



ORDINARY MINUTES

DATE: Tuesday, 24 July 2012

TIME: 2:45pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Membership:

Cr K Clements – Shire President
Cr M Skinner – Deputy Shire President
Cr S Etherington JP
Cr B Bell
Cr C Pavlovich
Cr J Moir
Cr A Budrikis
Cr G Messmer
Cr L Handasyde

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.

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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 (Left Chambers at 2.55pm, returned 2.56pm)
Cr M Skinner	Deputy Shire President
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr C Pavlovich	Councillor

In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer
Mr Eric Howard	Environmental Health Officer

There was one member of the public present.

Apologies

Cr Andrus Budrikis

Previously Approved Leave of Absence:

Cr Brett Bell – 23 to 27 July 2012 (inclusive)

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 member of the public present in the Council Chambers.

Mr Fathers then read aloud the following disclaimer:

This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

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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 intimation of approval made by any member of 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 advises that anyone who has any application lodged 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.

The Shire of Plantagenet advises that any plans or documents contained within this agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

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 K Clements

Disclosed a Closely Association Person (Section 5.62 LGA) Interest in Item 9.1.1 – Spouse employed by Plantagenet Sheds and Steel.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Councillor M Skinner requested Leave of Absence for the period 1 - 10 September 2012 inclusive.

Moved Cr L Handasyde, seconded Cr G Messmer:

That Cr Skinner be granted Leave of Absence for the period 1 September 2012 to 10 September 2012 inclusive.

CARRIED (7/0)

NO. 148/12

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr G Messmer:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 3 July 2012 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 149/12

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

Moved Cr M Skinner, seconded Cr S Etherington

That Item 12.1.1 be considered immediately.

CARRIED (7/0)

NO. 150/12

(Refer to Report Item 12.1.1 page 53 of these Minutes)

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 305 LOWOOD ROAD, MOUNT BARKER - WAREHOUSE BUILDING WITH REDUCED SETBACKS AND LANDSCAPING

A Closely Associated Person (Section 5.62 LGA) Interest was disclosed by Cr K Clements. Nature and Extent of Interest – Spouse Employed by Plantagenet Sheds and Steel.

2:55pm Cr K Clements withdrew from the meeting.

Cr M Skinner assumed the Chair.

File No: N23454

Attachments: [Location Plan](#)
[Site Plan Sections and Elevations](#)
[Floor Plan and East Elevation](#)
[Landscape Plan](#)
[Retaining Wall Plan](#)
[Site Plan Approved in July 2009](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 24 July 2012

Applicant: Plantagenet Sheds and Steel

PURPOSE

The purpose of this report is to consider an application for a warehouse and showroom building and retaining walls with reduced street boundary setbacks and reduced landscaping at Lot 305 Lowood Road, Mount Barker.

BACKGROUND

Shire records show the registered owners of Lot 305 Lowood Road are G and S Corke.

The Manager Development Services, under delegation, granted Planning Consent (PC) for a motor repair station at Lot 86 Lowood Road (now Lot 305) on 10 August 2009. This PC, amongst others, included a condition for landscaping to be provided within 24 months. On 23 September 2009 the Council issued a building licence for a new 500m² building at this site and the building has been constructed. In early 2010 the proponent advised the landscaping for this development will be installed at the start of the 2010 winter season. This landscaping has not been installed.

The Council on 18 May 2012 received an application for PC for a warehouse and showroom at Lot 305 Lowood Road. The Council further received a building licence application on 31 May 2012 for the construction of retaining walls within the street setback area at Lot 305 Lowood Road.

On 18 June 2012 the Planning Officer advised the proponent the application was incomplete. Further information and justification was sought concerning landscaping improvements and reduced boundary setbacks for the retaining walls and warehouse and showroom building.

On 20 June 2012 the Council received new information on the application for PC and building licence application. The proposal submitted by the proponent was not considered adequate and the proponent was advised additional justification was required to vary the landscaping requirement. The proponent was further advised he will need to submit a detailed landscape plan showing a minimum area of 273.5m² (10% of the site area) for landscaping. This landscape plan is to include a schedule outlining plant species, densities and numbers. The Council then received a detailed landscape plan the subject of this report.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Service Industrial - ‘Showrooms’ and ‘Warehouse’ are permitted ‘P’ uses under TPS3 meaning that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions imposed by the Council in granting PC.

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.’

Clause 5.2 of TPS3 states:

If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) *approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality.'*

Schedule 4 - Zone Development Table of TPS3 for the Service Industrial Zone requires a 9.0m street boundary setback. The retaining wall is setback zero metres from the street boundary and the warehouse and showroom building is setback 8.5m from the street boundary.

Schedule 4 - Zone Development Table of TPS3 for the Service Industrial Zone requires a minimum 20% of the site area to be landscaped and in this instance 546.8m² landscaping is required. The site plan shows a landscape area of 337.5m² which is 12.34% of the site area.

Building Code of Australia

Part A3.1 Principles of Classification under Classification of Buildings and Structures
'The classification of a building or part of a building is determined by the purpose for which it is designed, constructed or adapted to be used.'

Part A3.2 – Classifications

'Class 7: a building which is -

- (b) *Class 7b – for storage, or display of goods or produce for sale by wholesale.*

A Class 7b building permit will be issued should the Council grant PC for the building to be used for warehouse and showroom purposes.

FINANCIAL IMPLICATIONS

The application fee of \$1,056.00 has been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 18 (Planning Vision) – shows Lot 305 and nearby lots to the north and south as possible Commercial. TPS Policy No.18 further notes that once zoned, the existing service industrial uses could remain subject to the normal non-conforming use Scheme requirements.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy 2.2.5:

'Encourage industry, business and residential development that is consistent with the individual character of towns.'

OFFICER COMMENT

Lot 305 is 2,734m² in area and is located in a Service Industrial Zone. Existing development at Lot 305 consists of one 500m² building being used for the purposes of a motor repair station (Plantagenet Agg Repairs). This building is setback 37.5m from Lowood Road and 7.5m from the rear property boundary.

The proposal involves a warehouse and showroom building with a street boundary setback of 8.5m, one retaining wall with street boundary setback of zero metres and one retaining wall within the street setback area on the side boundary where a setback of 9m is required. The application further involves the provision of 337.5m² landscaping (12.34% of the site area) where 546.8m² landscaping (20% of the site area) is required.

The proposed building location is a result of the proponent wishing to create more manoeuvring space for heavy vehicles to access the existing building at the rear of the property. The proposed reduced street boundary setback in this instance is not likely to adversely affect the amenity of the locality. The 8.5m setback is supported.

The proposed retaining walls will be located within the street setback area at the front property boundary and on the side boundary with neighbouring Lot 314 Lowood Road to the north. The retaining wall on the front boundary is 1.0m in height and will extend 28.0m along the 40.0m property boundary. The retaining wall on the side boundary is 1.0m in height and will extend 23.0m along the 68.0m property boundary shared by Lots 305 and 314. The first 9m of this retaining wall measured from the front property boundary will be located within the street setback area. The retaining walls are necessary to retain the sand pad for the proposed building and the car parking area at the front of the building. The proposed retaining walls are not considered to have any significant adverse effect on the amenity of the locality or neighbouring properties.

The landscape design involves three landscape parcels with a total area of 337.50m². An area of 166.75m² (8.5m x 19.5m) for landscaping will be provided between the front property boundary and the proposed building. The selected plant species and design layout of this landscape area will replicate the landscaping installed at the front of the building at Lot 303 Lowood Road (Carter Willis Accountants). An area of 137.5m² (9.5m x 14.5m) for landscaping will be provided between the proposed and existing buildings abutting the side property boundary with Lot 314 to the north. A landscaping strip (1.5m x 20m) will also be installed along the property boundary shared by Lot 305 and Lot 306 (Plantagenet Sheds and Steel) to the south.

The proposed landscaping areas and locations are a result of the proponent wishing to create a sufficient amount of space for heavy vehicles, equipment and machinery to manoeuvre and park on the site. The landscape plan includes a schedule outlining plant species, densities and numbers of plants to be installed. A total area of 337.5m² (12.34% of the site area) for landscaping is considered acceptable in this instance.

All outdoor areas, excluding proposed landscape areas, will need to be bitumen sealed from the front property boundary up to the front of the existing building. The remaining outdoor areas, excluding proposed landscape areas, will need to be constructed to a compacted gravel standard.

With the exception of reduced street boundary setbacks for the retaining walls and building together with reduced landscaping areas, the existing and proposed development at Lot 305 Lowood Road conforms to development provisions set in Schedule 4 of TPS3 for the Service Industrial zone.

Should the application for PC which is the subject of this report be granted, this will have the effect that two PCs are operative on this land.

The variation of the setbacks and landscaping standards is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That in accordance with clauses 5.2 and 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for a warehouse and showroom building with reduced street boundary setbacks for the building and retaining walls and reduced landscaping at Lot 305 Lowood Road, Mount Barker be approved subject to:

- 1. Development being in accordance with the plans dated 18 May 2012 and 10 July 2012.**
- 2. All car bays being a minimum of 2.7m x 5.5m with a 6.0m manoeuvring space and being drained, sealed and line marked to the satisfaction of the Manager Works and Services. The carparking layout being approved by the Manager Works and Services prior to commencement of any parking site works.**
- 3. A minimum 9m width crossover being constructed, sealed and drained to the satisfaction of the Manager Works and Services.**
- 4. Stormwater shall be contained on site, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.**
- 5. Landscaping being installed and maintained to the satisfaction of the Manager Works and Services.**
- 6. All outdoor areas, excluding proposed landscape areas, being bitumen sealed from the front property boundary up to the front of the existing building and remaining outdoor areas being constructed to a 100mm compacted gravel standard.**

CARRIED (6/0)

NO. 154/12

2:56pm Cr K Clements returned to the meeting.

Cr K Clements assumed the Chair.

9.1.2 TOWN PLANNING SCHEME NO.3 - AMENDMENT 58 - LOT 4853 PORONGURUP ROAD, PORONGURUP

File No: N23431

Attachments: [Location Plan](#)
[Revised Subdivision Guide Plan](#)
[Revised Existing and Proposed Zonings](#)
[Indicative Tourist Development Plan](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 24 July 2012

Applicant: Ayton Baesjou Planning

PURPOSE

The purpose of this report is to consider modifications to a proposed Amendment (No. 58) to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to rezone the north west portion of Lot 4853 Porongurup Road, Porongurup from Rural to Special Site 18 and to rezone the eastern portion of Lot 4853 from Rural, Special Site 18 and Rural Residential Area 10 to Rural Residential Area 9.

BACKGROUND

Shire records show the registered owners of Lot 4853 Porongurup Road, Porongurup are E and M Harma.

A Scheme Amendment Request (SAR) for this subject land was submitted on 3 March 2010 and after referral to three government agencies in accordance with Council Policy TP/SDC/6 the Council at its meeting held on 4 May 2010 resolved:

'THAT:

- (1) The Scheme Amendment Request for Lot 4853 Porongurup Road, Porongurup be advertised to seek public feedback for a period of 42 days.*
- (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 27 July 2010.'*

When considering submissions on the SAR the Council at its meeting held on 27 July 2010 resolved:

'That the submissions received on the Scheme Amendment Request for Lot 4853 Porongurup Road, Porongurup be noted and that the proponents be advised that:

1. *The Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.*
2. *This support is subject to various matters raised in the submissions, including: policy issues, environmental (including creek line and vegetation protection, servicing, fire management plan, design requirements on subsequent development, size and number of properties to be developed and sustainable forms of development) being addressed.*
3. *This support is also subject to:*
 - i) *No more than in the order of eight rural residential lots being provided to prevent significant loss of remnant vegetation, and*
 - ii) *The proposed tourist accommodation area adjacent to Stoney Creek Road to be located eastwards to again minimise the need to clear remnant vegetation.'*

Since that July 2010 decision the planning consultants have been preparing the necessary Amendment documentation. In April 2012 the consultants submitted a draft document that was incomplete and required corrections. On 12 June 2012 the planning consultants submitted the formal Amendment documents. The Council considered this Amendment (No. 58) at its meeting held on 3 July 2012 and resolved at resolution 134/12:

'That

1. *Amendment No. 58 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements once the Subdivision Guide Plan and appropriate parts of the Amendment are modified to:*
 - a) *Reconfigure the layout for proposed Lots 6, 7, 8, 9 10 and 11 to be four lots due to the extensive vegetation on these sites.*
 - b) *Delete proposed Lot 12 and retain it within the Special Site zone due to the extensive vegetation on this site.*
 - c) *Include reference for the subdivider to extend the constructed east west road to meet the cul de sac head of Verrazzi Court to the east.*
 - d) *Include a plan showing the tourism concept for the development of the Special Site zone.*
2. *Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
3. *After advertising, a further report be prepared for the Council to be presented no later than its meeting held on 27 November 2012.'*

The planning consultants in part modified the Amendment document as requested by the Council. The latest Amendment document includes a revised design layout for the Subdivision Guide Plan (SGP) to be considered by the Council.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for amending a Town Planning Scheme including, once initiated by the Council, referral to the Environmental Protection Authority (EPA) for 28 days. Once cleared by the EPA a 42 day advertising period applies. The Council must consider any submissions lodged within 42 days of the close of formal advertising and refer its recommendation to the Western Australian Planning Commission (WAPC) and the Minister within 28 days.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Special Site 18, Rural and Rural Residential.

EXTERNAL CONSULTATION

If the Amendment is authorised by the EPA it will be advertised for 42 days by way of newspaper notice, letters to neighbours and Government agencies, a notice on the Council's notice board, a notice at the Porongurup Shop and a sign on site.

The SAR was advertised for comment in 2010.

FINANCIAL IMPLICATIONS

The application fee of \$4,840.00 has been paid.

POLICY IMPLICATIONS

Shire of Plantagenet Town Planning Scheme Policy No. 18 - Planning Vision (TPS Policy No. 18) - Lot 4853 is located both within Planning Precincts 3 and 4. Planning Precinct 3 aims to provide for rural residential and rural small holding development. Planning Precinct 4 aims to retain remnant vegetation, extend existing viticulture, and support small scale tourist accommodation and other appropriate agricultural uses.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 3.6 (Sustainable population growth) the following Strategy 3.6.3:

'Encourage variety in land use and housing to promote a diverse population and stronger community.'

OFFICER COMMENT

The modifications required by the Council's resolution from 3 July 2012 to the Amendment document were carried out in part. The issues raised in parts 1b, 1c and 1d of the Council's resolution are now addressed in the Amendment document. The indicative tourist development plan is attached to this report.

Part 1a of the Council's resolution from 3 July 2012 required the layout for proposed Lots 6, 7, 8, 9 10 and 11 to be reconfigured to be four lots. The latest SGP show a revised design layout involving the addition of an access road and the reconfiguration of proposed Lots 6, 7, 8, 9 10 and 11 to remain six lots. A copy of the revised SGP is attached.

The new access road provides linkages with Stoney Creek Road and one proposed internal road. The new access road provides access to proposed Lots 6, 9, 10 and

11 and proposed Lots 7 and 8 will access off Stoney Creek Road. The revised design layout will reduce the impact on remnant vegetation and ensure improved emergency vehicle access and emergency egress. The revised SGP is considered more appropriate and is acceptable to enable Amendment 58 to be now referred to the EPA. Once cleared by the EPA, it will then be advertised for public comment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That the revised Subdivision Guide Plan and the Indicative Tourist Development Plan be supported and that both be inserted into the Amendment No. 58 document to Town Planning Scheme No. 3 to enable referral to the Environmental Protection Authority.

CARRIED (7/0)

NO. 155/12

9.2 WORKS AND SERVICES REPORTS

9.2.1 CONFERENCE ATTENDANCE - WASTE AND RECYCLE CONFERENCE 2012

File No:	N23315
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	24 July 2012

PURPOSE

The purpose of this report is to recommend attendance by two Councillors at the Waste and Recycle Conference 2012 to be held from 11 to 14 September 2012 at the Esplanade Hotel in Fremantle.

BACKGROUND

The Council, at its meeting held on 26 July 2011 resolved as follows:

'That authority be granted to Shire President Cr Ken Clements, Cr Gert Messmer and Cr Brett Bell to attend the Waste and Recycle 2011 Conference to be held at the Esplanade Hotel in Fremantle from 14 to 16 September 2011 inclusive and accommodation, transport and meal costs be met from account 'Councillor Training and Conference' pursuant to Council Policy CE/CS/1.'

FINANCIAL IMPLICATIONS

The cost of registration for this conference is yet to be determined, however using last year's registration cost as a guide, is expected to be approximately \$1,200.00 each depending on the number of days and sessions attended. Further, accommodation, transport and meal costs will be in the vicinity of \$1,300.00 each. The total cost will depend on the number of Councillors authorised to attend.

POLICY IMPLICATIONS

Council Policy No. CE/CS/1 applies to this report. This policy notes that elected members shall receive reimbursements of expenses while attending 'Conferences and Training Sessions specifically authorised by the Council.'

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 4.1 (Effective governance and leadership) the following Strategy 4.1.5:

'Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.'

OFFICER COMMENT

This conference is always well attended and there is no doubt that valuable information will be gathered. The conference provides an opportunity for the Council to keep informed in the latest waste management developments.

The theme for this year's conference is 'Great Expectations - Fostering an environment for commitment'.

General conference themes include:

- Meeting and managing expectations;
- How to get commitment; and
- Managing difficult wastes.

Proposed topics (relating to the general conference themes) include (but are not limited to):

- Waste Policies and Targets;
- Construction and Demolition Waste and Commercial and Industrial Waste;
- Education and Communication;
- Regulation of waste management facilities (new approaches, key issues);
- Regional and remote waste management solutions; and
- Illegal dumping, new approaches and initiatives.

Mr Le Cerf, Manager Works and Services will be seeking approval from the Chief Executive Officer to attend this conference.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That authority be granted to Cr _____ and Cr _____ to attend the Waste and Recycle Conference 2012 to be held at the Esplanade Hotel in Fremantle from 11 to 14 September 2012 inclusive, and accommodation, transport and meal costs be met from account 'Councillor Conferences Training and Accommodation' pursuant to Council Policy CE/CS/1.

ALTERNATIVE MOTION

Moved Cr G Messmer

That authority be granted to Cr Handasyde, Cr Pavlovich, Cr Bell and Cr Messmer to attend the Waste and Recycle Conference 2012 to be held at the Esplanade Hotel in Fremantle from 11 to 14 September 2012 inclusive, and accommodation, transport and meal costs be met from account 'Councillor Conferences Training and Accommodation' pursuant to Council Policy CE/CS/1.

MOTION LAPSED FOR WANT OF A SECONDER

ALTERNATIVE MOTION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr S Etherington:

That authority be granted for two Councillors to attend the Waste and Recycle Conference 2012 to be held at the Esplanade Hotel in Fremantle from 11 to 14 September 2012 inclusive, and accommodation, transport and meal costs be met from account 'Councillor Conferences Training and Accommodation' pursuant to Council Policy CE/CS/1.

CARRIED (6/1)

NO. 156/12

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That Cr Messmer and Cr Pavlovich be nominated to attend the Conference detailed in Council decision No. 156/12.

CARRIED (7/0)

NO. 157/12

9.2.2 POLICY REVIEW - RS/V/1 - VANDALISM PREVENTION REWARD

File No: N23368
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Megan Beech
Senior Administration / Project Officer Works
and Services
Proposed Meeting Date: 24 July 2012

PURPOSE

The purpose of this report is to review Council Policy RS/V/1 – Vandalism Prevention Reward.

BACKGROUND

Council Policy RS/V/1 – Vandalism Prevention Reward currently reads as follows:

OBJECTIVE:

To encourage the sharing of information relating to acts of vandalism and to enable conviction of persons committing vandalism.

POLICY:

That:

- 1. A reward be offered for information leading to the conviction of persons committing vandalism on any Council Property.*
- 2. An allocation be included annually in the budget to cover rewards for vandalism.'*

The policy's 'Division Area' is Works and Services, the 'Business Unit' is Regulatory Services and the 'Responsibility' is Vandalism.

STATUTORY ENVIRONMENT

Local Government Act 1995

In accordance with Section 5.42, the Chief Executive Officer has delegated authority to offer and approve payment of reward incentives in line with Council Policy RS/V/1.

FINANCIAL IMPLICATIONS

The 2012/2013 Annual Budget has an allocation of \$3,000.00 for Security and Vandalism in account 20515.0280. This is set aside for rectification of vandalism and for payment of any rewards.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 1.9 (A safe Plantagenet) the following Strategy 1.9.4:

'Promote and support planning and activities that encourage a safe and responsible community.'

OFFICER COMMENT

It is considered that the content of the current policy is suitable and does not require any changes.

From an operational / policy management perspective, it is considered that responsibility for management of the policy be placed under the 'Division Area' of Community Services. Currently the policy is devolved to Works and Services, however issues of vandalism and community safety are considered a Community Services matter as noted in the Shire's Strategic Community Plan.

It is therefore recommended that the 'Division Area' of Council Policy No. RS/V/1 be changed to Community Services.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

1. That Council Policy RS/V/1 – Vandalism Prevention Reward as follows:

OBJECTIVE:

To encourage the sharing of information relating to acts of vandalism and to enable conviction of persons committing vandalism.

POLICY:

That:

1. A reward be offered for information leading to the conviction of persons committing vandalism on any Council Property.
2. An allocation be included annually in the budget to cover rewards for vandalism.'

be endorsed.

2. That Council Policy RS/V/1 be allocated the Division Area of Community Services.

CARRIED (7/0)

NO. 158/12

9.3 COMMUNITY SERVICES REPORTS

Nil

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – JUNE 2012

File No:	N23392
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	24 July 2012

PURPOSE

The purpose of this report is to present the unaudited financial position of the Shire of Plantagenet for the month ending 30 June 2012.

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

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr M Skinner:

That the unaudited Financial Statements for the month ending 30 June 2012 be received.

CARRIED (7/0)

NO. 159/12

9.4.2 LIST OF ACCOUNTS - JUNE 2012

File No: N23467
Attachments: [List of Accounts](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 24 July 2012

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of June 2012.

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 S Etherington, seconded Cr J Moir:

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 June 2012 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$595,013.07;
- b. Municipal Cheques 42962 – 42970 and 42984 – 43051 totalling \$60,598.20;
- c. Trust Cheques 327 – 332 totalling \$951.56; and
- d. Cancelled Cheques 42971 – 42983.

CARRIED (7/0)

NO. 160/12

9.4.3 POLICY REVIEW - FINANCIAL ASSISTANCE (CAPITAL) TO ORGANISATIONS AND CLUBS

File No: N23443
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources Officer
Proposed Meeting Date: 24 July 2012

PURPOSE

The purpose of this report is to review Council Policy CS/DG/1 – Financial Assistance (Capital) to Organisations and Clubs.

BACKGROUND

Council Policy CS/DG/1 reads as follows:

‘OBJECTIVE:

To assist clubs and organisations in improving community based facilities.

POLICY:

This policy relates to financial assistance by the Council to incorporated organisations and clubs occupying land owned by, or vested in the Council. Financial assistance will not be given to clubs and organisations occupying Crown Land not vested in the Council or private property. This policy shall only apply where works of a capital nature are being undertaken.

Organisations and clubs are not to expect as a right any financial assistance from the Council, as requests will only be considered in respect to the overall priorities of other projects within the Shire and will also be subject to the availability of finance.

Funds will only be provided for capital works on the subject land and ownership of all infrastructure ultimately vests in the Council on behalf of the Community.

1. Funding Contributions

- a) *As the proposed facility will benefit the community as well as the group concerned, the Council may assist in three way, equal shares, comprising of the organisation, the Council and another funding body. Under this arrangement the Council's contribution is limited to 33.33% of the total project cost and may include the provision of materials, staff time, and loans of plant and equipment so long as the combination of the dollar value of the in kind support plus financial contribution does not exceed 33.33% of the total project cost;*
- b) *In other circumstances the Council may consider a contribution larger than the above. It will be the responsibility of the group concerned to prove to the Council that a larger contribution is justified and reasonable and/or that third party funding as in (a) above was not available; and*

- c) *Eligible organisations must demonstrate, at the time of submission of applications, that their contribution will be available for the project under consideration, and that any in kind contribution is demonstrably a substitute for a component in the project budget, with some evidence that the support will be forthcoming.*

2. *Pre-requisites of Financial Assistance*

- a) *Requests for financial assistance should be received before the closing date (as advertised in local newspapers each February);*
- b) *Funding will not be provided for retrospective works;*
- c) *Organisations should also make application to the appropriate State or Federal fund for assistance (if applicable);*
- d) *The organisation or club must demonstrate to the Council that there is sufficient expertise within the organisation, or available to it, to provide appropriate plans and specify accurately materials and services required to complete the project; and*
- e) *Funds will only be released after documentary proof of expenditure is submitted.*

3. *Prioritising Applications*

The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation and may exclude projects on the basis that it cannot be accommodated in the budget. The Council reserves the right to refuse to make available funding for projects under the following circumstances:

- a) *When the Council believes that the proposal for funding is not a high priority;*
- b) *When the Council considers that its financial commitments for the upcoming financial year preclude it from making funding available;*
- c) *When the proposal will lead to an unacceptable ongoing financial commitment by the Council;*
- d) *When the ongoing management of the capital items is unclear or places an unacceptable burden on Council staff and resources;*
- e) *When the legal and / or financial status of the organisation or clubs is in doubt;*
- f) *Where the applicant cannot demonstrate that it can provide adequate expertise to prepare appropriate plans and/or to specify accurately materials and services required for the project.*

Applicants need to be aware of, and comply with, the funding requirements of third party funding bodies (eg: State and Federal Government) and ensure that the Council is also made aware of those requirements.

Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget'.

The policy was last reviewed by the Council at its meeting held on 24 February 2009.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Council Policy CS/DG/1 forms part of the annual budget process.

POLICY IMPLICATIONS

This policy is presented to Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The policy has been amended slightly to clarify the requirement that incomplete applications will not be considered. Also, that applications should be accompanied by a current profit and loss (income and expenditure) statement. Subject to these amendments it is considered that the policy is sufficient and should be endorsed.

Councillor Bell has requested that this policy be amended to provide that applicants seeking funds from the Council pursuant to this policy be required to seek local quotes. Councillor Bell has also previously sought an inclusion in the Council's purchasing policies relating to a 'buy local' requirement. However, this potential amendment to the policy is not supported as the Council has consistently not adopted a local purchasing policy pursuant to the Local Government (Functions and General) Regulations 1996.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr S Etherington:

That amended Council Policy CS/DG/1 as follows:

OBJECTIVE:

To assist clubs and organisations in improving community based facilities.

POLICY:

This policy relates to financial assistance by the Council to incorporated organisations and clubs occupying land owned by, or vested in the Council. Financial assistance will not be given to clubs and organisations occupying Crown Land not vested in the Council or private property. This policy shall only apply where works of a capital nature are being undertaken.

Organisations and clubs are not to expect as a right any financial assistance from the Council, as requests will only be considered in respect to the overall priorities of other projects within the Shire and will also be subject to the availability of finance.

Funds will only be provided for capital works on the subject land and ownership of all infrastructure ultimately vests in the Council on behalf of the Community.

1. Funding Contributions

- a) As the proposed facility will benefit the community as well as the group concerned, the Council may assist in three ways, equal shares, comprising of the organisation, the Council and another funding body. Under this arrangement the Council's contribution is limited to 33.33% of the total project cost and may include the provision of materials, staff time, and loans of plant and equipment so long as the combination of the dollar value of the in kind support plus financial contribution does not exceed 33.33% of the total project cost;
- b) In other circumstances the Council may consider a contribution larger than the above. It will be the responsibility of the group concerned to prove to the Council that a larger contribution is justified and reasonable and/or that third party funding as in (a) above was not available; and
- c) Eligible organisations must demonstrate, at the time of submission of applications, that their contribution will be available for the project under consideration, and that any in kind contribution is demonstrably a substitute for a component in the project budget, with some evidence that the support will be forthcoming.

2. Pre-requisites of Financial Assistance

- a) Complete requests for financial assistance should be received before the closing date (as advertised in local newspapers each February). Incomplete applications will not be considered;
- b) Funding will not be provided for retrospective works;
- c) Organisations should also make application to the appropriate State or Federal fund for assistance (if applicable);
- d) The organisation or club must demonstrate to the Council that there is sufficient expertise within the organisation, or available to it, to provide appropriate plans and specify accurately materials and services required to complete the project;
- e) Applications must include a current profit and loss (income and expenditure) statement; and
- f) Funds will only be released after documentary proof of expenditure is submitted.

3. Prioritising Applications

The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation and may exclude projects on the basis that it cannot be accommodated in the budget. The Council reserves the right to refuse to make available funding for projects under the following circumstances:

- a) When the Council believes that the proposal for funding is not a high priority;
- b) When the Council considers that its financial commitments for the upcoming financial year preclude it from making funding available;
- c) When the proposal will lead to an unacceptable ongoing financial commitment by the Council;
- d) When the ongoing management of the capital items is unclear or places an unacceptable burden on Council staff and resources;
- e) When the legal and / or financial status of the organisation or clubs is in doubt;
- f) Where the applicant cannot demonstrate that it can provide adequate expertise to prepare appropriate plans and/or to specify accurately materials and services required for the project.

Applicants need to be aware of, and comply with, the funding requirements of third party funding bodies (eg: State and Federal Government) and ensure that the Council is also made aware of those requirements.

Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.'

be endorsed.

CARRIED (7/0)

NO. 161/12

9.4.4 POLICY REVIEW - FINANCIAL ASSISTANCE TO INCORPORATED ORGANISATIONS AND CLUBS

File No: N23442
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources Officer
Proposed Meeting Date: 24 July 2012

PURPOSE

The purpose of this report is to review Council Policy CS/DG/2 – Financial Assistance to Incorporated Organisations and Clubs.

BACKGROUND

At its meeting held on 24 November 2009, the Council resolved:

‘That amended Council Policy CS/DG/2 as follows:

‘OBJECTIVE:

To assist incorporated clubs and organisations in meeting their objectives for the benefit of the residents of Plantagenet.

POLICY:

1. *Applications for donations to a maximum of \$200.00 may be submitted at any time throughout the year. Such applications will be referred to the Chief Executive Officer for consideration under delegated authority, for which a budget allocation not exceeding \$3,000.00 will be made.*
2. *The Council will deal with all other applications only as part of its annual budget process. Such applications will be prioritised based on what the Council believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet. Applicants will be categorised as follows in order to assist in determining priority of funding:*
 - a) *Category 1 - Groups which can show that they are expending resources in maintaining or overseeing Shire facilities or equipment. Grant amount will consider savings to the Council as a result of the Group’s activities;*
 - b) *Category 2 – Groups which undertake tourism and economic development activities which have a positive economic benefit to the Shire. Grant amounts will consider the scope of economic benefits provided; and*
 - c) *Category 3 - All other applications, which should focus on provision of equipment; not administration or general operational costs.*
3. *With regard to Category 3 applications, the Shire provides and maintains facilities such as the swimming pool, recreation centre, halls buildings and*

ovals. Modest fees are charged for the use of these facilities. The general presumption is that each user group will be responsible for operational costs such as equipment, uniforms, administration, membership, umpires, coaching etc.

4. Notwithstanding the categories listed above, the Council may decide to reimburse all or part of an organisation's annual rates and charges in lieu of a donation.
5. Applications from incorporated organisations or clubs must meet the following criteria to be considered:
 - a) The group is to be based in the Shire of Plantagenet, or benefit residents within the Shire;
 - b) Applications should clearly identify the Shire of Plantagenet group(s) who will benefit from the funding;
 - c) The group should be actively operating and meeting on a regular basis;
 - d) Applications must include a current profit and loss (income and expenditure) statement;
 - e) Applications must be made in full with supporting documentation and must be received by the due date. Applications not received by the advertised deadline will not be considered;
 - f) Applications must state the reason for funding and amount required. Category 3 applications for administration or general operational costs will not be considered; and
 - g) Applicants must show that they are actively seeking assistance from other funding bodies. Applicants must also disclose if they are seeking grant funding from other donors for this application.
6. Approved grants will not be disbursed until the organisation's GST status has been determined and proof of expenditure/purchase of approved grant has been provided, where applicable.
7. The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation, and may exclude projects on the basis that it cannot be accommodated in the budget.
8. Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.'

be endorsed.'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Council Policy CS/DG/2 forms part of the annual budget process.

POLICY IMPLICATIONS

This policy is presented to Councils as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

There has been a minor amendment to the policy in order to address clarification issues with regard to incomplete applications. Subject to this amendment it is considered that the policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That amended Council Policy CS/DG/2 as follows:

OBJECTIVE:

To assist incorporated clubs and organisations in meeting their objectives for the benefit of the residents of Plantagenet.

POLICY:

1. Applications for donations to a maximum of \$200.00 may be submitted at any time throughout the year. Such applications will be referred to the Chief Executive Officer for consideration under delegated authority, for which a budget allocation not exceeding \$3,000.00 will be made.
2. The Council will deal with all other applications only as part of its annual budget process. Such applications will be prioritised based on what the Council believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet. Applicants will be categorised as follows in order to assist in determining priority of funding:
 - a) Category 1 - Groups which can show that they are expending resources in maintaining or overseeing Shire facilities or equipment. Grant amounts will consider savings to the Council as a result of the Group's activities;
 - b) Category 2 – Groups which undertake tourism and economic development activities which have a positive economic benefit to the Shire. Grant amounts will consider the scope of economic benefits provided; and
 - c) Category 3 - All other applications, which should focus on provision of equipment, not administration or general operational costs.
3. With regard to Category 3 applications, the Shire provides and maintains facilities such as the swimming pool, recreation centre, halls buildings and ovals. Modest fees are charged for the use of these facilities. The general presumption is that each user group will be responsible for operational costs such as equipment, uniforms, administration, membership, umpires, coaching etc.

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4. Notwithstanding the categories listed above, the Council may decide to reimburse all or part of an organisation's annual rates and charges in lieu of a donation.
 5. Applications from incorporated organisations or clubs must meet the following criteria to be considered:
 - a) The group is to be based in the Shire of Plantagenet, or benefit residents within the Shire;
 - b) Applications should clearly identify the Shire of Plantagenet group(s) who will benefit from the funding;
 - c) The group should be actively operating and meeting on a regular basis;
 - d) Applications must include a current profit and loss (income and expenditure) statement;
 - e) Applications must be made in full with supporting documentation and must be received by the due date. Incomplete applications or applications not received by the advertised deadline, will not be considered;
 - f) Applications must state the reason for funding and amount required. Category 3 applications for administration or general operational costs will not be considered; and
 - g) Applicants must show that they are actively seeking assistance from other funding bodies. Applicants must also disclose if they are seeking grant funding from other donors for this application.
 6. Approved grants will not be disbursed until the organisation's GST status has been determined and proof of expenditure/purchase of approved grant has been provided, where applicable.
 7. The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation, and may exclude projects on the basis that it cannot be accommodated in the budget.
 8. Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.'

be endorsed.

CARRIED (7/0)

NO. 162/12

9.4.5 POLICY REVIEW - FINANCIAL MANAGEMENT - BORROWING PROGRAM AND ASSET FINANCING

File No: N23450
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources Officer
Proposed Meeting Date: 24 July 2012

PURPOSE

The purpose of this report is to review Council Policy F/FM/6 – Financial Management – Borrowing Program and Asset Financing.

BACKGROUND

At its meeting held on 23 June 2009, the Council resolved:

‘That amended Council Policy F/FM/6 as follows:

‘OBJECTIVE:

To recognise the degree to which borrowing is acceptable, determine in what circumstances borrowing should and should not be utilised, consider funding strategies for major assets and categories of services and satisfy the Western Australian Treasury Corporation that any new borrowings will not place financial stress on the Council.

POLICY:

- 1. Long-term borrowing will not be used to finance current operations or normal maintenance.*
- 2. The Shire will strive to achieve a high reliance on pay-as-you-go financing for its capital improvements.*
- 3. All debt issued, including by lease purchase methods, will be repaid within a period not to exceed the expected useful lives of the improvements financed by the debt.*
- 4. The Council may consider borrowing proposals on their merits from time to time and give favourable consideration to borrowing money for the acquisition or construction of an asset under the following circumstances:*
 - a) Where the asset to be acquired is a new addition to Council’s asset base and the project contributes to the achievement of an identified strategic objective; or*
 - b) Where the asset replaces an existing asset and has an useful life of greater than 10 years; or*
 - c) Where the asset is required urgently and unexpectedly or a significant community need for the asset has been identified; and*

- d) *One of the following funding conditions exists:*
- i) *The project will reduce operating costs to an extent sufficient to cover the cost of the project and generate further savings to the Shire;*
 - ii) *The borrowing cost could be supported by additional revenue over the effective life of the project;*
 - iii) *All alternative options for undertaking the project without borrowing have been investigated and proven less advantageous to the Council;*
 - iv) *The income stream from the asset to be acquired or constructed exceeds the cost of borrowing over the life of that asset;*
 - v) *Repayments will be met by a third party such as self supporting loans and the financial stability of that party meets the criteria as set out in the Self Supporting Loans Policy;*
 - vi) *To save for the acquisition or construction will result in the actual cost being greater than the cost of borrowing the money and acquiring it today; or*
 - vii) *To delay a project would jeopardise it due to grant funding restrictions or opportunities.*
5. *Where surplus funds are available, the decision to repay or reduce borrowings should be made based on the facts available at the time giving due regard to minimising the overall cost to the Council.*
6. *The Council will, with regard to setting its annual budget and making decisions on borrowings from external agencies, aim to maintain the following financial ratios within the limits stated:*
- a) *Debt Service Ratio A – Less than 10%*
This ratio means:
$$\frac{\text{Debt Service Cost}}{\text{Available Operating Revenue}}$$
 - b) *Debt Service Ratio B – Less than 30%*
This ratio means:
$$\frac{\text{Debt Service Cost}}{\text{Total Rate Revenue}}$$
 - c) *Gross Debt to Revenue Ratio – Less than 60%*
This ratio means:
$$\frac{\text{Gross Debt}}{\text{Total Revenue}}$$

be endorsed.'

STATUTORY ENVIRONMENT

In order to be satisfied that borrowings will not place stress on the Local Government, the Western Australian Treasury Corporation requires financial information to be provided to the Corporation before approving any loans.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy is presented to Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

It is considered that the policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That Council Policy F/FM/6 as follows:

OBJECTIVE:

To recognise the degree to which borrowing is acceptable, determine in what circumstances borrowing should and should not be utilised, consider funding strategies for major assets and categories of services and satisfy the Western Australian Treasury Corporation that any new borrowings will not place financial stress on the Council.

POLICY:

1. Long-term borrowing will not be used to finance current operations or normal maintenance.
 2. The Shire will strive to achieve a high reliance on pay-as-you-go financing for its capital improvements.
 3. All debt issued, including by lease purchase methods, will be repaid within a period not to exceed the expected useful lives of the improvements financed by the debt.
 4. The Council may consider borrowing proposals on their merits from time to time and give favourable consideration to borrowing money for the acquisition or construction of an asset under the following circumstances:
 - a) Where the asset to be acquired is a new addition to the Council's asset base and the project contributes to the achievement of an identified strategic objective; or
 - b) Where the asset replaces an existing asset and has a useful life of greater than 10 years; or
 - c) Where the asset is required urgently and unexpectedly or a significant community need for the asset has been identified; and
 - d) One of the following funding conditions exists:
-

-
- i) The project will reduce operating costs to an extent sufficient to cover the cost of the project and generate further savings to the Shire;
 - ii) The borrowing cost could be supported by additional revenue over the effective life of the project;
 - iii) All alternative options for undertaking the project without borrowing have been investigated and proven less advantageous to the Council;
 - iv) The income stream from the asset to be acquired or constructed exceeds the cost of borrowing over the life of that asset;
 - v) Repayments will be met by a third party such as self supporting loans and the financial stability of that party meets the criteria as set out in the Self Supporting Loans Policy;
 - vi) To save for the acquisition or construction will result in the actual cost being greater than the cost of borrowing the money and acquiring it today; or
 - vii) To delay a project would jeopardise it due to grant funding restrictions or opportunities.
5. Where surplus funds are available, the decision to repay or reduce borrowings should be made based on the facts available at the time giving due regard to minimising the overall cost to the Council.
6. The Council will, with regard to setting its annual budget and making decisions on borrowings from external agencies, aim to maintain the following financial ratios within the limits stated:
- a) Debt Service Ratio A – Less than 10%
This ratio means:
$$\frac{\text{Debt Service Cost}}{\text{Available Operating Revenue}}$$
 - b) Debt Service Ratio B – Less than 30%
This ratio means:
$$\frac{\text{Debt Service Cost}}{\text{Total Rate Revenue}}$$
 - c) Gross Debt to Revenue Ratio – Less than 60%
This ratio means:
$$\frac{\text{Gross Debt}}{\text{Total Revenue}}$$

be endorsed.

CARRIED (7/0)

NO. 163/12

9.4.6 POLICY REVIEW - CODE OF CONDUCT

File No: N23453
Attachments: [Code of Conduct](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 24 July 2012

PURPOSE

The purpose of this report is to review Council Policy OP/HRP/3 – Code of Conduct.

BACKGROUND

The policy was last reviewed at the Council meeting held on 4 May 2010 (copy attached).

STATUTORY ENVIRONMENT

The requirements to establish and maintain a Code of Conduct are dealt with in Section 5.103 of the Local Government Act 1995 and Sections 34B and 34C of the Local Government (Administration) Regulations 1996.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This policy is presented to the Council as part of its ongoing policy review cycle.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 Section 9 Values - include:

'Integrity through honesty, ethical behaviour and trustworthiness'.

OFFICER COMMENT

It is considered that the policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That Council Policy OP/HRP/3 – Code of Conduct, as follows:

‘PREAMBLE

The Model Code of Conduct provides Council Members, Committee Members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Model Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in:

- a) better decision-making by local governments;
- b) greater community participation in the decisions and affairs of local governments;
- c) greater accountability of local governments to their communities; and
- d) more efficient and effective local government.

The Code provides a guide and a basis of expectations for Council Members, Committee Members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

STATUTORY ENVIRONMENT

The Model Code of Conduct observes statutory requirements of the Local Government Act 1995 (S 5.103 – Codes of Conduct) and Local Government (Administration) Regulations 1996 (Regs 34B and 34C).

RULES OF CONDUCT

Council Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

1. ROLES**1.1 Role of Council Member**

The primary role of a Council Member is to represent the community, and the effective translation of the community’s needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member’s public life.

The Role of Council Members as set out in S 2.10 of the Local Government Act 1995 follows:

‘A Councillor —

- a) *Represents the interests of electors, ratepayers and residents of the district;*
- b) *provides leadership and guidance to the community in the district;*
- c) *facilitates communication between the community and the council;*
- d) *participates in the local government's decision-making processes at council and committee meetings; and*
- e) *performs such other functions as are given to a Councillor by this Act or any other written law.'*

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

1.2 Role of Staff

The role of staff is determined by the functions of the CEO as set out in S 5.41 of the Local Government Act 1995:

'The CEO's functions are to:

- a) *advise the council in relation to the functions of a local government under this Act and other written laws;*
- b) *ensure that advice and information is available to the council so that informed decisions can be made;*
- c) *cause council decisions to be implemented;*
- d) *manage the day to day operations of the local government;*
- e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- f) *speak on behalf of the local government if the mayor or president agrees;*
- g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);*
- h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.'*

1.3 Role of Council

The Role of the Council is in accordance with S 2.7 of the Local Government Act 1995:

- '1) The council —*
- a) governs the local government's affairs; and*
 - b) is responsible for the performance of the local government's functions.*
- 2) Without limiting subsection (1), the council is to —*
- a) oversee the allocation of the local government's finances and resources; and*
 - b) determine the local government's policies.'*

1.4 Relationships between Council Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility

2. CONFLICT AND DISCLOSURE OF INTEREST

2.1 Conflict of Interest

- a) Council Members, Committee Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- b) Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- c) Council Members, Committee Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

- d) Council Members, Committee Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- e) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

2.2 Financial Interest

Council Members, Committee Members and staff will adopt the principles of disclosure of financial interest as contained within the Local Government Act.

2.3 Disclosure of Interest

Definition:

In this clause, and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996 -

“interest” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

- a) A person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person is required to disclose the nature of the interest -
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the meeting immediately before the matter is discussed.
- b) A person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person is required to disclose the nature of any interest the person has in the matter -
 - (i) in a written notice given to the CEO before the meeting; or
 - (ii) at the time the advice is given.
- c) A requirement described under items (a) and (b) exclude an interest referred to in S 5.60 of the Local Government Act 1995.
- d) A person is excused from a requirement made under items (a) or (b) to disclose the nature of an interest if -
 - (i) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (ii) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the

interest as soon as possible after becoming aware of the discussion of a matter of that kind.

- (e) If a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of items (a) or (b), then
- (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (ii) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (f) If -
- (i) to comply with a requirement made under item (a), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (ii) a disclosure is made as described in item (d)(ii) at a meeting; or
 - (iii) to comply with a requirement made under item (e)(ii), a notice disclosing
- the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting, the nature of the interest is to be recorded in the minutes of the meeting.

3. PERSONAL BENEFIT

3.1 Use of Confidential Information

Council Members, Committee Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm or detriment to any person or organisation.

3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

3.3 Improper or Undue Influence

Council Members and staff will not take advantage of their position to improperly influence other Council Members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

3.4 Gifts

Definitions :

In this clause, and in accordance with Regulation 34B of the Local Government (Administration) Regulations 1996 -

'activity involving a local government discretion' means an activity -

- a) *that cannot be undertaken without an authorisation from the local government; or*
- b) *by way of a commercial dealing with the local government;*

'gift' has the meaning given to that term in S 5.82(4) except that it does not include -

- a) *a gift from a relative as defined in S 5.74(1); or*
- b) *a gift that must be disclosed under Regulation 30B of the Local Government (Elections) Regulations 1997; or*
- c) *a gift from a statutory authority, government instrumentality or non-profit association for professional training;*

'notifiable gift', in relation to a person who is an employee, means -

- a) *a gift worth between \$50 and \$300; or*
- b) *a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;*

'prohibited gift', in relation to a person who is an employee, means -

- a) *a gift worth \$300 or more; or*
- b) *a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.*

- a) A person who is an employee is to refrain from accepting a prohibited gift from a person who -
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- b) A person who is an employee and who accepts a notifiable gift from a person who -
 - (i) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (ii) it is reasonable to believe is intending to undertake an activity involving a local government discretion, notify the CEO, in accordance with item (c) and within 10 days of accepting the gift, of the acceptance.
- c) The notification of the acceptance of a notifiable gift must be in writing and include -
 - (i) the name of the person who gave the gift; and
 - (ii) the date on which the gift was accepted; and
 - (iii) a description, and the estimated value, of the gift; and
 - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (v) if the gift is a notifiable gift under paragraph (b) of the definition of 'notifiable gift' (whether or not it is also a notifiable gift under paragraph (a) of that definition) -
 - (1) a description; and
 - (2) the estimated value; and
 - (3) the date of acceptance,

of each other gift accepted within the 6 month period.

- d) The CEO is to maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under item (c).
- e) This clause does not apply to gifts received from a relative (as defined in S 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).
- f) This clause does not prevent the acceptance of a gift on behalf of the local government in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, entered into the Register of Notifiable Gifts and used or retained exclusively for the benefit of the local government.

4. CONDUCT OF COUNCIL MEMBERS, COMMITTEE MEMBERS AND STAFF

4.1 Personal Behaviour

- a) Council Members, Committee Members and staff will:
 - (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
 - (ii) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
 - (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community;
 - (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - (v) always act in accordance with their obligation of fidelity to the Local Government.
- b) Council Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

4.2 Honesty and Integrity

Council Members, Committee Members and staff will:

- a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- c) be frank and honest in their official dealing with each other.

4.3 Performance of Duties

- a) While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- b) Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

4.4 Compliance with Lawful Orders

- a) Council Members, Committee Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.
- b) Council Members, Committee Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

4.5 Administrative and Management Practices

Council Members, Committee Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

4.6 Corporate Obligations

a) Standard of Dress

Council Members, Committee Members and staff are expected to comply with neat and responsible dress standards at all times. Accordingly :

- (i) Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.
- (ii) Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual staff.

b) Communication and Public Relations

- (i) All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
- (ii) As a representative of the community, Council Members need to be not only responsive to community views, but to adequately

communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

(iii) Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

4.7 Appointments to Committees

As part of their representative role Council Members are often asked to represent the Council on external organisations. It is important that Council Members :

- clearly understand the basis of their appointment; and
- provide regular reports on the activities of the organisation.'

5. DEALING WITH COUNCIL PROPERTY

5.1 Use of Local Government Resources

Council Members and staff will:

- a) be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b) use the Local Government resources entrusted to them effectively and economically in the course of their duties; and
- c) not use the Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

5.2 Travelling and Sustenance Expenses

Council Members, Committee Members and staff will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provisions of the Local Government Act.

5.3 Access to Information

- a) **Staff will ensure that Council Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities.**
- b) **Council Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.'**

be endorsed.

CARRIED (7/0)

NO. 164/12

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 DEHYDRATION/FRUIT PACKING SHED - MOUNT BARKER

File No: N23386
Attachments: [Rolling stock - Narrogin](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 24 July 2012

PURPOSE

The purpose of this report is to advise of the result of investigations relating to the Council's request for current information regarding the Dehydration/Fruit Packing Shed in Mount Barker.

BACKGROUND

At its meeting held on 3 July 2012 the Council resolved:

'That the CEO be requested to prepare a report for the consideration of the Council at its meeting to be held on 24 July 2012 regarding the Dehydration/Fruit Packing Shed in Mount Barker, such report to address:

- 1. Progress regarding any identified adaptive re-use proposals;*
- 2. Progress relating to the structure's status for inclusion on the State Heritage Register;*
- 3. Any issues relating to the site being classified as a contaminated site pursuant to the Contaminated Sites Act 2003 due to the presence of asbestos;*
- 4. The likelihood of the owner of the structure (Public Transport Authority) undertaking a refurbishment program to remove all asbestos and to make the structure safe and in a fit state for ongoing use;*
- 5. The ability to demolish the structure in the event that there are either insufficient funds or commitment to make safe, refurbish and identify suitable re-use;*
- 6. Progress relating to the identification or location of suitable historical rolling stock for the vicinity of the shed.'*

Previously, at its meeting held on 22 March 2011, the Council had resolved:

'That the Heritage Council of Western Australia be advised that the Shire of Plantagenet notes the proposal of the Heritage Council to extend the Mount Barker Railway Station Precinct to include the former Mount Barker Fruit Inspection and Dehydration Shed and provides this further advice to the Heritage Council:

- 1. The structure has a large amount of deteriorating asbestos;*
- 2. The structure has been subject to extensive white ant attack;*

3. *The ownership of the structure presently rests with the Public Transport Authority;*
4. *No commercial adaptive reuse of the structure has been found;*
5. *The Shire of Plantagenet would require complete refurbishment at no cost to the Shire of Plantagenet to avoid 'demolition through neglect' and to reduce health and safety risks to the community.'*

STATUTORY ENVIRONMENT

Heritage of Western Australia Act 1990.

Particular attention is drawn to Section 11 of that Act (Duty of Public Authorities to assist in conservation of Registered Places) where at Subsection 3 the Act requires that *'a decision making authority shall not take any action that might (whether or not adversely) affect to a significant extent a registered place...'*

EXTERNAL CONSULTATION

Letters have been sent to the Public Transport Authority of WA and State Heritage Office of WA seeking the respective positions of those authorities with regard to the Shed.

Councillors are also advised that on 5 July 2012 Shire President Councillor Ken Clements and the Chief Executive Officer met with representatives of the Friends of the Apple Packing Shed Inc. In attendance and representing that organisation were Mr Michael James, Ms Linda Harris, Mr Steven Jennings and Councillor Brett Bell.

FINANCIAL IMPLICATIONS

A report prepared by Howard and Heaver Architects in September 2007 closely examined the needed repairs of the building and estimated the cost for such repairs at \$324,500.00. This figure was revised in 2009 to \$363,440.00. Potentially these costs would now have reached \$400,000.00. Annual maintenance costs (say 2% of capital costs) assuming zero value prior to repair would be \$8,000.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Should the Shed be placed on the State Register of Heritage Places it would be logical for the present owner (Public Transport Authority) to attempt to transfer ownership to the Council which is the owner of the Railway Station. Such a move would have significant asset management implications upon the Council as the Shed is in a poor state of repair due to the presence of asbestos and white ant damage and attempts to find a commercial use have been unsuccessful. Costs of maintenance could impact other Council responsibilities such as road maintenance/ construction and building maintenance.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012/2022 states at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy 2.2.6:

'Support the conservation and maintenance of heritage buildings, heritage items and places of interest.'

OFFICER COMMENT

At the time of preparation of this report, responses had not been received from either the Public Transport Authority or the State Heritage Office. Further consideration of this matter should therefore be deferred until such responses have been received.

The meeting with the Friends of the Apple Packing Shed (Inc) indicated that several uses had been identified, including art gallery, markets, museum and other tourist related activity.

Further, the Council's Manager Development Services Mr Peter Duncan has been investigating the availability of rolling stock for placement in or adjacent to the Shed. Attached to this report is a picture of an engine and carriage presently situated at Narrogin which may be available. Ownership details are being researched but it is believed the Town of Narrogin may be the owner. However, a letter has been sent to the Chief Executive Officer of the Town of Narrogin asking that this be researched and if correct, whether the Town would gift the rolling stock to the Shire of Plantagenet.

H + H Architects has been engaged to prepare a preliminary concept for a rail heritage centre in association with this building.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr J Moir:

That consideration of the Chief Executive Officer's interim report relating to the Dehydration/Fruit Pacing Shed in Mount Barker be deferred until the meeting of the Council to be held on 4 September 2012 to enable further information to be gathered relating to:

- a. Heritage status;**
- b. Possible adaptive reuse;**
- c. Likelihood of refurbishment by Public Transport Authority; and**
- d. Possibility that rolling stock may be available for the Shed/Shed Precinct.**

AMENDMENT

Moved Cr M Skinner, seconded Cr J Moir:

That a part e) be added as follows:

'The risk of asbestos contamination to the town through fire including the Department of Health's assessment of the public risk.'

CARRIED (7/0)

NO. 165/12

COUNCIL DECISION

That consideration of the Chief Executive Officer's interim report relating to the Dehydration/Fruit Pacing Shed in Mount Barker be deferred until the meeting of the Council to be held on 4 September 2012 to enable further information to be gathered relating to:

- a. Heritage status;
- b. Possible adaptive reuse;
- c. Likelihood of refurbishment by Public Transport Authority; and
- d. Possibility that rolling stock may be available for the Shed/Shed Precinct.
- e. The risk of asbestos contamination to the town through fire including the Department of Health's assessment of the public risk.

CARRIED (7/0)

NO. 166/12

9.5.2 HASSELL STREET - RENEWAL OF OBSTRUCTIONS

File No:	N23464
Attachments:	Hassell Street Summary of Submissions Obstructions - Location
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	24 July 2012

PURPOSE

The purpose of this report is to recommend to the Council the continuation of the obstructions preventing vehicular movement in Hassell Street Mount Barker.

BACKGROUND

At its meeting on the 22 May 2012 the Council resolved:

'That

- 1. Pursuant to Section 3.50 (1a) of the Local Government Act 1995, local public notice be given of the proposal to close Hassell Street Mount Barker to the passage of vehicles as shown on the attached plan dated 22 May 2012 and that each person who is prescribed for the purposes of Section 3.50 be given written notice of the proposal and that submissions be invited for a period of four weeks.*
- 2. A further report be prepared for the Council's consideration at the conclusion of advertising and no later than 24 July 2012.'*

During the advertising period letters were forwarded to all owners, occupiers as well as Water Corporation, Synergy, Telstra, Main Roads WA Great Southern, Mount Barker Volunteer Fire and Rescue and Mount Barker St John Ambulance. Five submissions were received. A summary of these submissions is attached.

STATUTORY ENVIRONMENT

Section 3.50 of the Local Government Act 1995 relates to the closing of certain thoroughfares to vehicles.

Subsection (1a) provides that:

'A Local Government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding four (4) weeks.

Local Government (Functions and General) Regulations 1996 Part 2 Thoroughfares, also apply.

The order can be revoked by the Minister or the Council.

EXTERNAL CONSULTATION

Pursuant to Section 3.50 of the Act, written notice was sent on the 15 June 2012 to certain persons and organisations as set out in the regulations including adjacent occupiers, utility providers, emergency service providers and owners. Advertisements were published in the Albany Advertiser and Plantagenet News on the 19 and 27 June 2012 respectively.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following Strategy 2.4.4:

'Investigate and respond to road safety and traffic issues throughout the District.'

OFFICER COMMENT

At the conclusion of the submission period, five responses were received. Four submissions have no objection to the closure of Part of Hassell Street. One response urges the Council to reconsider the closure of this section of road due to 50 rural residential blocks currently in the planning stages on Warburton Road.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr C Pavlovich:

That:

- 1. After considering all submissions in relation to the proposal that portion of Hassell Street, Mount Barker as shown on the Plan attached dated 22 May 2012 continue to be wholly closed to the passage of vehicles pursuant to Section 3.50 (1a) of the Local Government Act 1995, that closure is now ordered.**
- 2. Local public notice of the order referred to in 1) above be given.**
- 3. All prescribed persons relating to the proposal pursuant to Section 3.50 of the Act be notified of the order.**

CARRIED (7/0)

NO. 167/12

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL**12.1 WORKS AND SERVICES REPORTS****12.1.1 DISPOSAL OF VOLVO EXCAVATOR WITH MULCHING HEAD ATTACHMENT**

File No: N23378
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Megan Beech
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 24 July 2012

PURPOSE

The purpose of this report is to recommend a reduction of the reserve price for disposal of the Council's Volvo Excavator with Mulching Head and other attachments.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr M Skinner, seconded Cr L Handasyde:

2:50pm That the meeting be closed to members of the public pursuant to Section 5.23 (2) (c) of the Local Government Act 1995 as the matter to be considered relates to a contract being entered into.

CARRIED (7/0)

NO. 151/12

MOTION TO PROCEED IN PUBLIC

Moved Cr J Moir, seconded Cr S Etherington:

2:53pm That the meeting proceed in public

CARRIED (7/0)

NO. 152/12

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr L Handasyde:

That notwithstanding the Council's resolution of 20 December 2011, setting a reserve price for the disposal of the Council's Volvo Excavator with mulching head attachment at \$120,000.00 (ex GST):

1. A new reserve price of \$109,090.90 (ex GST) be now set for disposal of this item of plant; and
2. The commission rate of \$3,818.18 (ex GST) payable to Gregson's Auctioneers and Valuers for sale of the Council's Volvo Excavator with mulching head and other attachments, be funded from account 'Plant and Equipment – Operating Costs.'

CARRIED (7/0)

NO. 153/12

13 CLOSURE OF MEETING

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

CONFIRMED: CHAIRPERSON _____ **DATE:** ____ / ____ / ____