endorsed.

**CARRIED (5/0)**

**NO. 180/11**

3:30pm Cr K Clements returned to the meeting and resumed the chair.

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

Nil

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

Nil

**13 CONFIDENTIAL**

Nil

**14 CLOSURE OF MEETING**

3:32pm The Presiding Member declared the meeting closed.

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