



# ORDINARY MINUTES

**DATE:** Tuesday, 28 May 2013

**TIME:** 3:00pm

**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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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	2
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
4.1	MR STEVE SMITH – MOUNT BARKER CARAVAN PARK – ITEM 9.5.3 – MOUNT BARKER CARAVAN PARK – LEASE OF ENCROACHING LAND AND WATER USE .....	2
4.2	MRS CAMILLE INIFER – ON BEHALF OF THE PLANTAGENET HISTORICAL SOCIETY – ITEM 9.5.3 – MOUNT BARKER CARAVAN PARK – LEASE OF ENCROACHING LAND AND WATER USE .....	3
4.3	MRS PAM SOUNNESS – ITEM 9.5.3 – MOUNT BARKER CARAVAN PARK – LEASE OF ENCROACHING LAND AND WATER USE .....	5
5	DISCLOSURE OF INTEREST .....	6
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	6
7	CONFIRMATION OF MINUTES.....	6
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	6
9	REPORTS OF COMMITTEES AND OFFICERS.....	7
9.1	DEVELOPMENT SERVICES REPORTS.....	7
9.1.1	LOT 50 JUTLAND ROAD AND RYRIE ROAD KENDENUP - SIX LOT SUBDIVISION .....	7
9.1.2	LOTS 500, 93, 411 - 414 AND 40 MENSTON STREET, MARION STREET AND LANGTON ROAD, MOUNT BARKER - FORMER DEPOT DECONTAMINATION.....	11

---

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9.1.3	TOWN PLANNING SCHEME POLICY NO. 22 – ADVERTISING SIGNS .....	16
<b>9.2</b>	<b>WORKS AND SERVICES REPORTS.....</b>	<b>20</b>
9.2.1	RUBBISH COLLECTION - ROCKY GULLY TOWNSITE .....	20
9.2.2	CHANGES TO WASTE SERVICES – KAMBALLUP WASTE SITE AND PORONGURUP TRANSFER STATION .....	24
9.2.3	WASTE AND RECYCLE CONFERENCE 2013 .....	26
9.2.4	AUTHORITY TO SIGN AND AFFIX COMMON SEAL - LICENCE AGREEMENT UNALLOCATED CROWN RESERVE ...	28
9.2.5	MOUNT BARKER URBAN WETLANDS RESTORATION AND RSL MEMORIAL PARK PROJECT .....	30
9.2.6	POLICY REVIEW - NOTICE OF ENTRY FOR PUBLIC SERVICES AND UTILITIES .....	35
9.2.7	POLICY REVIEW - VEHICLE CROSSOVERS.....	38
9.2.8	POLICY REVIEW - VEHICLE USAGE .....	40
<b>9.3</b>	<b>COMMUNITY SERVICES REPORTS .....</b>	<b>44</b>
9.3.1	ANNUAL FIREBREAK AND FIRE HAZARD REDUCTION NOTICE 2013/2014 .....	44
9.3.2	APPOINTMENT OF BUSH FIRE OFFICER POSITIONS FOR 2013 / 2014.....	46
<b>9.4</b>	<b>CORPORATE SERVICES REPORTS .....</b>	<b>52</b>
9.4.1	FINANCIAL STATEMENTS – APRIL 2013.....	52
9.4.2	LIST OF ACCOUNTS - APRIL 2013 .....	54
9.4.3	STAGE 1 ASSET MANAGEMENT PLAN - ADOPTION .....	56
9.4.4	COUNCILLORS' ATTENDANCE FEES AND ALLOWANCES .....	60
9.4.5	POLICY REVIEW – INJURY MANAGEMENT AND REHABILITATION .....	63
9.4.6	POLICY REVIEW – SEXUAL HARASSMENT .....	66
9.4.7	POLICY REVIEW - WORKPLACE BULLYING.....	71
9.4.8	POLICY REVIEW – CEMETERY MEMORIALS .....	73
9.4.9	POLICY REVIEW - DRUG AND ALCOHOL POLICY .....	78

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9.4.10 RENEWAL OF KENDENUP COUNTRY CLUB LEASE - RESERVE 41498 ..... 82

**9.5 EXECUTIVE SERVICES REPORTS..... 84**

9.5.1 DELEGATIONS - ANNUAL REVIEW ..... 84

9.5.2 LEASE OF BRICK AND IRON HUT AND RADIO MAST LOCATED RESERVE 44652 (LOCATION 7761) MOUNT BARKER HILL ..... 86

9.5.3 MOUNT BARKER CARAVAN PARK - LEASE OF ENCROACHING LAND AND WATER USE ..... 89

9.5.4 MOUNT BARKER SPEEDWAY CLUB INC - LEASE ..... 94

9.5.5 SOUNNESS PARK MANAGEMENT OPTIONS ..... 97

9.5.6 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CONVENTION AND EXHIBITION 2013..... 102

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN ..... 104**

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING..... 104**

11.1 COUNCILLOR CONFERENCE ATTENDANCE - MUNICIPAL ASSOCIATION OF VICTORIA 2013 NATIONAL CONFERENCE AND NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - COUNCILLOR ATTENDANCE ..... 104

**12 CONFIDENTIAL ..... 107**

**13 CLOSURE OF MEETING..... 107**

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:03pm The Presiding Member declared the meeting open.

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

### Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor (Left the Chamber at 4:06pm, returned at 4:11pm)
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor (Left the Chamber at 3:24pm, returned 3:32pm)
Cr J Moir	Councillor

### In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy 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

There were six members of the public present.

### Members on Leave of Absence:

Cr C Pavlovich

### Previously Approved Leave of Absence:

Cr G Messmer – 30 July 2013

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any

such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

### **3 PUBLIC QUESTION TIME**

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

Nil

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

Nil

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

#### **4.1 MR STEVE SMITH – MOUNT BARKER CARAVAN PARK – ITEM 9.5.3 – MOUNT BARKER CARAVAN PARK – LEASE OF ENCROACHING LAND AND WATER USE**

Mr Smith spoke against the Officer's recommendation in Item 9.5.3 and gave the following presentation:

I am here today to propose a solution to the boundary anomalies and encroachments between the Caravan Park and the Old Police Station Complex.

I would like to offer the Shire the opportunity to purchase the portion of land that is in question for the valued amount.

In return I would like to secure a five year recurring licence to pump water from the Government Dam to water the grounds of the Caravan Park. I ask the Councillors to take into consideration that the water is pumped with our own pump which I maintain, and that the water is non-potable and is not fit for animal consumption. With these facts in mind, I would like to ask that the price set out in the annual budget of \$2.25/kL be reduced to \$0.65 /kL

I also assure the Council that we will continue to investigate alternative sources of water.

Finally may I suggest a meeting of all users of the Government Dam to work out and establish a structured water management plan to conserve and protect this precious resource.

Thank you for your time today.

**4.2 MRS CAMILLE INIFER – ON BEHALF OF THE PLANTAGENET HISTORICAL SOCIETY – ITEM 9.5.3 – MOUNT BARKER CARAVAN PARK – LEASE OF ENCROACHING LAND AND WATER USE**

Mrs Inifer spoke against the Officer's recommendation in Item 9.5.3 and gave the following presentation:

With regard to a decision on the boundary anomalies and encroachments between the Caravan Park and the Old Police Station Museum, the Plantagenet Historical Society (Inc), whilst not a party to the agreement between the Shire of Plantagenet and the Caravan Park, asks that the Council take into consideration the possible significant implications to the Old Police Station Museum. Given the heritage lands and buildings in question are vested with the Shire, the Society's position is that this matter is one for the Shire to determine. However, as a long standing part of the Plantagenet community, the Society seeks a solution that which will ensure the least disadvantage to the Museum.

As outlined in Council's agenda, a key consideration is the cost involving the encroachment of the large shed which displays the history of the apple and dairy industries. Solely from the Society's view and without being aware of all the facts, we would like to point out some other considerations. For example, the impact of such a disruption on the volunteer workload and to the public who visit the Museum. Therefore we ask that in making any decision, the following factors be considered:

1. Garden – currently there are garden beds and some displays on the land in question, including a pig pen and farm pieces which will need to be relocated. A key consideration is the sprinkler system. A new sprinkler system was installed approximately four years ago at a cost of almost \$20,000.00. The company which installed the system may need to be contracted to re-align the underground hosing and sprinklers and to also make necessary changes to the solenoids and electrical system.

2. Large Shed – The shed in question displays old equipment used in various industries in the district from the late 1800's to the mid 1900's. It includes compressors, apple packing shed equipment, a large baker's oven from the first bakery in Mount Barker, dairy shed equipment, blacksmith's forge and anvils, shearing machinery, petrol bowsers, various pieces of farm equipment and so on. It is a large display and would require considered planning through the relocation process as well as the manpower and machinery to do the work.

Dependent on a report from a building inspector, the existing shed would need to be either partially or fully demolished. Either way there are a number of financial implications. The key costs would be those of demolition and



rebuilding and it is possible, but not a guarantee, that a grant would fund some of the work. Also there is the time factor in submitting a grant and receiving the funds. Partial demolition may bring its own problems in that new building codes would apply to any works done and whilst the old shed is structurally sound, this may cause such problems as to require full demolition. Another consideration is that given it is a Museum, any replacement shed would need to be in keeping with an old style farm shed.

There are other factors to consider with possible cost implications:

- a. In the shed is a large compressor which required a special crane to get it into the shed. As we understand it, there is now no such crane in the district and one would need to be sourced from elsewhere to relocate it.
  - b. Whilst work is being done on the shed, display items will need to be stored elsewhere. The compressor in question could potentially be moved to its new location and the new shed built around it. However, a large number of items will need secure undercover storage protection which is not available at the museum. This would entail the labour and equipment to relocate and then return those items. Storage would need to be made available for the period of time it will take to rebuild a shed.
  - c. Due to safety factors, the work involved in the area where the shed is located will probably mean the whole area will need to be closed to the public. This area includes early buildings such as the stables (built 1868), a school building, the 143 year old wooden slab hut and the large machinery shed display which includes an early fire engine. These buildings and displays are popular with tourists and it would be an issue if they had to be closed for too long. Adjacent to the shed in question is the volunteer's workshop and this also may need to be closed.
  - d. Another consideration would be the location of a new shed. Whilst there are a range of options, the preferred option is to keep the display in the area of the existing line of buildings. This is primarily due to the fact that visitors going through the Museum, in particular given the age of many, will not be able to go too far beyond the key buildings/displays.
3. Fence – the fence would need to be re-aligned and this can be done in part using the existing materials. However, with the re-alignment of the boundary further fencing may be required. It is likely that Pardellup could do the work.
  4. Volunteer Support – A key consideration for the Society on Council's decision is the additional impact on volunteer workload at the Museum. With the small number of volunteers actively working at the Museum and given their ages, significant assistance would be required through external workers being made available. Preserving the items is important and the setting up of new displays is time consuming, it will likely require the Museum to close for a period of time to allow the work on setting up the new display to be done.

5. Bus Lines – We would also like to make the point that any closure may jeopardise our relationship with the bus lines who visit the Museum.

The Plantagenet Historical Society (Inc) would like to thank you for your time and consideration.

#### **4.3 MRS PAM SOUNNESS – ITEM 9.5.3 – MOUNT BARKER CARAVAN PARK – LEASE OF ENCROACHING LAND AND WATER USE**

Mrs Sounness spoke against the Officer's recommendation in Item 9.5.3 and gave the following presentation:

I am Pam Sounness and thank you for allowing me to address this Ordinary Council Meeting on matters concerning the Agenda Item 9.5.3 – the Mount Barker Caravan Park – Lease of Encroaching Land and Water use.

I wish to clearly state that I am a member of the Plantagenet Historical Society but do not hold a position on the Committee of Management. Therefore any statement I made is to be recorded as solely my individual input.

Historically the Plantagenet Historical society has entered into a Lease Agreement with the Shire of Plantagenet of the Reserves 29661 – Lot 604 and Reserves 36685, Lot 601 over spans of five year lease periods.

These Reserves were vested in the Shire in trust for specific purpose use. In August 1973 Lot 604 for the purpose of a 'Historic Museum and Art Centre'. Whereas Reserve 36685 Lot 601 was vested in trust in July 1985 for purpose of a 'Hostel site'. Upon the relocation of the Hostel this Lot 601 eventually became part of what is now referred to in today's Agenda as the Old Museum Police Station Complex.

Considering this continual involvement of the Plantagenet Historical society with these Leases I feel confident to state that the Society should be regarded as an interested party of the Agenda Item.

I therefore express disappointment that the Shire of Plantagenet did not consider it appropriate to provide or inform the Society of any on-going developments or implications regarding this current agenda item.

Other than a meeting on 17 August 2012 between the Chief Executive Officer and representatives of the Historical society, at which discussions concerning the situation of the encroaching land took place, to my knowledge no further correspondence has been received.

It is of concern to me that in the agenda item of the Public Information Session, scheduled for this evening, it is documented that \$50,000.00 has been listed to be allocated to the Museum Complex for demolition of the shed encroaching on Lot 60.

As there is no mention of an allocation to erect a new shed I can only assume that this will greatly impact on the role of the Historical Society.

This concerns me as all members are volunteers and the over loading of their volunteer time is definitely not a positive conclusion.

When considering the matter of the boundary encroachment, I feel that this is not an error made by the Society but a management policy of earlier Councils. I therefore ask that some consideration be given by the council to ensure that any records clearly state that the Society has not broken conditions of their Lease Agreement.

Finally as a suggestion for the council consideration once a decision has been made regarding the encroachment, could an appropriate fence line be erected, chiefly along the boundary between the freehold and leased land. This will then prevent any further misunderstanding as to the position of the defining boundary.

## **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr G Messmer

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA) Interest was disclosed in Item 9.1.2. Nature of interest – Adjoining landholder.

Cr A Budrikis

A Proximity (Section 5.60 (B) LGA) Interest was disclosed in Item 9.2.5. Nature of interest – Relative of owner of land adjacent to Old Railway Station.

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

Section 5.25 Local Government Act 1995

## **7 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 30 April 2013 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (8/0)**

**NO. 95/13**

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Shire President distributed notes separately.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 LOT 50 JUTLAND ROAD AND RYRIE ROAD KENDENUP - SIX LOT SUBDIVISION

<b>File No:</b>	<b>N26884</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Plan of Subdivision</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 May 2013</b>
<b>Applicant:</b>	<b>John Kinnear and Associates</b>

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#### **PURPOSE**

The purpose of this report is to consider a proposal for a six lot rural subdivision at Lot 50 Jutland Road and Ryrie Road, Kendenup and respond to the Western Australian Planning Commission (WAPC).

#### **BACKGROUND**

Lot 50 was created in 1996 as part of a subdivision that rearranged lot boundaries in the street block bounded by Beattie, Jutland, Ryrie and Halsey Roads.

The original subdivision proposal (WAPC 98244) for the subdivision of lot 50 into six lots in 1995 was approved by the WAPC with conditions. That approval expired and a fresh application (WAPC 107348) which involved six lots serviced by a cul-de-sac and battleaxe legs was approved by the WAPC in August 1998 again subject to a range of conditions. A revised plan was submitted in November 2000 which showed a 10.0m road widening cul-de-sac and a series of four battleaxe lots. That revised plan was not favoured by the WAPC.

A further revised plan was submitted in March 2001 which showed a 10.0m widening involving a cul-de-sac and no battleaxe legs. The WAPC supported a further (third) revised plan on 18 June 2001 which showed a 10.0m widening the full length of Ryrie Road. Approval of WAPC 107348 expired in August 2001.

In August 2001 another subdivision application (WAPC 117251) was lodged which showed a similar lot configuration to that submitted now with 5.0m and 10.0m road widenings to Ryrie Road. That proposal was approved by the WAPC in November 2001 with a road widening condition and an advice that the 10.0m widening was to extend along the entire frontage of the land. That approval expired in November 2004.

The Council on 17 November 2008 received an application (WAPC 138916) to subdivide Lot 50 into six lots. The Council at its meeting held on 16 December 2008 resolved at Resolution No. 292/08:

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*'That the proposal for a six (6) lot subdivision of Lot 50 Jutland Road and Ryrie Road, Kendenup be supported subject to:*

- 1. Ryrie Road being widened by 10.0m along the total frontage of Lot 50 and that land being transferred to the Crown free of cost.*
- 2. Ryrie Road being constructed and drained to the satisfaction of the Council at the subdivider's cost.*
- 3. The creekline that crosses Ryrie Road being adequately drained under the new road to the satisfaction of the Council at the subdivider's cost.*
- 4. Construction of the road is not to commence until detailed engineering plans and specifications of works including earthworks, roads, drainage, clearing, rehabilitation and soil stabilisation measures has been approved by the Manager Works and Services.*
- 5. The creekline where it crosses lot C is to be fenced to preclude stock access.*
- 6. The front property boundaries to the widened Ryrie Road to be fenced.*
- 7. Crossovers are to be located and constructed to the satisfaction of the Manager Works and Services.*
- 8. All stormwater is to be disposed of to the satisfaction of the Manager Works and Services.*
- 9. All buildings and effluent disposal systems having the necessary clearance from lot boundaries.'*

On 27 January 2009, the WAPC approved the subdivision (WAPC 138916) of Lot 50 into six lots subject to a range of conditions. That subdivision approval was valid for a period of four years and expired on 27 January 2013. The Council on 3 May 2013 received a fresh subdivision application (WAPC 147875), the subject of this report. The fresh application is needed to give the owner time to satisfy all of the conditions.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

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

## **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## **POLICY IMPLICATIONS**

Council Delegation LG 035 – As the subdivision involves more than five lots, the matter needs to be determined by the Council.

TPS Policy No. 19 - Kendenup Surrounds, Lot 50 is located within the 'Future Rural Small Holding Areas'. A key objective of 'Future Rural Small Holding Areas' is that subdivisions shall be based on the existing lot numbers and pattern and further subdivision that creates additional lots will not be favoured except in exceptional circumstances.

Lot 50 is 104.59ha in area with 14 adjoining lots ranging in size from 10.7ha to 19.9ha. The lot areas for three other adjoining lots are 6.1ha, 20.7ha and 22.4ha.

This proposal seeks to create six lots ranging in size from 11.6ha to 31.9ha which are consistent with the size of lots in the locality.

The creation of additional lots is not generally favoured in rural zones, as the area for Lot 50 is 104.59ha, the proposal is seen as the exception. The proposal is supported.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

The proposal now put forward is to create six lots ranging in size from 11.6ha to 31.9ha with the lots fronting the unconstructed Ryrie Road. The proposal suggests a 5.0m widening of Ryrie Road for the first 261m from Jutland Road and a 10.0m widening for some 900m from the unconstructed Halsey Road to the east. The intention of these two areas of road widening is to provide an area for road construction to avoid the need to remove substantial vegetation in the Ryrie Road road reserve. The widening will mean the Ryrie Road road reserve will be 25m and 30m wide. For a central 644m section, the road reserve will remain at 20m wide.

It is recommended that the 5.0m widening should be increased to 10.0m for the full length of Ryrie Road to ensure there is adequate room to construct a gravel road with adequate drainage on either side. The road surface will be constructed in the road widening areas thereby retaining vegetation. The subdivider will be required as a condition of subdivision approval to construct the road to the Council's standards.

A creekline crosses proposed Lot C and this will need to be fenced to preclude stock access. Adequate drainage will need to be installed under the to be constructed Ryrie Road.

This subdivision proposal is similar to the proposal supported by the Council on 27 January 2009 and approved by the WAPC. The original conditions of support continue to be appropriate to this subdivision proposal.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That:**

- 1. The Western Australian Planning Commission be advised that the proposed six lot subdivision of Lot 50 Jutland Road and Ryrie Road, Kendenup (WAPC 147875) is supported subject to:**
  - a) Ryrie Road being widened by 10.0m along the total frontage of Lot 50 and that land being transferred to the Crown free of cost.**
  - b) Ryrie Road being constructed and drained to the satisfaction of the Manager Works and Services at the subdivider's cost.**

- c) The creekline that crosses Ryrie Road being adequately drained under the new road to the satisfaction of the Manager Works and Services at the subdivider's cost.
  - d) The creekline where it crosses Lot C being fenced to preclude stock access.
  - e) The front property boundaries to the widened Ryrie Road being fenced.
  - f) Construction not commencing until the Council has approved detailed engineering plans and specifications of works, including earth works, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction.
  - g) Crossovers to all lots being located, constructed and drained to the satisfaction of the Manager Works and Services.
  - h) All stormwater being disposed of to the satisfaction of the Manager Works and Services.
  - i) All buildings and effluent disposal systems having the necessary clearance from new lot boundaries.
2. If required as a result of a Western Australian Planning Commission condition of approval, authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to a Notification under Section 70A of the Transfer of Land Act 1893 (as amended) and/or Section 165 of the Planning and Development Act 2005 (as amended).

**CARRIED (8/0)**

**NO. 96/13**

**9.1.2 LOTS 500, 93, 411 - 414 AND 40 MENSTON STREET, MARION STREET AND LANGTON ROAD, MOUNT BARKER - FORMER DEPOT DECONTAMINATION**

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr G Messmer. Nature and extent of interest – Adjoining Landholder.

3:24pm Cr G Messmer withdrew from the meeting.

**File No:** N26928  
**Attachments:** [Location Plan](#)  
[Aerial Photograph](#)  
[Expenditure Spread Sheet](#)  
[DEC Notice of Contamination](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to provide details of the work carried out to date by environmental consultants with the aim of decontaminating the former Council depot site at Lots 500, 93, 411 – 414 and 40 Menston Street, Marion Street and Langton Road, Mount Barker.

**BACKGROUND**

Lots 500, 93 and 411 - 414 (see location plan attached) were previously the Council's depot site prior to the development of the current depot at Langton Road/Muir Highway in 1998. The former depot was established in approximately 1951.

In July 1999 consultants (Alan Tingay and Associates) wrote to the Council advising the EPA would require an environmental assessment of the former depot site to investigate for site contamination. In June 2002 the Council wrote to Wood and Grieve asking for advice on the procedures for the necessary investigation works. In February 2003 a preliminary report on limited contamination from a diesel spill was provided but this did not assess site soil and groundwater analysis. The Department of Environmental Protection/Water and Rivers Commission in July 2003 wrote to Wood and Grieve supporting further soil and groundwater investigation. In June 2004 the underground fuel tanks were removed from the site. Various soil samples were taken and analysed in 2005.

In August 2006 environmental consultants (ATA) provided a cost estimate to the Manager Works and Services to carry out investigation and produce a plan of action and sampling requirements.

As the site is a former depot site, it is listed as a possibly contaminated site by the Environmental Protection Authority (EPA) under the Contaminated Sites Act 2003.

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In December 2008 the Contaminated Sites Branch of the Department of Environment and Conservation (DEC) advised a Memorial had been registered on the Certificates of Title of Lots 500, 93 and 411 - 414 that the site classification is 'possibly contaminated – investigations required'.

The other Council owned Lot 40 Langton Road is not subject to the possible contamination matter.

Lot 500 was owned by the Crown. Even though it was Crown land, the Council is the agency responsible for testing for contamination and then cleaning up the site to remove all contamination as it was a Council depot. This would still have been a requirement if for example the Council resolved to hand back the Management Order to the Department or Regional Development and Lands (DRDL).

In a letter dated 20 October 2008 the Manager Development Services wrote to the then Department for Planning and Infrastructure (DPI) and asked whether the Crown would be prepared to sell this Reserve to the Council as a freehold lot for a consideration of \$1.00. This was based on the fact that the Council was required to spend large amounts of money investigating and cleaning up the site and it would be of no advantage to the Council if the land was handed back to the Crown after that.

The DRDL subsequently advised that approval had been given to make Lot 500 available for sale to the Council for the purchase price of \$1.10 (GST inclusive).

The Council at its meeting held on 27 October 2009 resolved:

*'That:*

- 1. The purchase of Lot 500 (Reserve 6491) Marion Street, Menston Street, Mount Barker (former depot site) from the Department of Regional Development and Lands for the purchase price of \$1.10 (including GST) be approved.*
- 2. The express conditions regarding decontamination of the site be acknowledged.*
- 3. Chief Executive Officer be authorised to complete all necessary documentation for the purchase.'*

The current investigation of the former depot site for contamination commenced in late 2007 with the engagement of environmental consultants (360 Environmental). Essentially what is required is for environmental consultants to investigate the site, recommend remedial works and for a DEC accredited independent auditor to review the report and issue a Mandatory Audit Report (MAR). Once that MAR is submitted to the DEC, the EPA will then commence the necessary action to remove the Memorials off the Certificates of Title for the lots concerned.

A spreadsheet attached describes when and to whom various expenditure was paid in the current investigation. The majority of the expenditure is to 360 Environmental with the remainder to the auditor. It is clear the work done by 360 Environmental has not been to the satisfaction of the auditor who has requested clarification of details or further site verification.

On matters such as site contamination from past land uses, there are very strict procedures set in place by the EPA. In purchasing Lot 500 from the Crown for \$1.10, the possible contamination of the site was recognised as the major reason for the reduced purchase price agreed to by DRDL.

### **STATUTORY ENVIRONMENT**

Contaminated Sites Act 2003 – Memorials on Titles advising of possible contamination.

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS) – Lots 500, 411 - 414 and 93 are in a Public Purpose (Council Depot) Reserve. Lot 40 Langton Road is zoned Residential (R12.5/20).

### **EXTERNAL CONSULTATION**

There has been extensive liaison between the environmental consultants, the auditor and the Council's Environmental Health Officer.

### **FINANCIAL IMPLICATIONS**

Earlier investigation of the site by Wood and Grieve in 2003 cost \$15,900.00. The removal of the underground fuel tanks in 2004 cost \$4,000.00. The Detailed Site Investigation of 2005 was prepared in house by staff.

The spreadsheet attached details money spent on the current environmental investigation for the decontamination of the site.

A detailed feature survey of the site was carried out by 35 Degrees South to identify site features and lot boundaries in 2010 at a cost of \$2,970.00 (including GST).

The purchase of Lot 500 cost \$1.10 (including GST) and the legal fees for the purchase cost \$974.24.

Additional funds will be required to be set aside in the 2013-14 Annual Budget for 360 Environmental to complete investigation required by the auditor and for the auditors' final MAR.

### **ASSET MANAGEMENT IMPLICATIONS**

The total site consisting of Lots 500, 93, 411 – 414 and 40 Menston Street, Marion Street and Langton Road is owned by the Council and is 1.22ha in area. Once the decontamination of the site is completed and the Memorials removed from the Certificates of Title, the Council will need to determine what it intends to do with the land. One possible option is to rezone Lots 500, 93 and 411 – 414 to Residential with a view to either subdividing the land into residential lots for sale or selling the total landholding including the already zoned Residential Lot 40 Langton Road to a developer.

### **OFFICER COMMENT**

The possible contamination and resultant clean up of the site is the responsibility of the Council.

The DRDL applied a series of express conditions to the contract of sale documentation. Those express conditions relate to the possible contamination of the site and clearly placed the responsibility on the purchaser (Council).

As described above, the site investigation works must be carried out by environmental consultants and 360 Environmental was engaged to carry out this work. The investigation and recommended remedial works then needs to be signed off by a DEC accredited auditor before the site can be classified as decontaminated and the Memorials regarding 'possible contamination' being removed from the Certificates of Title.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

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

**That the report prepared by the Manager Development Services regarding the environmental investigations for remedial works at the former Shire depot at Lots 500, 93, 411 – 414 and 40 Menston Street, Marion Street and Langton Road, Mount Barker be received.**

### **AMENDMENT**

**Moved Cr J Moir, seconded Cr B Bell:**

**That a part 2 be added to the motion as follows:**

**'That a letter be prepared for the Minister for Environment Hon A P Jacob JP advising the Minister of the Council's concerns relating to the lengthy, expensive and lack of a finite process for decontamination issues involving the former depot site referred to in part 1 above.'**

**and the motion be re-cast accordingly.**

**CARRIED (7/0)**

**NO. 97/13**

**COUNCIL DECISION****That:**

- 1. The report prepared by the Manager Development Services regarding the environmental investigations for remedial works at the former Shire depot at Lots 500, 93, 411 – 414 and 40 Menston Street, Marion Street and Langton Road, Mount Barker be received.**
- 2. A letter be prepared for the Minister for Environment Hon A P Jacob JP advising the Minister of the Council's concerns relating to the lengthy, expensive and lack of a finite process for decontamination issues involving the former depot site referred to in part 1 above.**

**CARRIED (7/0)****NO. 98/13**

3:32pm Cr G Messmer returned to the meeting.

**9.1.3 TOWN PLANNING SCHEME POLICY NO. 22 – ADVERTISING SIGNS**

<b>File No:</b>	<b>N26805</b>
<b>Attachments:</b>	<a href="#"><u>TPS Policy No. 22</u></a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 May 2013</b>

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**PURPOSE**

The purpose of this report is to consider draft Town Planning Scheme (TPS) Policy No. 22 Advertising Signs, to enable it to be advertised for public comment.

**BACKGROUND**

There has been a lack of policy guidance for the control of advertising signage within the Shire of Plantagenet. In order to ensure proper and orderly planning and to preserve amenity, particularly from a visual perspective, draft TPS Policy No. 22 Advertising Signs has been prepared for the Council's consideration.

Draft TPS Policy No. 22 is a comprehensive document providing guidance and direction when considering proposals for advertising signs. If adopted, the policy will apply throughout the whole of the Shire of Plantagenet including the townsites of Mount Barker and Kendenup, the rural districts and the rural villages of Narrikup, Porongurup and Rocky Gully.

A workshop was held with Councillors on 30 April 2013 to discuss the intentions of the draft policy.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005 – S 150 provides the head of power for regulating signs and advertising devices under local planning schemes.

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

Clause 5.6 'Control of Advertisements', which reads:

***5.6 CONTROL OF ADVERTISEMENTS******5.6.2 Power to Control Advertisements***

***5.6.2.1 For the purpose of this Scheme, the erection, placement and display, and, subject to the provisions of Clause 5.6.6, the continuance of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such a planning consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Bylaws.***

5.6.2.2 *Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Part 6 of the Scheme and shall be accompanied by completed Additional Information Sheet in the form set out at Schedule 9 giving details of the advertisement(s) to be erected, placed or displayed on the land.*

5.6.5 *Exemptions from the Requirement to Obtain Consent*

*Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 5.6.2.1, the Council's prior consent is not required in respect of those advertisements listed in Schedule 10 which for the purpose of this Part are referred to as 'exempted advertisements.'*

*The exemptions listed in Schedule 10 do not apply to places, buildings, conservation areas or landscape protection zones which are either:*

- (i) listed by the National Trust;*
- (ii) listed on the register of the National Estate;*
- (iii) included in local authority town planning schemes because of their heritage or landscape value.*

5.6.6 *Discontinuance*

*Notwithstanding the Scheme objectives and clause 5.6.5 where in the opinion of the Council, an exempted or existing advertisement so seriously conflicts with the objectives of this Part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.'*

Clause 7.6 'Power to Make Policies', which reads:

**'7.6 POWER TO MAKE POLICIES**

7.6.1 *In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.*

7.6.2 *A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*

- (a) the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
- (b) the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;*
- (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

7.6.3 *A Town Planning Scheme Policy may only be altered or rescinded by:*

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- (a) *preparation and final adoption of a new policy pursuant to this clause, specifically worded to supercede an existing policy;*
- (b) *publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

7.6.4 *A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives.'*

## **EXTERNAL CONSULTATION**

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft policy once a week for two consecutive weeks within a newspaper circulating within the area. The advertisement is required to contain details of where the draft policy may be inspected and in what form submissions can be made during a period of not less than 21 days.

## **FINANCIAL IMPLICATIONS**

The cost of advertising will be met from the Town Planning Advertising Budget.

## **POLICY IMPLICATIONS**

This is a new Town Planning Scheme Policy.

## **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:

*'Strategy 2.2.3 – Control advertising signage'*

## **OFFICER COMMENT**

The purpose of this policy is to guide the design, materials and siting of advertising structures and signs in the Shire of Plantagenet and to provide a clear direction in respect to all advertising sign types.

The policy intends to safeguard visual amenity and enhance traffic safety affected by a range of different advertising signs. It further prescribes the standards, location, height, bulk, scale and appearance of advertising signs and structures.

This draft should be advertised for a period of 21 days to enable public and stakeholder comment to be obtained before a final decision is made by the Council.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr J Moir:

That:

1. Draft Town Planning Scheme Policy No. 22 – Advertising Signs be advertised in accordance with Clause 7.6.2 (a) of the Shire of Plantagenet Town Planning Scheme No. 3 for a period of 21 days.
2. At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held on 27 August 2013.

**CARRIED (8/0)**

**NO. 99/13**



## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 RUBBISH COLLECTION - ROCKY GULLY TOWNSITE

**File No:** N26944  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Vanessa Ward  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 28 May 2013

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#### **PURPOSE**

The purpose of this report is to recommend the introduction of a kerbside rubbish and recycling collection for residential households within the Rocky Gully townsite.

#### **BACKGROUND**

At a workshop held on 28 March 2013, Councillors discussed introducing a domestic kerbside waste collection for residential households within the Rocky Gully townsite.

Warren Blackwood Waste has offered the service at the rates currently being charged in their existing tender.

#### **STATUTORY ENVIRONMENT**

Waste Avoidance Resource and Recovery Act 2007.

#### **EXTERNAL CONSULTATION**

Submissions regarding the introduction of a waste collection service for the Rocky Gully townsite were invited from interested or affected parties, by advertisement in the Plantagenet News.

#### **FINANCIAL IMPLICATIONS**

To implement a waste collection service at Rocky Gully, funds of approximately \$4,500.00 will be required to supply each eligible resident with a household waste and a recycling rubbish bin. It is recommended that this sum be sourced from savings in the domestic recycling bin rollout rather than the full quantum of savings being transferred to the Waste Disposal Reserve. There are savings in the order of \$4,500.00 in the domestic recycling bin fund.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012 -2022 provides at Outcome 2.9 (Integrated waste management) the following Strategy:

*'Strategy 2.9.5 – Investigate and implement recycling capability'*

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**OFFICER COMMENT**

Two comments were received regarding the introduction of a kerbside rubbish collection in Rocky Gully. One was against the idea due to the cost. The second call expressed support for the proposed waste collection service.

While the community in Rocky Gully would appear to be ambivalent about the proposal, the introduction of kerbside collection of both domestic refuse and recycling in Rocky Gully is recommended.

It is proposed to supply eligible residents in the Rocky Gully townsite with a 240litre recycling bin and 120litre household waste bin as a means of encouraging residents to utilise the service. Residents will then receive the same level of service that is currently provided to other townsites within the Shire of Plantagenet.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

Moved Cr J Moir, seconded Cr B Bell:

That:

1. **A domestic kerbside refuse and recycling collection be commenced for residents in the Rocky Gully townsite effective 1 July 2013.**
2. **Rocky Gully townsite residents be provided with one 120L Blue Mobile Garbage Bin and one 240L Green Mobile Recycling Bin for each residential property in the Rocky Gully townsite.**
3. **The 2012/2013 Budget be amended as follows:**

<b>Account</b>	<b>Description</b>	<b>Original/Amended Budget</b>	<b>New Budget</b>	<b>Net Cash Amount</b>
50850.0006	Purchase of Domestic Recycling Bins	\$ (60,000)	\$ (64,500)	\$ (4,500)
50301.0398	Transfer to Reserve Funds	\$ (622,823)	\$(618,323)	\$ 4,500
	<b>Total</b>	<b>\$ (682,823)</b>	<b>\$(682,823)</b>	<b>\$ -</b>

Breaking Down of Complex Question

Pursuant to Standing Order 9.4 the Presiding member directed that the motion be considered as two separate motions, part 1 and parts 2 and 3.

**Moved Cr J Moir, seconded Cr B Bell:**

**That a domestic kerbside refuse and recycling collection be commenced for residents in the Rocky Gully townsite effective 1 July 2013.**

**CARRIED (6/2)**

**NO. 100/13**

**Moved Cr A Budrikis, seconded Cr S Etherington:**

**That:**

- 1. Rocky Gully townsite residents be provided with one 120L Blue Mobile Garbage Bin and one 240L Green Mobile Recycling Bin for each residential property in the Rocky Gully townsite.**
- 2. The 2012/2013 Budget be amended as follows:**

<b>Account</b>	<b>Description</b>	<b>Original/Amended Budget</b>	<b>New Budget</b>	<b>Net Cash Amount</b>
50850.0006	Purchase of Domestic Recycling Bins	\$ (60,000)	\$ (64,500)	\$ (4,500)
50301.0398	Transfer to Reserve Funds	\$ (622,823)	\$(618,323)	\$ 4,500
	<b>Total</b>	<b>\$ (682,823)</b>	<b>\$(682,823)</b>	<b>\$ -</b>

## **AMENDMENT**

**Moved Cr G Messmer, seconded Cr J Moir:**

**That in part 1 of the motion the words 'at a cost of \$66.00 (GST inc) payable over 2 years in two equal moieties' be added after the words 'Garbage Bin' and the words 'at a cost of \$90.00 (GST inc)' be added after the words 'Recycling Bin'.**

**CARRIED (6/2)**

**NO. 101/13**

**COUNCIL DECISION**

That:

1. Rocky Gully townsite residents be provided with:
  - a) one 120L Blue Mobile Garbage Bin at a cost of \$66.00 (GST inc) payable over 2 years in two equal moieties; and
  - b) one 240L Green Mobile Recycling Bin at a cost of \$90.00 (GST inc) for each residential property in the Rocky Gully townsite.
2. The 2012/2013 Budget be amended as follows:

Account	Description	Original/Amended Budget	New Budget	Net Cash Amount
50850.0006	Purchase of Domestic Recycling Bins	\$ (60,000)	\$ (64,500)	\$ (4,500)
50301.0398	Transfer to Reserve Funds	\$ (622,823)	\$(618,323)	\$ 4,500
	<b>Total</b>	<b>\$ (682,823)</b>	<b>\$(682,823)</b>	<b>\$ -</b>

be endorsed.

CARRIED (8/0)

NO. 102/13

Absolute Majority

## 9.2.2 CHANGES TO WASTE SERVICES – KAMBALLUP WASTE SITE AND PORONGURUP TRANSFER STATION

**File No:** N26870  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Vanessa Ward  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 28 May 2013

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### PURPOSE

The purpose of this report is to consider altering the opening times at the Kamballup Waste Site and the Porongurup Transfer Station.

### BACKGROUND

At a workshop held on 28 March 2013, Councillors discussed a request to alter the opening hours of the Kamballup Waste Site. The site currently operates between 10.00am and 1.00pm on Sundays. It was proposed to change the opening times to 8.00am to 11.00am on Sundays.

At a community meeting held on 11 April 2013 in the Porongurup Hall, the community expressed a need to have the Porongurup Transfer site open on Mondays which will allow for businesses to dispose of waste after the weekend.

### STATUTORY ENVIRONMENT

Waste Avoidance Resource and Recovery Act 2007.

### EXTERNAL CONSULTATION

Submissions for a change to the Kamballup Waste Site hours were invited from interested or affected parties, by advertisement in the Plantagenet News.

Porongurup residents attended the community meeting held 11 April 2013.

### FINANCIAL IMPLICATIONS

The hours, if changed at both the Kamballup Waste Site and Porongurup Transfer Station, will be cost neutral.

### POLICY IMPLICATIONS

There are no policy implications for this report.

### STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012 -2022 provides at Outcome 2.9 (Integrated waste management) the following Strategy:

*'Strategy 2.9.2 – Manage existing waste disposal sites and transfer stations in accordance with legislative requirements'*

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**OFFICER COMMENT**

The proposed changes to the Kamballup Waste Site operating hours and the kerbside collection for Rocky Gully were advertised in the Plantagenet News with submissions closing on 8 May 2013. No submissions or comments were received about the proposed changes to the opening hours at the Kamballup Waste Site.

It was considered not to be necessary to invite comments regarding the opening hours at the Porongurup Transfer Station as this was discussed at the community meeting held on the 11 April 2013. Those in attendance were in agreement that there was a need to be able to access the site on Mondays, especially for businesses who need to dispose of waste after the weekend. The changes proposed will not have a financial impact on the operation as the same amount of weekly hours have been allocated, although the station will be closed one hour earlier on a Wednesday and Saturday. The proposed hours of operation for the Porongurup Transfer Station would be:

Monday	9.00am – 11.00am
Wednesday	12.00pm – 3.00pm
Saturday	10.00am – 3.00pm

The Kamballup Waste Site new hours would be:

Sunday	8.00am – 11.00am.
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**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr B Bell:

That:

1. **Kamballup Waste Site opening hours be amended to 8.00am – 11.00am Sundays, effective from 1 July 2013.**
2. **Porongurup Transfer Station opening hours be amended to:**

<b>Monday</b>	<b>9.00 am – 11.00 am</b>
<b>Wednesday</b>	<b>12.00 pm – 3.00 pm</b>
<b>Saturday</b>	<b>10.00 am – 3.00 pm</b>

**Effective from 1 July 2013.**

**CARRIED (8/0)**

**NO. 103/13**

**9.2.3 WASTE AND RECYCLE CONFERENCE 2013**

**File No:** N26089  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Vanessa Ward  
Senior Administration Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to recommend two Councillors attend the Waste and Recycle Conference 2013 at the Esplanade Hotel in Fremantle, from 10 to 14 September 2013.

A further purpose of this report is to obtain an early bird discount for payment before 28 June 2013.

**BACKGROUND**

The Council, at its meeting held on 24 July 2012 resolved as follows:

*'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/CS1.'*

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

**FINANCIAL IMPLICATIONS**

The cost of an early bird registration for this conference is \$1,565.00 however, this is depending on the number of days and sessions attended. Further, accommodation, transport and meal costs maybe in the vicinity of \$1,300.00 each.

**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:

*'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 obtained. The conference provides an opportunity for the Council to be kept updated with the latest waste management developments.

The Council's annual budget for waste management is \$713,039.00. This figure equates to the second largest operation expenditure (behind roads), each year in the Council's annual budget. It is therefore recommended that two Councillors attend the conference.

The Manager Works and Services will be unable to attend and the Chief Executive Officer or Principal Works Supervisor may attend as recommended by the Chief Executive Officer.

This year's theme for the conference is 'Revolution in Role and Responsibilities'.

Information on the proposed topics is yet to be published, however it is worth noting that previous attendances to the Waste Conference, has provided valuable information to Staff and Councillors.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That authority be granted to Cr Etherington, Cr Messmer and Cr Handasyde to attend the Waste and Recycle Conference 2013 to be held at the Esplanade Hotel in Fremantle from 10 to 13 September 2013 inclusive, and accommodation, transport and meal costs be met from account 'Councillor Conferences Training and Accommodation' pursuant to Council Policy CE/CS/1.**

**CARRIED (8/0)**

**NO. 104/13**



**9.2.4 AUTHORITY TO SIGN AND AFFIX COMMON SEAL - LICENCE AGREEMENT UNALLOCATED CROWN RESERVE**

**File No:** N26984  
**Attachments:** [Section 91 Licence](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Vanessa Ward  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to grant authority to the Shire President and Chief Executive Officer to sign and affix the Common Seal to a Section 91 Licence between the Shire of Plantagenet and Department of Regional Development and Lands.

**BACKGROUND**

In March 2013 the Shire undertook rehabilitation work on an unallocated Crown reserve on the corner of Newman Street and Spencer Road, Narrikup. This land is vested with the State Government and in the past has been used as a green waste disposal site for Narrikup residents. The green waste on this site has now been removed and it is planned to rehabilitate the area.

The rehabilitation works were carried out for fire prevention measures.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 - Section 9.49A  
Land Administration Act 1997 - Section 91

**EXTERNAL CONSULTATION**

Department of Regional Development and Lands  
Oyster Harbour Catchment Group

**FINANCIAL IMPLICATIONS**

The issuing of the Section 91 Licence will incur a yearly charge of \$1.10 including GST.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.7 (Protection of natural environment) the following Strategy:

*'Strategy 2.7.1 – Provide effective management and maintenance of the Council's land and reserves'*

**OFFICER COMMENT**

The Department of Regional Development and Lands has given verbal authority for the Shire of Plantagenet to finalise the rehabilitation of this area. The area in question is in the vicinity of 39.5ha in area and the rehabilitation will be used as part of the Shire's offset planting for clearing works, if this item is endorsed. It is proposed to replant this area with native species found in the vicinity.

Discussions are currently being held with the Oyster Harbour Catchment Group (OHCG) in relation to the proposed rehabilitation works.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr G Messmer:**

**That authority be granted to the Shire President and the Chief Executive Officer to sign and affix the Common Seal to the Section 91 Licence issued by the Department of Regional Development and Lands for the purpose of rehabilitating the unallocated Crown reserve, located on the corner of Newman Street and Spencer Road Narrikup.**

**CARRIED (8/0)**

**NO. 105/13**

### 9.2.5 MOUNT BARKER URBAN WETLANDS RESTORATION AND RSL MEMORIAL PARK PROJECT

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr A Budrikis. Nature and extent of Interest – Relative of owner of land adjacent to Old Railway Station.

4:06pm Cr A Budrikis withdrew from the meeting.

**File No:** GS/125/40  
**Attachments:** [Concept Plan](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Vanessa Ward & Isabelle Draffehn  
Senior Administration/Project Officer Works  
and Services & Community Development  
Officer  
**Proposed Meeting Date:** 28 May 2013

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#### PURPOSE

The purpose of this report is to itemise capital expenditure and revenue to complete the Wetlands Restoration, seek endorsement of the RSL Memorial Park Plan and to establish annual maintenance and operating plan.

#### BACKGROUND

The Council at its meeting held on 18 October 2011 resolved:

*'That:*

- 1. The Mount Barker Wetlands Development Concept Plan be made available for public comment for a period of 30 days and an advertisement be placed in the Plantagenet News and on the Council's website promoting the opportunity to comment on the plans.*
- 2. A report be presented to the Council following the conclusion of the public comment period in regard to the outcome of the public consultation.'*

and

The Council at its meeting held on 20 December 2011 resolved:

*'That:*

- 1. The Landscape Concept Plan – Mount Barker Wetlands Development dated 13 July 2011 and marked 'Final' be adopted.*
- 2. A costed implementation plan be developed with funding opportunities to be considered by the Council at its meeting to be held on 28 February 2012.'*

The Manager Works and Services presented Councillors with a memorandum on 15 November 2012, which provided a costed implementation plan and highlighted funding opportunities. Included with the memorandum was a copy of the Hydrologist

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report identifying the necessary design and equipment to ensure the wetlands water body functioned efficiently.

### EXTERNAL CONSULTATION

External consultation has occurred with the Public Transport Authority (PTA), Main Roads WA and Brookfield Rail and ongoing consultation is occurring with Mr Doug Ryan (Mount Barker RSL) for stage two of the project.

### FINANCIAL IMPLICATIONS

Financial implications are listed below.

Stage one budget:

Project Components	Expenses	Revenue				
		DEC*	NRM*	WICC*	Shire*	FRRR*
Administration and Audit Costs	\$1,000.00		\$ 1,000.00			
Preliminaries - insurances, mob/demob, fencing, project management and dewatering	\$15,745.00				\$15,745.00	
Survey	\$1,769.00				\$ 1,769.00	
Clearing and site clean-up	\$1,733.00	\$1,733.00				
Topsoil strip and respread batters	\$3,806.00	\$3,806.00				
Cutting ponds to design	\$10,552.00	\$10,552.00				
Shape and trim ponds	\$4,128.00		\$4,128.00			
Removing spoil from site	\$15,331.00	\$5,878.00			\$ 9,453.00	
Pond retaining walls	\$17,702.00	\$6,830.00	\$10,872.00			
Reinstatement of drainage pipes into pond areas	\$4,392.00	\$4,392.00				
Drainage and rock pitching	\$11,809.00	\$6,809.00	\$5,000.00			
Site clean-up	\$842.00				\$ 842.00	
Installation of solar pump for water flow	\$28,948.00				\$28,948.00	
Power connection for pump	\$12,658.00				\$12,658.00	
Pond plantings and landscaping	\$30,000.00		20,000.00	\$5,000.00		\$5,000.00
<b>Total</b>	<b>\$160,415.00</b>	<b>\$40,000.00</b>	<b>\$41,000.00</b>	<b>\$5,000.00</b>	<b>\$69,415.00</b>	<b>\$5,000.00</b>

- \* Department of Environment and Conservation
- \* Department of Agriculture - Natural Resource Management
- \* Wilson Inlet Catchment Committee
- \* Shire of Plantagenet
- \* Foundation for Regional and Rural Renewal

It is anticipated that there will be an annual cost of approximately \$1,500.00 per year for the electricity to the pump.

All funding components and revenue of stage one of the project are confirmed.

The stage two budget based on the attached concept plan:

Project Components	Expenses		Revenue	
Arches x 3	Iron	\$1,500.00		
	Pillars	\$7,500.00		
	Materials	\$800.00		
Story Boards x 4	large logs, saw milled	\$3,000.00		
	bronze plaques for storyboards (2 x 0.5metres)	\$16,000.00		
Seating	Park Benches x 3	\$3,060.00		
Additional signage	Street signage	\$6,000.00		
			Lotterywest Funding	\$37,860.00
Board Walks		\$86,955.00		
			Department of Veterans Affairs	\$86,955.00
Plinths x 12	Stone & labour	\$3,800.00		
Plaques for Plymths x 12	Cast Bronze Plaques	\$13,008.00		
			Bendigo Bank Community Grant 2013	\$5,000.00
			Shire Community Grant 2013	\$5,000.00
			Mount Barker Co-op donation	\$5,000.00
			RSL Mount Barker contribution	\$1,808.00
<b>Total</b>		<b>\$141,623.00</b>		<b>\$141,623.00</b>

Since the original costing of the RSL components of the project, Mr Doug Ryan has sourced additional quotes for signage, logs, arches, plinths, seating and the boardwalks. The Manager Works and Services will review these quotes and integrate those that are suitable and/or provide cost savings when finalising the stage two details.

Grant applications have been submitted to the Bendigo Bank (Mount Barker Community Bank), the Shire of Plantagenet Financial Assistance Grants 2013/2014 and to the Co-op Community Grants Round 2013/2014.

Department of Veterans Affairs and Lotterywest Funding will also be sought upon approval of the stage two concept.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

Once completed the Wetlands area will be included in the Parks and Gardens maintenance. It is estimated that the maintenance of this area will be approximately three hours per fortnight (two staff), equating to approximately \$210.00 per fortnight. The current mowing and maintenance for this area is a scheduled three hours, so this shall remain cost neutral.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012–2022 provides at Outcome 2.3 (Pleasant streetscapes, open spaces, parks and gardens) the following Strategy:

*‘Strategy 2.3.2 – Develop, maintain and enhance town streetscapes and public spaces’*

and

Further, at Outcome 2.7 (Protection of natural environment) the following Strategy:

*‘Strategy 2.7.4: Promote and support community based environmental initiatives and protections’*

**OFFICER COMMENT**

The Mount Barker Urban Wetlands Restoration and the proposed RSL Memorial Park Project consists of two stages.

Stage one incorporates the construction of three ponds situated on the eastern side of the railway line parallel to Albany Highway and south of the railway station, adjacent to the Mount Barker Visitor Centre. A series of open drains will be converted into the three landscaped and vegetated ponds. The townsite and railway precinct storm water will be directed into the ponds and will create a unique habitat of native fauna and flora. A major ecological benefit of these ponds will be the removal of contaminants from the water and the reduction of the impact of salinity.

Stage two of the project entails the construction of the ‘We Remember Them’ Park which proposes to incorporate boardwalks and walkways, arches, plaques, interpretive signage and seating around the wetland ponds. This stage is a joint initiative of the Mount Barker Returned and Services League (RSL) sub-branch and the Shire of Plantagenet. It will be a tribute to the citizens of the Shire of Plantagenet who served Australia during war times. This project will play a significant role in improving the area and will be linked in with other townsite facilities such as the existing war memorial, the Nature Based Playground, the Skate Park and the public toilets.

Approval is now being sought from the Council for stage two of this project. Grant funds have been sought from the Bendigo Bank (Mount Barker Community Bank), Shire of Plantagenet and the Mount Barker Co-Op. If stage two of the project is

approved, funding applications will be submitted to the Department of Veteran Affairs, Lotterywest and other potential funding bodies. If only partial funding of stage two is achievable, it is proposed that the walkways, arches, plaques, interpretive signage and seating be progressed, with the boardwalk component being delayed until funds are available.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That:**

- 1. The plans for the proposed stage two (as attached) of the Mount Barker Urban Wetlands Restoration and RSL Memorial Park Project dated 15 May 2013 be approved and works progressed as funds become available.**
- 2. The capital expenditure of \$141,623.00, revenue and estimated maintenance costs of \$210.00 per fortnight for stages one and two of the Mount Barker Urban Wetlands restoration and RSL Memorial Park project be noted.**

**CARRIED (6/1)**

**NO. 106/13**

4:11pm Cr A Budrikis returned to the meeting.

## 9.2.6 POLICY REVIEW - NOTICE OF ENTRY FOR PUBLIC SERVICES AND UTILITIES

**File No:** N25930  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Kaye Skinner  
Works Administration Officer  
**Proposed Meeting Date:** 28 May 2013

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### PURPOSE

The purpose of this report is to review Council Policy No. I/R/12 Notice of Entry for Public Services and Utilities.

### BACKGROUND

This policy was last reviewed by the Council on 1 March 2011.

### STATUTORY ENVIRONMENT

Utility Providers Code of Practice for Western Australia 2010  
Restoration and Reinstatement Specification for Local Governments 2002  
Environmental Protection (Clearing of Native Vegetation) Regulations 2004

### FINANCIAL IMPLICATIONS

There are no financial implications for this report.

### POLICY IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

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

*'Strategy 2.4.1 - Maintain and further develop roads and pathways at appropriate standard'*

### OFFICER COMMENT

This policy provides clear guidelines for utility service providers in undertaking public service and utility work within Shire owned or managed property. This Policy is working well and it is recommended that no changes be made.

### VOTING REQUIREMENTS

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That reviewed Council Policy No. I/R/12 – Notice of Entry for Public Services and Utilities:

**‘OBJECTIVE**

To provide clear guidelines to the Council, its officers and public utility companies and their contractors regarding the undertaking of public service and utility work within the Shire of Plantagenet.

**POLICY**

The Council will provide a letter of approval for public services and utilities works to occur within the Shire of Plantagenet provided that the Manager Works and Services is satisfied with the proposed works and provided that the following conditions are adhered to by the utility company:

1. Should it be necessary to carry out the installation of underground services beneath a road pavement, approval must be sought from the Manager Works and Services prior to undertaking the works.

The following options are available where it is necessary to place underground services beneath the road pavement:

- a) Trenchless technology methods;
- b) Utilise existing conduits / culverts; or
- c) Trench excavation and reinstatement.

Where underground services are to be placed beneath the road pavement and any existing conduits or culverts cannot be used, preference will be given to the use of trenchless technology methods. In the case of trench excavation and reinstatement, an appropriate ‘defects liability period’ will be applied to the reinstated work.

2. All trenches located within the road reserve shall be backfilled with quality material and suitably compacted following installation of plant or underground services. The finished surface level of the compacted backfill material shall generally match the existing surface profile of the road reserve.
  3. All disturbed areas shall be reinstated to pre-existing conditions following completion of the works. As a minimum, areas denuded by installation of plant or underground services shall be top soiled, turfed and regularly watered following completion of the works.
  4. All utility holes, inspection points and/or other permanent above ground features, which are to be located within the road reserve, shall be flush with the natural ground to avoid potential trip hazards.
  5. No fixed plant (pits, inspection holes, inspection points etc) or cabling shall be constructed either near or within existing road formation. This will ensure that, should the Council ever widen the road, the fixed plant/cable is sufficiently clear of the works.
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6. All cabling shall be laid to the following depths:
  - a) Under roads – minimum 1.0 metre
  - b) Within verges – minimum 0.75 metre
  - c) Within public open space – minimum 0.75 metre
7. Where work is likely to affect vehicular access to private properties, every attempt shall be made to accommodate the needs of landowners/residents regarding entry and/or exit from the property.
8. A minimum of one trafficable lane shall remain open to the public at all times and traffic control shall be employed during the course of the works. A copy of the Traffic Management Plan shall be forwarded to the Manager Works and Services for consideration.
9. The finished condition of the road and/or road reserve shall be to the satisfaction of the Manager Works and Services.
10. Where work is to be carried out within privately or publicly owned land, the affected property owners shall be notified in writing of the utility's intent to install plant/cabling. All areas denuded or affected by the works within privately owned land or public open space shall be made good upon completion of the works.
11. Where any removal of vegetation is required then the relevant clearing permits must be obtained from the Department of Environment and Conservation prior to the seeking of consent from the Council.
12. All works are to comply with the Utility Providers Code of Practice for Western Australia, effective 1 February 2010, and the Restoration and Reinstatement Specification for Local Governments in Western Australia, effective October 2002.'

be endorsed.

**CARRIED (8/0)**

**NO. 107/13**

**9.2.7 POLICY REVIEW - VEHICLE CROSSOVERS**

**File No:** N26913  
**Attachments:** [I/R/13 Vehicle Crossover](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Kaye Skinner  
Works Administration Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to review Council Policy No. I/R/13 Vehicle Crossovers.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 12 April 2011.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 - Schedule 9.1 Clause 7  
Local Government (Uniform Local Provisions) Regulations 1996 - landowners must make application to the Council for approval to construct a crossover.

**FINANCIAL IMPLICATIONS**

An amount of \$3,000.00 is included in the budget for the Council's costs associated with contributions to vehicle crossovers.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

*'Strategy 2.4.1 - Maintain and further develop roads and pathways at appropriate standards'*

**OFFICER COMMENT**

Crossovers must be constructed to the satisfaction of the Council.

This Policy is considered relevant and should be retained, subject to the Council contributions being adjusted in line with the adopted fees and charges.

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr M Skinner, seconded Cr S Etherington:

That amended Council Policy No. I/R/13 Vehicle Crossovers:

**OBJECTIVE:**

To ensure a uniform approach for the construction of vehicle crossovers in line with the Council guidelines.

**POLICY:**

1. Specification for the Construction of Vehicle Crossovers as adopted by the Council from time to time form part of this policy.
2. Within townsites, sealed crossings of concrete, brick paving, asphalt or other acceptable surface to the satisfaction of the Manager of Works and Services are required where the crossing adjoins a sealed road.
3. All other crossovers shall contain gravel consisting of a minimum thickness of 200mm.
4. The Council contributions will not apply where the crossing is constructed as a result of subdivisional and development consent.
5. The Council will contribute half the cost of a standard crossover (one crossover to a property) subject to the crossover being deemed to conform to the specifications.
6. Once constructed, crossovers are to be maintained at the expense of the property owner, who shall ensure that the Council's property including the adjacent road pavement, its kerbing, footpaths, landscaping or irrigation services are neither damaged nor reduced in serviceability by the installation of the crossover.
7. The Council may issue a notice in writing pursuant to the Local Government (Uniform Local Provisions) Regulations 1996 to the owner or occupier of private land requiring the person to repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice, the Council may repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person.'

be endorsed.

**CARRIED (8/0)**

**NO. 108/13**

**9.2.8 POLICY REVIEW - VEHICLE USAGE**

**File No:** N26914  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Kaye Skinner  
Works Administration Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

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

**BACKGROUND**

This policy was reviewed by the Council on 24 May 2011.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 4.5 (Skilled, committed and professional staff in a supportive environment) the following Strategy:

*‘Strategy 4.5.4 - Maintain and develop human resource management policies, procedures and systems for current and future workforce needs’*

**OFFICER COMMENT**

This Policy is considered relevant and should be retained. The Chief Executive Officer has delegated authority for the use of vehicles.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr L Handasyde:

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

**OBJECTIVE**

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

**DEFINITIONS**

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

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

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

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

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

**POLICY:**

1. The full private use of vehicles be available only to employees where negotiated as a condition of their contract of employment.
2. Other officers may negotiate restricted private use or commuter use of Shire vehicles with the Chief Executive Officer.
3. All Council owned vehicles be pool vehicles available for use by Council employees and Councillors at all times when required for Council purposes.
4. A designated driver shall be an employee of the Shire of Plantagenet who:
  - i) Has been assigned the vehicle as part of their contract of employment; and
  - ii) Holds a current Western Australian C (Car) or CA (Car Automatic) driver’s licence or equivalent; and
  - iii) Is responsible for the care and management of the vehicle.
5. An authorised driver shall be:
  - i) The holder of a current Western Australian C (Car) or CA (Car Automatic) driver’s licence or equivalent; and

- 
- ii) Any employee or Councillor other than the designated driver on Shire of Plantagenet business who is required to drive the vehicle as part of their duties and responsibilities; or
  - iii) The designated driver's spouse or partner; or
  - iv) Any other person authorised in writing by the Chief Executive Officer; or
  - v) Any other person provided a designated driver is physically present in the vehicle.
6. The designated regions for full private use shall be unless otherwise set out in the Officer's contract of employment:
    - i) For the Chief Executive Officer and Managers throughout Western Australia; and
    - ii) For all other Officers adjoining Shires and to Perth.
  7. Full private vehicle use does not include annual leave or long service leave unless prior written approval is provided by the Chief Executive Officer, or as specifically written in the Officer's contract of employment.
  8. Any personal items left in Council vehicles are not insured under the Council's insurance policy if stolen or damaged and are therefore solely the responsibility of the owner of the personal items.

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

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

1. Smoking is strictly prohibited within Council motor vehicles at all times.
2. The motor vehicle shall be operated in a reasonable manner in accordance with all relevant acts, regulations and Council policies. The designated driver, his/her spouse/partner, or any other authorised person who drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle.
3. The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the designated driver to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water and correct tyre pressure in between scheduled servicing. Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the designated driver to ensure that the first aid kit or fire extinguisher is adequately stocked or charged at all times or replacement stock ordered through the Council's Works and Services section when used/expired.
4. The authorised person shall comply with the following conditions in respect to the motor vehicle in his/her care:
  - i) Advise the Council's Works and Services section when scheduled servicing of the motor vehicle is due;
  - ii) Wash, clean and vacuum the motor vehicle as often as required;

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

be endorsed.

**CARRIED (8/0)**

**NO. 109/13**



### 9.3 COMMUNITY SERVICES REPORTS

#### 9.3.1 ANNUAL FIREBREAK AND FIRE HAZARD REDUCTION NOTICE 2013/2014

<b>File No:</b>	<b>I73973</b>
<b>Attachment:</b>	<a href="#">Annual Firebreak and Fire Hazard Reduction Notice 2013/2014</a>
<b>Responsible Officer:</b>	<b>Nicole Selesnew Manager Community Services</b>
<b>Author:</b>	<b>Isabelle Draffehn Community Development Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 May 2013</b>

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#### **PURPOSE**

The purpose of this report is to endorse the Annual Firebreak and Fire Hazard Reduction Notice – 2013/2014 (AFN) for gazettal, publication and distribution to owners of land within the Shire of Plantagenet.

#### **BACKGROUND**

The Shire of Plantagenet publishes an AFN for distribution to all landholders, which is posted with the Rates Notice.

The content of the AFN has been reviewed by the Firebreak Notice Group on 23 April 2013 and discussed at the 1 May 2013 Bush Fire Advisory Committee (BFAC) meeting. The group recommended one change to the Camping and Cooking Fires section.

Shire Officers have recommended that administrative changes such as updating dates and brigade contact details also occur.

It should be noted that the Mount Barker Volunteer Fire and Rescue Brigade details have been deleted from the Notice as the Brigade's Annual General Meeting does not occur until June 2013.

#### **STATUTORY ENVIRONMENT**

Bush Fires Act 1954

Planning and Development Act 2005

Western Australian Planning Commission Development Control Policy 3.7 Fire Planning (2001)

Bush Fire Management and Response Plan

Bush Fire Brigades Local Law 2008.

#### **EXTERNAL CONSULTATION**

Consultation has occurred with members of the BFAC and the AFN Review Group.

**FINANCIAL IMPLICATIONS**

Funds have been allocated in the annual budget to facilitate the printing and distribution of the AFN. Printing costs will be in order of \$6,000.00.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

*‘Strategy 1.9.2 – Support the community in emergency and fire management planning, preparedness, response and recovery’*

**OFFICER COMMENT**

The amendments proposed for the 2013/2014 AFN are:

- Under the ‘Important Information and Dates’ tab, ‘Camping and Cooking Fires’ heading remove the superfluous wording ‘...including Good Friday when Good Friday falls outside these dates’. Good Friday does not fall outside the prescribed dates for the next 20 years;
- Updated Brigade and Shire contact details and removal of Mount Barker Volunteer Fire and Rescue Brigade details;
- Amend the date on the front cover of the AFN to 2013/2014; and
- Amend the dates on the Firebreak Exemption form to reflect 2013 and 2014 where appropriate.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr L Handasyde:**

**That the attached Annual Firebreak and Fire Hazard Reduction Notice 2013/2014 be endorsed.**

**CARRIED (8/0)**

**NO. 110/13**

**9.3.2 APPOINTMENT OF BUSH FIRE OFFICER POSITIONS FOR 2013 / 2014**

**File No:** N26859  
**Responsible Officer:** Nicole Selesnew  
Manager Community Services  
**Author:** Isabelle Draffehn  
Community Development Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to recommend the appointment of the Shire of Plantagenet Bush Fire Control Officers, executive Bush Fire Service roles and Bush Fire Advisory Committee Delegates and Proxies for 2013/2014.

**BACKGROUND**

The Shire of Plantagenet appoints delegates to a number of positions on an annual basis in accordance with the Bush Fires Act 1954 and the Shire of Plantagenet Bush Fire Management and Response Plan.

At its meeting held on 1 May 2013, the Shire of Plantagenet Bush Fire Advisory Committee (BFAC) endorsed the nominations for the appointment of the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers, Chief Fire Weather Reporting Officer, Deputy Chief Fire Weather Reporting Officer, Base Radio Operator, Deputy Base Radio Operators, Bush Fire Control Officers and the BFAC Delegates and Proxies of each Bush Fire Brigade for 2013/2014.

Nominations for Fire Control Officers and Deputy and Proxy BFAC members from the Mount Barker Volunteer Fire and Rescue Brigade have not been obtained as this Brigade's Annual General Meeting does not occur until June 2013. These positions will be brought to the Council's attention at a later date.

**STATUTORY ENVIRONMENT**

Bush Fires Act 1954 - Section 38 details the appointment and duties of Bush Fire Control Officers, Dual Bush Fire Control Officers, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Chief Fire Weather Reporting Officer and Deputy Chief Fire Weather Reporting Officer.

The role of Base Radio Operator is defined in the Shire of Plantagenet Bush Fire Management and Response Plan.

Shire of Plantagenet Bush Fire Brigades Local Law 2008.

**EXTERNAL CONSULTATION**

The BFAC has made the recommendations detailed in this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

*‘Strategy 1.9.2 – Support the community in emergency and fire management planning, preparedness, response and recovery’*

**OFFICER COMMENT**

Nominations for the appointment of Bush Fire Control Officers for the Shire of Plantagenet for 2013/2014 are as follows:

Denbarker	Neville Lindberg Warren Drage Norm Handasyde John Rodgers
Forest Hill	Len Handasyde Jason Scherell Matt Candy Craig Lynch Murray McLean
Kendenup	Robert Baines David Burcham Rob Webb Rod Stan-Bishop Brian Harwood Stephen Beech Ken Frost Philip Webb Brian Appleby
Middle Ward	Ian Mackie Greg Sounness Kim Stothard Kevin Forbes
Narpyn	Michael Cave Owen Sounness Stephen Morrow Mark Wallace
Narrikup	Graeme Frusher Warren Forbes Joe Plowright John Pugh Jye Duggan David Fisher Reece Ravenhill
Perillup	Robin Ditchburn
Porongurup	John Russell Ray Williams

	Warren Thomas Brad Cluett
Rocky Gully	Murray Wills Andy Simmons
South Porongurup	Jim Bailey Wayne Mathews
Woogenellup	Grant Cooper Barry Pearce Trevor Pieper Bryce Skinner
Kojaneerup (Dual FCO)	Craig Nelson Ashton Hood
South Stirlings (Dual FCO)	Graeme Pyle Luke Bennett
Shire of Plantagenet	Ray Parry Steve Player Joanne Weekes Mark Vitler

The Shire of Plantagenet BFAC has nominated the following to the Designated Positions for 2013/2014:

Chief Bush Fire Control Officer	Kevin Forbes
Deputy Chief Bush Fire Control Officer No. 1	Murray Wills
Deputy Chief Bush Fire Control Officer No. 2	John Russell
Base Radio Operator	Rosa Wright
Deputy Base Radio Operators	Murray Wills Graeme Pyle Robin Ditchburn Rod Stan-Bishop
Chief Fire Weather Reporting Officer	David Burcham
Deputy Chief Fire Weather Reporting Officer	Craig Lynch

The Shire of Plantagenet BFAC has nominated the following BFAC Delegates and Proxies for 2013/2014:

<b>BRIGADE</b>	<b>DELEGATE</b>	<b>PROXY</b>
Forest Hill	Jason Scherell	Craig Lynch
Kendenup	Brian Appleby	Rob Webb
Narpyrn	Don Steven	Mark Wallace
Porongurup	Dean Willians	John Russell
Rocky Gully	Murray Wills	Andy Simmons
South Porongurup	Jim Bailey	Wayne Matthews
Woogenellup	Mark Adams	Dominic Sawyer
Middle Ward	Ian Mackie	Greg Sounness
Perillup	Robin Ditchburn	Dean Trotter

South Stirlings	Graeme Pyle	Luke Bennett
Narrikup	Graeme Frusher	Warren Forbes
Denbarker	John Rodgers	Geoff Mather

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That:

1. All previous appointments for the positions of Bush Fire Control Officers and designated Bush Fire Service positions for the Shire of Plantagenet be cancelled on 30 June 2013.
2. The following be appointed as Bush Fire Control Officers within the designated Bush Fire Brigade areas for 2013/2014, taking effect from 1 July 2013:

Denbarker	Neville Lindberg Warren Drage Norm Handasyde John Rodgers
Forest Hill	Len Handasyde Jason Scherell Matt Candy Craig Lynch Murray McLean
Kendenup	Robert Baines David Burcham Rob Webb Rod Stan-Bishop Brian Harwood Stephen Beech Ken Frost Philip Webb Brian Appleby
Middle Ward	Ian Mackie Greg Sounness Kim Stothard Kevin Forbes
Narpyn	Michael Cave Owen Sounness Stephen Morrow Mark Wallace
Narrikup	Graeme Frusher Warren Forbes Joe Plowright John Pugh

	Jye Duggan David Fisher Reece Ravenhill
Perillup	Robin Ditchburn
Porongurup	John Russell Ray Williams Warren Thomas Brad Cluett
Rocky Gully	Murray Wills Andy Simmons
South Porongurup	Jim Bailey Wayne Mathews
Woogenellup	Grant Cooper Barry Pearce Trevor Pieper Bryce Skinner
Kojaneerup (Dual FCO)	Crain Nelson Ashton Hood
South Stirlings (Dual FCO)	Graeme Pyle Luke Bennett
Shire of Plantagenet	Ray Parry Steve Player Joanne Weekes Mark Vitler

3. The following be appointed as Designated Bush Fire Service Positions for 2013/2014, taking effect from 1 July 2013:

Chief Bush Fire Control Officer	Kevin Forbes
Deputy Chief Bush Fire Control Officer No. 1	Murray Wills
Deputy Chief Bush Fire Control Officer No. 2	John Russell
Base Radio Operator	Rosa Wright
Deputy Base Radio Operators	Murray Wills Graeme Pyle Robin Ditchburn Rod Stan-Bishop
Chief Fire Weather Reporting Officer	David Burcham
Deputy Chief Fire Weather Reporting Officer	Craig Lynch

4. The following be appointed as Bush Fire Advisory Council Delegates and Proxies for 2013/2014, taking effect from 1 July 2013:

<b>BRIGADE</b>	<b>DELEGATE</b>	<b>PROXY</b>
Forest Hill	Jason Scherell	Craig Lynch
Kendenup	Brian Appleby	Rob Webb
Narpyn	Don Steven	Mark Wallace
Porongurup	Dean Willians	John Russell
Rocky Gully	Murray Wills	Andy Simmons
South Porongurup	Jim Bailey	Wayne Matthews
Woogenellup	Mark Adams	Dominic Sawyer
Middle Ward	Ian Mackie	Greg Sounness
Perillup	Robin Ditchburn	Dean Trotter
South Stirlings	Graeme Pyle	Luke Bennett
Narrikup	Graeme Frusher	Warren Forbes
Denbarker	John Rodgers	Geoff Mather

**CARRIED (8/0)**

**NO. 111/13**



## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 FINANCIAL STATEMENTS – APRIL 2013

<b>File No:</b>	<b>N26846</b>
<b>Attachment:</b>	<a href="#">Financial Statement (separate attachment)</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Brendan Webb</b> <b>Accountant / Office Manager</b>
<b>Proposed Meeting Date:</b>	<b>28 May 2013</b>

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#### **PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 30 April 2013.

#### **STATUTORY ENVIRONMENT**

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

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

The Statement is to be accompanied by:

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

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

#### **VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the Financial Statements for the month ending 30 April 2013 be received.**

**CARRIED (8/0)**

**NO. 112/13**

**9.4.2 LIST OF ACCOUNTS - APRIL 2013**

**File No:** N26894  
**Attachments:** [List of Accounts](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Accounts Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of April 2013.

**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 (12 May 2012). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended April 2013 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$949,179.71; and
2. Municipal Cheques 43692 - 43752 totalling \$121,533.19.

**CARRIED (8/0)**

**NO. 113/13**

**9.4.3 STAGE 1 ASSET MANAGEMENT PLAN - ADOPTION**

<b>File No:</b>	<b>N26902</b>
<b>Attachments:</b>	<a href="#">Stage 1 Asset Management Plan</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 May 2013</b>

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**PURPOSE**

The purpose of this report is to adopt a Stage 1 Asset Management Plan for the Shire of Plantagenet.

**BACKGROUND**

All Councils in WA have been advised that by 1 July 2013, they will need to deliver the following outcomes as part of the new Integrated Planning Framework:

- A long term strategic plan that clearly links the community's aspirations with the Council's vision and long term strategy.
- A corporate business plan that integrates resourcing plans and specific Council plans with the strategic plan.
- A clearly stated vision for the future viability of the local government area.

Asset management is an informing strategy to the Integrated Planning Framework. The Department of Local Government has prepared an Asset Management Framework that defines what local governments should strive to develop.

The Department provided a grant of \$70,000.00 to the Shire to engage consultants to produce a Stage 1 Asset Management Strategy and Plan, undertake asset condition and survey reports and produce a Shire wide gravel re-sheeting program. At this stage, the Asset Management Plan is submitted to the Council for endorsement.

This plan has been developed by consultancy firm Core Business, with input from Shire staff. A Councillor workshop was held on 26 March 2013 to discuss the Asset Management Plan.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 and Local Government (Administration) Regulations 1996

Section 19DA of the Regulations states (in part) that:

- '(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
  - (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
  - (3) A corporate business plan for a district is to —*
-

- (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
- (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
- (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning;*

...

*\* Absolute Majority required.'*

## **EXTERNAL CONSULTATION**

Consultation has taken place with Bruce Lorimer from 'Core Business', the firm contracted to undertake the preparation of the Asset Management Plan.

## **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## **POLICY IMPLICATIONS**

The Council's Asset Management Policy states, in part, that:

*'The Shire of Plantagenet is committed to ensuring that Asset Management is recognised as a major corporate function within the Council and that staff are committed to supporting the function in line with this policy.'*

*To achieve this, the Shire has prepared an Asset Management Improvement Strategy (AMIS) and a Stage 1 Asset Management Plan that will guide the implementation of asset management practices across the organisation with the major outcome being the adoption by the Council of an Asset Management Plan...'*

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012–2022 provides at Outcome 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following Strategy:

*'Strategy 2.6.1 – Develop and implement long-term Service and Asset Management Plans for all Council assets, having regard for current and future asset needs and the Shire's long-term financial plan'*

## **OFFICER COMMENT**

Asset Management is about the Shire having the necessary plans in place to ensure that funds and resources are on hand at the optimum time to renew and replace assets before they wear out and threaten the ongoing delivery of services.

The Council has care, control and management for a vast network of differing assets. Dealing with the competing demands for new services, in addition to the need to renew, refurbish or replace existing assets with the Council's finite resources is a complex issue.

To address this issue, 'informing' strategies are being developed that will help in planning for the future. This document is one such plan and sets out how the Shire will implement and improve asset management practices and processes. A key outcome will be the development of credible asset management plans which link to a long term financial plan setting out what resources can be allocated in the coming years.

This document is a Stage 1 Asset Management Plan that meets core requirements. It is based on a compilation of existing information from across the organisation. There are a number of information and process gaps that need to be filled over time to produce a more comprehensive plan. A number of recommendations cover the identified gaps and the outcome of the financial modelling.

The Plan has been prepared to show how the Shire will manage its infrastructure assets and ensure service delivery continues in line with the aspirations of the community, set out in the Council's Strategic Community Plan and Corporate Business Plan.

The Plan contains the basic tools to enable the Council to make informed decisions on the allocation of resources in order to maintain all major infrastructure assets to a standard which reflects the community's desires and affordability. The plan will ultimately provide guidance on the long-term (20 years) allocation of financial and physical resources required to ensure the continued upkeep of those assets.

The Plan aligns with the Western Australian Asset Management Improvement (WAAMI) Program. The WAAMI Program is aimed at raising awareness of the need for asset management and assists Councils to achieve a nationally consistent standard for asset management.

A key aim of the WAAMI Program is to assist local governments to identify the funding gap between what is currently being spent on renewing and maintaining assets and what realistically needs to be spent in order to retain assets at defined levels of service.

The concept of 'Level of Service' provides the basis for the life cycle management strategies and works programs identified within the Plan. Levels of service support the organisation's strategic goals and are based on customer expectations, statutory requirements, standards and financial capacity of the Shire to deliver those levels of service.

The levels of service will be refined over a period of time to match the expectation of customers. This requires a clear understanding of customer needs, expectations, preferences and their willingness to pay for any increase in the levels of service.

The Plan indicates that there are some significant gaps in knowledge, systems and processes and some of the information is out of date, incomplete or needs to be developed further. This is normal for a 1st cut plan. The plan identifies the current deficiencies and indicates where the Shire needs to do more work to improve asset management in the future.

Further work is being undertaken in regard to asset condition and survey reports for Shire roads and a Shire wide gravel re-sheeting program. This work will assist the Shire in developing Stage 2 Asset Management Plan for road assets. Stage 2 Asset Management Plans will eventually be required for buildings, parks and reserves, waste disposal sites and other assets (including saleyards, cemeteries and radio masts).

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr L Handasyde:**

**That the Shire of Plantagenet Asset Management Plan (Stage 1) as attached, be adopted.**

**CARRIED (7/1)**

**NO. 114/13**

**Absolute Majority**



**9.4.4 COUNCILLORS' ATTENDANCE FEES AND ALLOWANCES**

**File No:** N22879  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to review and recommend adoption of the elected member expenses and allowances for the 2013/2014 financial year.

**BACKGROUND**

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

- Annual attendance fee (Shire President) \$14,000.00
- Annual attendance fees (Councillor) \$7,000.00
- Shire President's Annual Allowance \$5,950.00
- Deputy Shire President's Annual Allowance \$1,487.50

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

**STATUTORY ENVIRONMENT**

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

- Annual attendance fee (Shire President) – Minimum \$6,000.00; Maximum \$14,000.00.
- Annual attendance fees (Councillor) - Minimum \$2,400.00; Maximum \$7,000.00.
- Shire President's Annual Allowance - Minimum \$600; Maximum:
  - \$12,000.00; or
  - 0.002 of the local government's operating revenue, whichever is the greater amount (this currently equates to \$19,132.00 for the Shire of Plantagenet); but in any case no more than \$60,000.00.
- Deputy President's Annual Allowance - minimum \$150.00, Maximum 25% of the Shire President's allowance.

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

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

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

*Absolute majority required.'*

Section 5.99 of the Local Government Act 1995 states that:

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

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

*Absolute majority required.'*

### **FINANCIAL IMPLICATIONS**

An allocation of \$77,244.00 has been made in the 2012/2013 annual budget for elected members' attendance fees and allowances. The outcome of this report will guide the formulation of the 2013/2014 draft budget.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

Elected member attendance fees are currently set at the maximum permitted amount. The Shire President's and Deputy President's Annual Allowances have been increased every year since 2010, but prior to then had not been increased since 2005/2006. It will be recommended that an increase be made to those allowances for the forthcoming financial year in line with the annual Consumer Price Index (All Groups Perth) which is currently 2.4% (and rounded to the nearest \$50.00), to ensure that they keep pace with rising costs.

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

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

While there has been some publicity in regard to this matter recently, there have been no legislative changes to date.

### **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr L Handasyde:

That in accordance with Sections 5.98A (1) and 5.99 of the Local Government Act 1995, elected member attendance fees and allowances for the 2013/2014 financial year be set as follows:

1. Annual attendance fee (Shire President) \$14,000.00
2. Annual attendance fees (Councillor) \$7,000.00
3. Shire President's Annual Allowance \$6,100.00
4. Deputy President's Annual Allowance \$1,525.00

**CARRIED (8/0)**

**NO. 115/13**

**Absolute Majority**

**9.4.5 POLICY REVIEW – INJURY MANAGEMENT AND REHABILITATION**

**File No:** N26876  
**Attachment:** [Policy OP/HRS/1 \(with changes\)](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to review Council Policy OP/HRS/1 – Injury Management and Rehabilitation.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 12 April 2011.

**STATUTORY ENVIRONMENT**

The Workers' Compensation and Injury Management Act 1981 establishes the requirement for an employer to implement return to work programs for its employees.

**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 provides at Outcome 4.5 (Skilled, committed and professional staff in a supportive environment) the following Strategy:

*'Strategy 4.5.2 – Ensure safe work practices through implementation of appropriate Occupational, Health, Safety and Welfare practices'*

**OFFICER COMMENT**

It is a mandatory requirement of WorkCover WA that the Council has in place an injury management process that provides a systematic approach to dealing with injury management and rehabilitation within the workplace. This policy has been amended to reflect the LGIS position that staff on workers' compensation should not work overtime hours. The policy is otherwise considered to be sufficient.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr B Bell:

That amended Council Policy – OP/HRS/1 – Injury Management and Rehabilitation as follows:

**OBJECTIVE:**

To introduce a systematic approach to injury management and rehabilitation.

**POLICY:**

The Council will:

- a) Make provision for the injury management and rehabilitation of all workers who have sustained a compensable work related illness, injury or disability;
- b) Treat all workers with dignity and respect;
- c) Guarantee that all information is treated with sensitivity and confidentiality; and
- d) Return the injured worker to the fullest capacity for gainful employment of which they are capable.

The 'Key Principles of Injury Management', as identified by WorkCover WA, will be adopted. They are:

1. Within the workers' compensation system, return to work is the most appropriate outcome. A return to work focus should be maintained whenever it is medically appropriate.
2. Injury management:
  - a) provides physical, psychological and vocational benefits to workers;
  - b) minimises disruption at the workplace; and
  - c) contains workers' compensation costs.
3. The employer, injured worker and treating medical practitioner are the key parties in injury management. Consultation and communication between the key parties should occur on a regular basis.
4. Timely and appropriate medical treatment should be sought and provided to injured workers.
5. Employers should be directly involved in the management of work injuries and ensure that injury management processes are started early.
6. Vocational rehabilitation is not required for all injured workers but where the key parties agree it is necessary, it should commence as soon as possible, be focused on achieving a return to work outcome and be subject to regular monitoring.

7. The approved insurer should provide effective claims management and active consultation about the direction of the claim with the key parties as required.
8. If an insurer discharges the employer's return to work obligations by acting on behalf of the employer, the insurer should ensure the employer is involved in all return to work decisions and activities.

To assist in the timely and effective injury management of employees, the Chief Executive Officer will appoint an employee to the role of Workplace Injury Management Coordinator as part of their duties, to implement and monitor the injury management and rehabilitation procedures.

The working of overtime hours while in receipt of workers' compensation will not be permitted.'

be endorsed.

**CARRIED (8/0)**

**NO. 116/13**

**9.4.6 POLICY REVIEW – SEXUAL HARASSMENT**

**File No:** N26875  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to review Council Policy OR/HRE/1 – Sexual Harassment.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 12 April 2011.

**STATUTORY ENVIRONMENT**

The Occupational Safety and Health Act 1984 and the Equal Opportunity Act 1984 govern the necessity for employers to provide and maintain a workplace free from harassment.

**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 provides at Outcome 4.5 (Skilled, committed and professional staff in a supportive environment) the following Strategy:

*‘Strategy 4.5.2 – Ensure safe work practices through implementation of appropriate Occupational, Health, Safety and Welfare practices’*

**OFFICER COMMENT**

As this policy clearly outlines the Council’s no tolerance view of sexual harassment and outlines the complaint/grievance procedures that should be followed during a harassment report, it is considered the current policy is sufficient and should be endorsed.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr J Moir:

That Council Policy OR/HRE/1 – Sexual Harassment as follows:

**OBJECTIVE:**

The Shire of Plantagenet strongly supports the concept that every employee, elected member and member of the public employed by or engaged in business with the Council, has a right to do so in an environment which is free from sexual harassment and the Council is committed to providing such an environment.

**POLICY:**

1. The Shire of Plantagenet considers sexual harassment to be an unacceptable form of behaviour which will not be tolerated and recognises that sexual harassment is unlawful.
  - 1.1 Sexual harassment is any conduct of a sexual and / or sexist nature (whether physical, verbal or non-verbal) which is unwelcome and unsolicited and/or rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered and expressed as being offensive to an employee, elected member or member of the general public:
    - a) Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching;
    - b) Subtle or explicit demands for sexual activities or molestation;
    - c) Intrusive enquiries into a person's private life;
    - d) Uninvited and unwelcome jokes that have a sexual and/or sexist undertone; and
    - e) Unsolicited leers and gestures of a sexual nature and the display within the workplace of sexually offensive material.
  - 1.2 The Shire of Plantagenet recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. The Council is therefore committed to any action which ensures the absence of sexual harassment in the workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action will be taken against any individual found to be engaging in such conduct.
  - 1.3 Any complaints of sexual harassment made against any person associated with the Council will be viewed seriously, treated



confidentially, and thoroughly investigated by appropriately trained persons.

- 1.4 Any person making a claim of sexual harassment will be protected at all times. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome will occur without the prior consent of both parties.
- 1.5 An employee whose health or work performance has been affected by sexual harassment will not have their employment status or conditions disadvantaged in any way, as a result thereof.
- 1.6 A formal complaints/grievance procedure follows and will be utilised to effectively resolve complaints of sexual harassment.

## **2. COMPLAINTS/GRIEVANCE PROCEDURE**

- 2.1 All complaints of sexual harassment will be treated confidentially and resolved promptly.
- 2.2 Wherever possible, the handling of complaints and resolution of such will be at the workplace where they occurred. Care will be taken throughout the investigation to ensure that neither the complainant nor the alleged harasser is victimised.
- 2.3 It is recognised that cases of sexual harassment may occur between supervisor and employee and as such, alternative methods of raising complaints are provided for by this procedure.
- 2.4 A complaint of sexual harassment may be lodged with any of the following persons:
  - a) Immediate Supervisor / Manager (except where this person is the alleged harasser);
  - b) Division Manager (if applicable - except where this person is the alleged harasser);
  - c) Chief Executive Officer (if the alleged harasser is a Divisional Manager or the Shire President); and
  - d) Shire President (only if the alleged harasser is the Chief Executive Officer or Councillor).
- 2.5 A person receiving a complaint of sexual harassment will:
  - a) Decide, in consultation with the complainant, whether the matter can be resolved at this level or whether it should be referred to a more senior level of management. Assure the complainant that all details of the complaint will be treated confidentially and allow the person to decide on procedure;

- b) Prepare a confidential report for the Chief Executive Officer on the nature of the complaint and ensure follow up reports are provided until the matter is resolved, (or, in the event that the complaint relates to the Chief Executive Officer, the report shall be prepared for the Shire President); and
  - c) Ensure no information regarding the complaint is discussed outside this procedure.
- 2.6 The person handling the complaint, whether it is the person who received the complaint or a more senior person will, with the approval of the complainant:
- a) As soon as possible, advise the alleged harasser of the nature of the complaint and provide an opportunity for that person to comment. Where appropriate the alleged harasser should be invited to discontinue any perceived unwelcome behaviour;
  - b) Advise the alleged harasser of the right to contact his/her Union or advocate for advice and representation;
  - c) Advise the alleged harasser that no disciplinary action will be taken without the person being given the opportunity to be heard; and
  - d) Keep simple, brief notes of the facts of the interviews held with both the complainant and alleged harasser.
- 2.7 If it is not possible to resolve the complaint simply by discussion with the complainant and the alleged harasser:
- a) The matter will be investigated and where the complainant or the alleged harasser is a member of a Union, the Union may be party to the investigation; and
  - b) All documentation relating to the complaint will remain confidential and will not be produced or made available for inspection, except on the order of a Court or a request from the Commissioner of Equal Opportunity.
- 2.8 During the period of the investigation of a case of serious sexual harassment:
- a) The investigation is to be conducted in a manner that is fair to all parties and all parties are to be given a fair and reasonable opportunity to put their case, to have witnesses in attendance and to respond to any proposed adverse findings that may be made against them;
  - b) If requested by either party or by management, alternative working arrangements may be made; and

- c) Any reasonable request by either party for legal or union representation shall not be denied.
- 2.9 If, following investigation and resolution, a complaint is judged to have been proved:
- a) Remedial action will be taken; and
  - b) A record of the detail of the remedial action will remain on the employee's personal file for a period of twelve months, whereupon the record will be destroyed unless otherwise decided by the Chief Executive Officer (or Shire President in the event that the complaint relates to the Chief Executive Officer).
- 2.10 If, following investigation, a complaint is judged to have been unproven, the complainant will be counselled and if it is considered that the complaint was made frivolously or maliciously, disciplinary action may be taken against the complainant.
- 2.11 Continued reference to a complaint and its aftermath could be considered as either a continuing or new incident of harassment.
- 2.12 While it is the Council's wish to attempt to deal with complaints of harassment internally, no employee will be penalised for bringing this complaint to any appropriate external statutory body unless that complaint is ultimately proven to be made frivolously or maliciously.'

be endorsed.

**CARRIED (8/0)**

**NO. 117/13**

**9.4.7 POLICY REVIEW - WORKPLACE BULLYING**

**File No:** N26877  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to review Council Policy OP/HRS/4 – Workplace Bullying.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 12 April 2011.

**STATUTORY ENVIRONMENT**

The Occupational Safety and Health Act 1984 and the Equal Opportunity Act 1984 govern the necessity for employers to provide and maintain a workplace free from harassment.

**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 provides at Outcome 4.5 (Skilled, committed and professional staff in a supportive environment) the following Strategy:

*‘Strategy 4.5.2 – Ensure safe work practices through implementation of appropriate Occupational, Health, Safety and Welfare practices’*

**OFFICER COMMENT**

As this policy clearly identifies the Council's no tolerance view of workplace bullying, it is considered the current policy is sufficient and should be endorsed.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr G Messmer:

That Council Policy – OP/HRS/4 – Workplace Bullying, as follows:

**OBJECTIVE:**

To identify, minimise and where possible prevent harassment and bullying in the workplace by eliminating intimidating, humiliating, offending and threatening behaviour and encouraging a professional and productive workplace.

**POLICY:**

1. Workplace bullying is behaviour that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers.
2. Workplace bullying is considered to be an illegal and unacceptable form of behaviour which will not be tolerated under any circumstances.
3. Workplace bullying behaviour may involve:
  - a) Abusive, insulting or offensive language;
  - b) Violence or threats;
  - c) Constant practical joking and teasing;
  - d) Behaviour or language that frightens, degrades or humiliates;
  - e) Ignoring or isolating a person; or
  - f) Unfair treatment in relation to accessing workplace entitlements.
4. It may be carried out via letters, emails, telephone calls and / or text messages.
5. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.
6. The Shire of Plantagenet encourages all employees to report workplace bullying. Managers and supervisors will endeavour to ensure that no one making a complaint or witnesses are victimised.
7. The Shire of Plantagenet has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.
8. Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.'

be endorsed.

**CARRIED (8/0)**

**NO. 118/13**

**9.4.8 POLICY REVIEW – CEMETERY MEMORIALS**

<b>File No:</b>	<b>N26318</b>
<b>Attachments:</b>	<a href="#">Policy - Cemetery Memorials</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>30 April 2013</b>

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**PURPOSE**

The purpose of this report is to review Council Policy No. A/CA/2 – Cemetery Memorials.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 22 March 2011.

At its meeting held on 26 February 2013, the Council resolved that:

- 1. A redesign of the Mount Barker (west) Cemetery be undertaken to configure Section E to an east-west alignment and incorporating coloured concrete beams with single row head stones or bronze plaques.*
- 2. Burial charges to Section E be increased to cover any extra costs to the Council.*
- 3. A further report be presented to the Council detailing changes to Council Policy No. A/CA/2 Cemetery Memorials.'*

A councillor workshop was held on 30 April 2013 to discuss modifications to the policy.

**STATUTORY ENVIRONMENT**

Cemeteries Act 1986.

The Shire of Plantagenet Cemeteries Local Law 2008 (as amended) provides for the following:

*'7.2 Design and Placement of Memorials*

*(1) The Board may from time to time determine specifications of memorials'; and*

*'7.13 Setting Aside Other Sections*

*The Board may from time to time set aside any part of a cemetery as a lawn section, memorial plaque section or a natural earth burials section.'*

**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 and also to review subsequent Council direction.

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**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012–2022 provides at Outcome 2.3 (Pleasant streetscapes, open spaces, parks and gardens) the following Strategy:

*‘Strategy 2.3.3 – Provide appropriately maintained cemeteries for our community’*

**OFFICER COMMENT**

This policy needs to be amended to reflect the changes as a result of a decision to change Section E of the new cemetery.

Changes have been made to the policy to provide that in Section E, all monuments and headstones shall be placed on a coloured concrete foundation provided by the Council. Such concrete beam footings shall be 330mm wide, to accommodate a line of single headstones.

Headstones are to be made of bronze, granite, slate or marble and conform to specifications similar to the lawn section at the Albany cemetery. All memorials, except for monuments and headstones in Section E, shall continue to be purchased from and installed by the Shire. An admiralty bronze (an alloy of approximately 70% copper, 29% zinc and 1% tin) memorial plaque may be attached to the concrete foundation, in lieu of a headstone.

The policy has also been amended to permit colours and photos (non-ceramic) on brass plaques in the lawn section of the new cemetery, although customers will need to be advised that these will more likely be prone to damage. In addition, it has been amended to relax previous restrictions on headstones in the older cemeteries.

Amendments have been made to specify dimensions for single and double graves. No gravesites bigger than a double grave will be permitted.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr G Messmer:

That amended Council Policy No. A/CA/2 Cemetery Memorials, as follows:

**‘OBJECTIVE:**

To ensure that the memorials and monumental work in Shire of Plantagenet cemeteries conforms to certain standards, is constructed from materials and erected in a manner that:

1. Does not present a risk to members of the public and employees of the Shire of Plantagenet;
2. Is acceptable to the environment; and
3. Maintains appropriate aesthetic standards.

**POLICY:****Mount Barker (East), Kendenup and Rocky Gully Cemeteries****Niche Wall Memorial Plaques**

All memorial plaques placed on a niche wall shall be supplied and installed by the Shire and shall –

1. be made of admiralty bronze; and
2. be of dimensions 143mm x 117mm (single) or 280mm x 117mm (double).

**Headstones**

All monuments and headstones shall:

1. be made of bronze, granite, slate or marble;
2. be placed on proper and substantial foundations;
3. not display any trade names or marks of any manufacturers.
4. comply with the following specifications –
  - a) All Graves:
    - i) The overall height of the monument above the original surface of the grave shall not exceed 1,550mm; and
    - ii) The height of the base of the monument above the original surface of the grave shall not be less than 150mm nor more than 305mm;
  - b) Single Graves:
    - i) The length of the base of the monument shall not exceed 2,500mm and the width shall not exceed 1,250mm; and
    - ii) The length of the monument shall not exceed 1,120mm and the width shall not exceed 380mm;
  - c) Double Graves:
    - i) The length of the base of the monument shall not exceed 2,500mm and the width shall not exceed 2,450mm; and
    - ii) The length of the monument shall not exceed 1,120mm and the width not exceed 380mm;

No gravesites bigger than a double grave will be permitted.

**Mount Barker Cemetery (West)**

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All memorials, except for monuments and headstones in Section E, shall be purchased from and installed by the Shire. Garden ground niche positions and gardens of remembrance are to be nominated for either 229mm x 229mm plaques or 143mm x 117mm plaques, for consistency of appearance. Memorial plaques–

1. shall be made from admiralty bronze and have the number of the grave / site displayed;
2. may incorporate coloured elements and photos (non ceramic);
3. shall not exceed 20mm in thickness.

### Lawn Sections

In Section E, all monuments and headstones shall-

1. be made of bronze, granite, slate or marble;
2. be placed on a coloured concrete foundation provided by the Council. Such concrete beam footings shall be 330mm wide, to accommodate a line of single headstones.
3. comply with the following specifications –
  - a) All Graves-
    - i) The overall height above the original surface of the grave shall not exceed 1,050mm;
    - ii) The length of the headstones shall not exceed 920mm and width not exceed 300mm; and
    - ii) The height of the base of the monument above the surface of the concrete footing shall not be less than 150mm nor more than 305mm.
  - b) Single Graves-
    - i) The length of the base of the monument shall not exceed 920mm and width not exceed 300mm; and
  - c) Double Graves-
    - i) The length of the base of the monument shall not exceed 2,130mm and width not exceed 300mm; and

No gravesites bigger than a double grave will be permitted. An admiralty bronze memorial plaque may be attached to the concrete foundation, in lieu of a headstone.

In other lawn sections, all memorial plaques shall be –

1. of the dimensions 380mm x 280mm; and
2. affixed to a substantial foundation, with no portion of the memorial above ground level.

### Garden Ground Niche

In these garden ground niche sections, all memorial plaques shall be –

1. of the dimensions 229mm x 229mm or 143mm x 117mm;
2. aligned against the inside of the garden kerbing; and
3. affixed to a substantial foundation.

### Gardens of Remembrance and Memorial Shrubs and Trees

In these sections, all memorial plaques shall be –

1. of the dimensions 229mm x 229mm or 143mm x 117mm;
2. placed in conjunction with an individual shrub or tree; and

3. affixed to a substantial foundation.

**Memorial Rocks**

All plaques on memorial rocks shall be –

1. of the dimensions 229mm x 229mm; and
2. affixed to the memorial rock.

**Memorial Seats**

All plaques on memorial seats shall be –

1. of the dimensions 150mm x 75mm; and
2. affixed to the back of the seat.'

be endorsed.

**CARRIED (8/0)**

**NO. 119/13**

**9.4.9 POLICY REVIEW - DRUG AND ALCOHOL POLICY**

**File No:** N26872  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to review Council Policy OP/HRS/2 – Drug and Alcohol.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 12 April 2011.

**STATUTORY ENVIRONMENT**

The Occupational Health and Safety Act 1984 and Occupational Health and Safety Regulations 1996 require a safe work place to be provided and maintained.

**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 provides at Outcome 4.5 (Skilled, committed and professional staff in a supportive environment) the following Strategy:

*‘Strategy 4.5.2 – Ensure safe work practices through implementation of appropriate Occupational, Health, Safety and Welfare practices.’*

**OFFICER COMMENT**

It is considered that the current policy sufficiently conforms to Occupational Health and Safety requirements and should be endorsed.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That Council Policy OP/HRS/2 – Drug and Alcohol, as follows:

**OBJECTIVE:**

The aim of this policy is to ensure a safe workplace, free from the effects of drugs and alcohol. The policy is directed towards the welfare of the individual and safety and health of other people.

**POLICY:**

- 1
  - a) This policy applies to all personnel at the workplace, including staff, volunteers, contractors, management and Councillors;
  - b) Persons under the influence of a drug or alcohol in the workplace pose a serious safety and health risk not only to the user, but to all those who work with the user. The workplace includes Council premises, parks, reserves, vehicles, plant or any other Council building or physical asset; and
  - c) If a Manager or Supervisor has justifiable cause to believe an employee is under the influence of alcohol or drugs, the Chief Executive Officer (or appropriate employee) may have the employee removed from the workplace and may initiate any reasonable action considered necessary. Suitable arrangements should be made to ensure the person gets home safely. If it is believed that the use of drugs or alcohol renders risk to the health or safety of the employee, co-workers or the public, the Chief Executive Officer reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.
2. **Drug and Alcohol Testing**

Drug testing in the workplace may be carried out only if a substantial risk exists for the employee, co-workers or public. Testing is limited to the following circumstances:

  - a) Where an employee's impairment by drugs poses a substantial and demonstrable safety risk to the employee or to other people;
  - b) Where there is reasonable cause to believe that the employee to be tested may be impaired by drugs; and
  - c) Where the drug test can identify the presence of a drug at concentrations which may cause impairment.
3. **Procedure for dealing with Drug and Alcohol Use**
  - 3.1 The procedure for dealing with drug and alcohol abuse is divided into three stages:
    - a) Discussion between the employee and immediate Supervisor;
    - b) Discussion between the employee, Supervisor, Manager and representative (optional); and

- c) **Disciplinary action.**

### **3.2 Stage One**

- a) **The employee and immediate supervisor should participate in Stage One, although the employee may request a representative to be present. An observer should be present if an employee representative attends;**
- b) **This first discussion should be presented as a counselling session. Procedural fairness must be observed and the supervisor must clearly state the performance related reasons for the interview and the employee must be given the opportunity to respond. The supervisor must clearly state what standards of performance are required;**
- c) **The supervisor should offer assistance by encouraging the employee to participate professional counselling sessions, although the employee is not obliged to accept;**
- d) **A timeframe for review should be established. The employee should be informed of expected changes, ongoing performance monitoring by the supervisor and the compulsory interview at the end of the review period;**
- e) **The employee should be made aware of possible consequences if there is no significant improvement;**
- f) **The supervisor should prepare a brief summary of the interview and give two copies to the employee. After reading the summary, the employee should sign one of the copies and return it to the supervisor. This copy should be placed on the employees personnel file; and**
- g) **The review should be held at the prescribed time. The points discussed should respond exactly to those raised at the first interview; improvements should be acknowledged. Continuing problems, such as continued decline in performance, and any new performance based problems should be identified and discussed. The supervisor should again prepare a summary of the interview.**

### **3.3 Stage Two**

**If there is still no improvement in the employee's performance a second meeting should be held using the same procedure as the first, although the employee should be made fully aware of the possible consequences if there is no significant improvement and that this represents a final warning.**

### **3.4 Stage Three**

**Conduct by an employee while under the influence of alcohol or drugs is likely to be subject to disciplinary action in line with the Council's disciplinary procedures.**

## **4. Social Occasions**

**The Chief Executive Officer may approve the consumption of alcohol on Council premises under some circumstances, ie social functions. The**

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Council has a 'responsible host' attitude and on such social occasions, a range of drinks including low and non-alcoholic drinks will be provided along with a proportionate level of snack type foods. Employees are encouraged to organise alternative transport prior to the function to avoid the possibility of their driving under the influence.

**5. Prescription or Over the Counter Drugs**

**5.1 Prescription or over the counter drugs can be used for a wide range of reasons however it is also known that use of prescription or 'over the counter' drugs may impair a person's ability to perform safely or efficiently.**

**5.2 There are several types of drugs that may impair performance, including:**

- a) Hypnotics and sedatives;**
- b) Antidepressants;**
- c) Antihistamines;**
- d) Stimulants and appetite suppressants; and**
- e) Analgesics/Codeine.**

**5.3 Employees taking prescribed drugs should obtain written advice from their doctor as to the effects of the drug that may be relevant to their job performance. They should also advise their Supervisor / Manager that they are taking a medication which, on the advice of their medical practitioner, is likely to affect their job performance.**

**5.4 It is important to note that the employee has a responsibility to perform at a safe standard while at work. If prescription medication is impairing an employee's safe standard of work, the employee has a responsibility to take time off work. If a work accident occurs due to the actions of an employee on prescribed medication, that employee will be asked to take sick leave (if available) or leave without pay until they are fit to return to work.**

**5.5 All matters pertaining to this policy will be treated with the utmost confidentiality and any employee of the Shire of Plantagenet who is interested in receiving counselling services should seek approval from their Supervisor.'**

be endorsed.

**CARRIED (5/3)**

**NO. 120/13**

**9.4.10 RENEWAL OF KENDENUP COUNTRY CLUB LEASE - RESERVE 41498**

**File No:** N26880  
**Attachments:** [Draft Lease](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to recommend the renewal of the lease for Reserve 41498 to the Kendenup Country Club Incorporated (Inc).

**BACKGROUND**

The lease between the Shire of Plantagenet and the Kendenup Country Club Inc for Reserve 41498, being Location 7675 Beverley Road, Kendenup is due to expire on 30 June 2013.

The current lease terms are as follows:

- Twenty-one year term;
- Rental of \$2.00 per annum on demand;
- All outgoings payable by Kendenup Country Club Inc;
- All rates charges payable by Kendenup Country Club Inc; and
- Indemnity insurance and minimum of \$1,000,000.00 Public Liability insurance to be held by the Country Club.

**STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995 'Disposing of Property' applies to the disposition of property, including leasing.

Under Functions and General Regulations a disposition of land is an exempt disposition and is excluded from the application of Section 3.58, if:

*'The land is disposed of to a body, whether incorporated or not -*

- a) The objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- b) The members of which are not enlisted or permitted to receive an pecuniary profit from the body's transactions.'*

A lease to the Kendenup Country Club Inc is an exempt disposition.

The lease is subject to the Lands Administration Act 1997 and requires approval from the Minister for Lands.

**FINANCIAL IMPLICATIONS**

The revenue raised from the lease to the Kendenup Country Club Inc is minimal.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

It is recommended that the lease for Reserve 41498 to the Kendenup Country Club Inc be renewed for a further 21 year term under the same terms and conditions as the existing lease, with the exception of the minimum requirement of Public Liability insurance.

It is recommended that the requisite minimum amount of Public Liability insurance be increased to \$10,000,000.00 to reflect the standard requirement for leased Council premises on advice received from Local Government Insurance Services.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr M Skinner, seconded Cr S Etherington:

That:

1. **The lease for Reserve 41498 being Loc 7675, Beverley Road, Kendenup to the Kendenup Country Club Inc be renewed under the following conditions:**
  - a) **Twenty-one year term;**
  - b) **Rental of \$2.00 per annum payable on demand;**
  - c) **All outgoings payable by the Kendenup Country Club Inc;**
  - d) **All rates charges payable by the Kendenup Country Club Inc; and**
  - e) **Indemnity insurance and minimum of \$10,000,000.00 Public Liability insurance to be held by the Kendenup Country Club.**
2. **Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Lease Agreement between the Shire of Plantagenet and the Kendenup Country Club Inc relating to Reserve 41498, being Loc 7675, Beverley Road, Kendenup for the purpose of a country club including golf course and other sporting and recreational activities.**

**CARRIED (8/0)**

**NO. 121/13**



## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 DELEGATIONS - ANNUAL REVIEW

<b>File No:</b>	<b>N26943</b>
<b>Attachments:</b>	<a href="#">Delegations - 28 May 2013</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Linda Sounness</b> <b>Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>28 May 2013</b>

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#### **PURPOSE**

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

#### **BACKGROUND**

Delegations are granted to the Chief Executive Officer (CEO) and other Officers in some instances, to assist in the efficient and effective running of the organisation so as to preclude many minor matters from coming before the Council and to maximise service to members of the public, residents and ratepayers.

Delegations were endorsed by the Council at its meeting held on 22 May 2012.

#### **STATUTORY ENVIRONMENT**

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

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

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

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

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

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

*'Strategy 4.1.6 - Provide administrative support to Shire for Governance functions'*

Further, at Outcome 4.6 (Effective and efficient corporate and administrative services) the following strategy:

*'Strategy 4.6.1 - Provide a full range of financial services to support Shire's operations and to meet planning, reporting and accountability requirements'*

**OFFICER COMMENT**

No amendments have been made to the Delegations since 22 May 2012.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr G Messmer:**

**That:**

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

**CARRIED (8/0)**

**NO. 122/13**

**Absolute Majority**

**9.5.2 LEASE OF BRICK AND IRON HUT AND RADIO MAST LOCATED  
RESERVE 44652 (LOCATION 7761) MOUNT BARKER HILL**

**File No:** N26888  
**Attachment:** [Draft Lease](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to recommend the leasing of the brick and iron hut and radio mast situated on Reserve 44652 (Location 7761) on Mount Barker Hill, adjacent to the main telecommunication mast.

**BACKGROUND**

The Lease of this land was originally entered into by the Council in 1997 and expired some years ago.

Significant capital works have now been required which were, strictly speaking, the responsibility of the former lessee. However, as the Lease had expired, repairs and capital renewal were required to be undertaken due to orders issued by Work Safe.

These works have now been completed but were delayed due to dangerous weather conditions.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 - Section 3.58 and Regulations 30 and 31 of the Local Government (Functions and General) Regulations 1996 govern the disposition of land.

As the provisions of the Act will need to be satisfied, it is preferable to determine the point of view of the Council regarding any proposed disposition prior to advertising. The Lease is subject to the Land Administration Act 1997 and requires approval from the Minister Lands.

Councillors have also been advised that recent legal advice indicates that when the Council leases Council property that the land which is the subject to the lease should be rated. Whether the Council subsequently donates those rates back to the organisation is a matter for Council consideration.

**EXTERNAL CONSULTATION**

Significant consultation has occurred with a potential lessee.

**FINANCIAL IMPLICATIONS**

Expenditure incurred by the Council this financial year to meet its obligations under the Work Safe notices issued has been \$15,548.80 (ex GST).

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

The tower and associated hut were, in the opinion of Work Safe, unsafe and dangerous. In particular the electrical system, the structure of the hut and oxidation of guy wires were in a critical condition.

**OFFICER COMMENT**

By way of historical information (provided by Mr Bevan Lang) it is understood that the tower was constructed by the State Energy Commission around 1963. It was unofficially overseen by the then Post Master General's department as part of that department's responsibility relating to television broadcasting.

Subsequently the site was recognised by Telstra as a suitable site for first generation mobile telephone transmission. If this had occurred, the tower would have been lost to local users and the Council sought authority to buy it under Council control through a Management (or Vesting) order.

Existing tenants are:

- St John Ambulance
- Mount Barker Emergency CB Repeater
- Southern Electronics Group Repeater
- West Australian VHF Group:
  - Scientific Radio Beacons
  - Mount Barker Wind Farm

Each of these is 'not for profit'

Other users are:

- Intelligent IP Broadband (internet)
- Ocean Broadband (internet)
- Department of Corrective Services (repeater). This service to be obsolete soon
- United Christian Broadcasters (FM service).

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr M Skinner:

That:

1. No objections be raised regarding the advertising pursuant to section 3.58 of the Local Government Act 1995 relating to the proposed disposition by Lease of a radio tower and brick and iron hut situated on Reserve 44652 (Location 7761) Mount Barker Hill.
2. At the conclusion of advertising a further report be prepared for consideration of submissions by the Council no later than the meeting to be held July 2013.

**CARRIED (8/0)**

**NO. 123/13**

**9.5.3 MOUNT BARKER CARAVAN PARK - LEASE OF ENCROACHING LAND AND WATER USE**

**File No:** N26694  
**Attachments:** [Survey - Boundary Encroachments](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to consider a number of matters relating to the Mount Barker Caravan Park, use of water by the Caravan Park from the Government Dam and boundary anomalies and encroachments between the Caravan Park and the Reserves immediately to the south (old Museum Police Station complex).

This report will recommend that the boundary encroachment be rectified and that any use of water from the Government Dam by the Caravan Park be effected through a negotiated licence.

A plan attached shows the encroachment of approximately 500m<sup>2</sup>.

**BACKGROUND**

The Mount Barker Caravan Park was formerly situated on land vested in the Council. In 1999 negotiations with the Council, State Government and the operator of the Caravan Park resulted in the vested land being transferred into Freehold title which the Council was then able to purchase and immediately on-sell.

Prior to the sale the issue of boundary encroachments was not an issue as all land was vested in the one authority, being the Council. Further, while the Caravan Park land was vested in the Council, issues regarding the use of water from the Government Dam did not arise. After the sale of the land by the Council to the then Caravan Park operator, the use of water continued on an ad-hoc basis and only became an issue when the Caravan Park was sold to the present owners.

The matter of water use by the Caravan Park was considered by the Council at its meeting held on 10 March 2009. At that meeting the Council granted a formal licence to the Caravan Park owners to access the water supply by Resolution 62/09 as follows:

*'That a licence be granted to the Mount Barker Caravan Park at Lot 584 Albany Highway, Mount Barker for the continued use of the Government Dam water supply for the reticulation of lawns within the caravan park expiring 30 August 2016, subject to:*

- a) the primary purpose of the water within the Government Dam being for municipal uses and if the consumption of that water impacts adversely upon the usual and actual quality and quantity of the Government Dam water source in the opinion of*
-

*the Council's Environmental Health Officer, the water supply to the caravan park may be restricted at any time;*

- b) the installation of an approved water metering device capable of accurately measuring water supplied to the caravan park prior to 30 August 2011, at the licence holder's expense;*
- c) the payment by the licence holder for the supply of non-potable water at a rate set in the Annual Budget;*
- d) the licence shall be renewable and transferable to subsequent proprietors of the Caravan Park;*
- e) the licence may not necessarily be renewed by the Council at the expiry of the licence period in 2016; and*
- f) the licence holder is to investigate alternative means of water supply for the reticulation of the caravan park grounds prior to the licence expiry in 2016.'*

Further, on 14 June 2011 the Council resolved:

*'That:*

- 1. The proprietor/s of the Mount Barker Caravan Park be advised that the Council is willing to enter into a Lease for such land which forms portion of the Old Police Station Museum and which encroaches onto the Caravan Park site and would be happy to set off any lease payments for a defined amount of water to be extracted from the Government Dam for use by the Caravan Park subject to water use figures being ascertained over the period 1 August 2011 to 31 July 2012; and*
- 2. A draft lease be considered by the Council on or before its meeting to be held on 6 September 2011.'*

The proprietor of the Caravan Park Mr Steven Smith, has offered to the Council the opportunity to enter into a Lease of that portion of Caravan Park land which is encroached by the Museum complex. Mr Smith has indicated that any Lease payments could act as a 'contra' against the use of water. Mr Smith believes that this would be beneficial both for his business and the Council as, with a reliable supply of water from the Government Dam, he could continue to keep the Caravan Park green and welcoming on a main entrance into Mount Barker. Further, there would be no need to demolish an existing museum shed partially situated on caravan park land and no need to re-fence.

At a Councillor Workshop held on 30 April 2013, Councillors were of the opinion that a lease as suggested was not an optimum outcome for the long term and that the encroachment of the Museum Reserve onto Caravan Park land should be rectified and that any water used by the Caravan Park from the Government Dam should be by way of a licence. The licence could be for a short term, renewable at the Council's discretion and require that appropriate charges be levied. The use of water by the Caravan Park could be stopped should there be insufficient water, the water was of insufficient quality or the water was needed for Council purposes. In fact this represents the present arrangements.

**STATUTORY ENVIRONMENT**

Fees and Charges proposed by the Council must be adopted pursuant to Section 6.2(4) (c) of the Local Government Act. This relates to the water charges to be levied.

A Local Government has control of land vested in it pursuant to Section 3.54 of the Local Government Act. This relates to the vested museum land.

**EXTERNAL CONSULTATION**

The Chief Executive Officer and the Manager Development Services met with Mr Smith at the Caravan Park on 10 March 2011 to discuss water usage and the encroachment issues.

The Chief Executive Officer has also met with representatives of the Historical Society on 17 August 2012, indicating that the encroaching land may need to be reverted back to the Caravan Park and infrastructure on that land be removed or relocated.

**FINANCIAL IMPLICATIONS**

The 2013/2014 Draft Budget includes an amount of \$2.25 per kilolitre to extract water from the Government Dam by the Caravan Park

Demolition of infrastructure on the encroaching land would cost in the vicinity of \$58,000.00. Replacement cost would be approximately a further \$20,000.00. Partial demolition with re-use of materials would cost approximately \$35,000.00 (Recommended).

The most serious encroachment is from a large shed which may need to be completely demolished and a new shed erected in its place. Alternatively the shed could be partially demolished and made good although the Historical Society may then have storage issues requiring a further shed to be constructed on reserve land.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

As well as a licence to extract water from the Government Dam expiring in 2016, the Council also has a licence agreement with Mr Smith regarding the maintenance of pump infrastructure at Government Dam and the Caravan Park relating to sewer applications. This licence covers shared maintenance of joint sewer infrastructure.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.10 (Efficient use and management of water resources) the following Strategy:

*'Strategy 2.10.3 - Promote effective water management practices'*

Further, at Outcome 3.3 (A well-developed relationship with industry, commerce and government) the following Strategy:



*'Strategy 3.3.2 - Develop, maintain and strengthen relationships with local businesses'*

Also at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy:

*'Strategy 2.2.6 - Support the conservation and maintenance of heritage buildings, heritage items and places of interest'*

#### **OFFICER COMMENT**

The boundary issues and use of water at the Caravan Park are matters requiring a solution. The Caravan Park proprietor, Mr Smith, has been willing and cooperative but notes that the cost of water will present a significant financial impost. Accordingly it is understandable why Mr Smith favours a lease and contra arrangement for the use of water.

It has been noted that the Caravan Park owners already have a licence with the Council to extract water from the Government Dam and a meter and billing mechanism is in place. It should be noted that no invoice has ever been issued to the Caravan Park owners.

Water use for the year 1 July 2011 to 30 June 2012 was 3,708 kilolitres. At an adopted charge out rate of \$2.15/kilolitre this water was valued at \$7,972.20.

At its workshop held 30 April 2013, Councillors were of the opinion that a lease by the Council of the encroaching land in return for use of water is not appropriate. The boundary encroachment should be rectified with a license agreement to be entered into from time to time for the water, should the Council believe this is appropriate.

It should also be noted that the Council is endeavouring to 'drought proof' Frost Oval and the Sounness Park Redevelopment through alternative water sources. Notwithstanding this, the Government Dam supply should be seen as the Council's primary supply and as a back up should other sources prove insufficient and large volumes of scheme water aren't available.

#### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That the Plantagenet Historical Society and the owners of the Mount Barker Caravan Park be advised that it is the opinion of the Council that:

1. The encroachment of the museum infrastructure as shown on the attached plan dated December 2010 onto Caravan Park land will need to be rectified through the relocation/demolition of such infrastructure from the encroaching land, and that a lease of this land from the Caravan Park is not an appropriate solution.
2. A budget allocation will be considered for the 2013/2014 financial year to effect the necessary relocation/demolition works.

Motion to Adjourn the Question

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

That the question be adjourned until the meeting of the Council to be held on 25 June 2013 to allow the Chief Executive Officer to prepare a further report reflecting a letter received on 28 May 2013 from the owners of the Mount Barker Caravan Park relating to the potential sale of the encroaching land to the Council and a licence relating to water access from the Government Dam.

**CARRIED (8/0)**

**NO. 124/13**

**9.5.4 MOUNT BARKER SPEEDWAY CLUB INC - LEASE**

**File No:** N26863  
**Attachments:** [Draft Lease](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to recommend that a new lease be entered into between the Shire of Plantagenet and the Mount Barker Speedway Club Inc for portion of Reserve 16271, being Lot 504, Porongurup Road Mount Barker.

**BACKGROUND**

At its meeting held on 27 May 2008 the Council resolved:

*'That:*

- 1. The lease for portion of Reserve 16271, being locations 3879, 7361 and a portion of location 2207 to the Mount Barker Speedway Club Inc be renewed under the same conditions as their lease expiring 31 May 2008.*
- 2. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Lease Agreement between the Shire of Plantagenet and the Mount Barker Speedway Club (Inc) relating to portion of Reserve 16271, being Locations 3879, 7361, and portion of Location 2207 for the purpose of Speedway.'*

**STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995 (the Act) and Regulations 30 and 31 of the Local Government (Functions and General) Regulations 1996 govern the disposal of land.

*Under the regulations 'a disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if the land is disposed of to a body, whether incorporated or not the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions'.*

Given the above, the disposal of this land is exempt from section 3.58 of the Act.

The lease is however subject to the Land Administration Act 1997 and requires approval from the Minister Lands.

Councillors are also advised that recent legal advice indicates that when the Council leases Council property that the land which is the subject to the lease should be rated. Whether the Council subsequently donates those rates back to the organisation is a matter for Council consideration.

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**EXTERNAL CONSULTATION**

Consultation has occurred with the Secretary of the Mount Barker Speedway Club Inc, Ms Sandra Perry. Ms Perry has confirmed that the Speedway Club would like to renew its lease under the same conditions as the present lease agreement.

**FINANCIAL IMPLICATIONS**

The rental is set at \$10.00 per annum.

Further, 3.1 of the lease requires that lessee must punctually pay all rates and other levies.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 1.5 (Recreation, sporting leisure facilities that support the wellbeing of the community), the following Strategy:

*'Strategy 1.5.2 - Promotes sporting, recreation and leisure facilities and programs in the district'*

**OFFICER COMMENT**

The provision of a speedway in Mount Barker by the Mount Barker Speedway Club is a labour of love for all of those club members, volunteers and participants.

The club is run well and to a high standard in accordance with a recent safety audit commissioned by the Western Australian Speedway Commission.

The proposed lease between the Shire of Plantagenet and the Mount Barker Speedway Club Inc for a portion of Reserve 16271 being Lot 504 (formerly Lots 502 and 3879) Porongurup Road, Mount Barker is due to expire on 31 May 2013.

The current lease terms are as follows:

- Five year term;
- Rental of \$10.00 per annum;
- All outgoings payable by the Speedway Club;
- All rates charges payable by the Speedway Club; and
- Indemnity insurance and minimum of \$10,000,000.00 Public Liability insurance to be held by the Speedway Club.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Seal of the Council to the Lease Agreement between the Shire of Plantagenet and the Mount Barker Speedway Club (Inc) relating to the portion of Reserve 16271 being Lot 504, Porongurup Road Mount Barker for the purposes of a Speedway for a period of five years.

**CARRIED (8/0)**

**NO. 125/13**

**9.5.5 SOUNNESS PARK MANAGEMENT OPTIONS**

<b>File No:</b>	<b>N26927</b>
<b>Attachments:</b>	<a href="#">Letter to Mt Barker Football Club</a> <a href="#">Letter from Mount Barker Football Club</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 May 2013</b>

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**PURPOSE**

The purpose of this report is to present a scenario to the Council regarding the management of the clubrooms at Sounness Park.

**BACKGROUND**

The Council has endorsed the major redevelopment of Sounness Park and stage one of that project is presently underway.

Stage one involves the construction of new clubrooms, changerooms and playing surface.

Further, for the subsequent development of stage two of Sounness Park, the Council has indicated its intention to purchase a portion of the land known as Demon Downs immediately to the west of Sounness Park. The negotiations for the purchase of this land from the Mount Barker Football Club have been underway for some time.

By letter dated 8 May 2013 the Club has indicated it is now prepared to execute the land sale agreement '*in good faith*'. A signed contract of sale was received from the Club on 13 May 2013.

The Club also confirms the terms of the sale in the contract for the land sale being 50% of the purchase price followed by four annual instalments of the remaining 50%.

The reference to '*in good faith*' relates to the Club's desire to preserve their existing income stream from bar and food proceeds from football matches at Frost Park. Although the Council has no ongoing agreement with the Football Club, the Club is nevertheless desirous to firm up such an arrangement to protect the income stream.

**STATUTORY ENVIRONMENT**

Local Government Act 1995. – Section 3.58 relates to a disposition of local government property.

Local Government (Functions and General) Regulations 1996 - Regulations 30 and 31 govern the disposal of land.

Under the regulations 'a disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if the land is disposed of to a body, whether

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incorporated or not the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions'.

Given the above, the disposal of this land is exempt from section 3.58 of the Act.

Councillors are also advised that recent legal advice indicates that when the Council leases Council property that the land which is the subject to the lease should be rated. Whether the Council subsequently donates those rates back to the organisation is a matter for Council consideration.

### **FINANCIAL IMPLICATIONS**

The Club indicates in its correspondence that it '*...would like to formally request to the Shire of Plantagenet for a licence to occupy and operate the clubhouse on a permanent basis.*'

No mention is made of any rental.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 1.5 (Recreation, Sporting and Leisure facilities that support the wellbeing of the community) the following Strategy:

*'Strategy 1.5.3 - Develop Sounness Park as a primary ball sports facility in the District'*

### **OFFICER COMMENT**

Attached to this report is a letter sent to the Football Club dated 4 February 2013. This letter sets out a number of scenarios for consideration by the Football Club.

The proposal presented by the Club could be interpreted as an extension of scenario two as set out in the letter but differing from scenario three while also not taking in all of the components of scenario four.

For example, the Club seeks a licence to operate '*...on a permanent basis.*' It would be difficult to envisage any Council agreement on such a basis, however a lease with a set term of the clubhouse should be considered.

The Council has noted previously the Club's intentions to develop a more inclusive association with other sporting codes. This is mentioned in the Club's letter dated 8 May 2013. Such inclusiveness should be applauded. However, the Council should see evidence of such inclusiveness prior to the signing of any long term agreement to ensure that no club is inadvertently excluded. One would also expect that clubs that don't have a lot of involvement at present (eg hockey) would not be disadvantaged when facilities are constructed.

A number of issues need to be discussed, including:

- Lease payments;
- Maintenance;
- Access by members of the public;
- Access by other clubs;
- Term of lease/licence; and
- Ground use/rental

A 'permanent' lease presumably at a peppercorn rental would appear to be a wonderful boon for the Club in return for the sale of portion of the land known as Demon Downs on favourable terms. Should such exclusivity disadvantage other clubs it could be argued that the terms of the trust over the land were not being met.

However, a lease to the Football Club of the clubhouse for a period of five years is easily recommended and should be pursued. Given the Club would be in a position to utilise new facilities at minimal cost (albeit with some financial risk) the opportunities to develop its revenue streams would be very real. If this puts the viability of other clubs at risk then the matter needs to be investigated further.

A lease to the Club would allow the Club to effectively control the use of the clubrooms, including when and how the facilities are used as well as bar use for non sporting events and hirings.

Such use would need to be controlled to ensure that use of the facilities is maximised not only for the benefit of the Club but also all sporting clubs and users of the facility.

### **VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION**

Moved Cr G Messmer, seconded Cr A Budrikis:

That the concept of a lease between the Shire of Plantagenet and the Mount Barker Football Club for the clubrooms presently being developed at Sounness Park be endorsed subject to:

1. Other sporting clubs utilising or potentially utilising Sounness Park being consulted with regard to the proposal;
2. The lease term being initially for a period of five years;
3. The ability of other clubs and members of the public to utilise the grounds and the clubrooms not being impeded;
4. Should the licence for the sale of alcohol be granted to the Football Club, any user of the clubrooms not being refused the use of such a facility.
5. The concept of a broader sporting representation of the Mount Barker Football Club being developed further.

**AMENDMENT**

Moved Cr L Handasyde, seconded Cr A Budrikis:

That in part 2 of the motion the word 'five years' be deleted and replaced with the words 'three years with a lessor's option of a further two years.'

**CARRIED (8/0)**

**NO. 126/13**

**COUNCIL DECISION**

That the concept of a lease between the Shire of Plantagenet and the Mount Barker Football Club for the clubrooms presently being developed at Sounness Park be endorsed subject to:

1. Other sporting clubs utilising or potentially utilising Sounness Park being consulted with regard to the proposal;
2. The lease term being initially for a period of three years with a lessor's option of a further two years;
3. The ability of other clubs and members of the public to utilise the grounds and the clubrooms not being impeded;
4. Should the licence for the sale of alcohol be granted to the Football Club, any user of the clubrooms not being refused the use of such a facility.
5. The concept of a broader sporting representation of the Mount Barker Football Club being developed further.

**CARRIED (6/2)**

**NO. 127/13**

**Cr Bell and Cr Etherington voted against the motion.**

**9.5.6 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
CONVENTION AND EXHIBITION 2013**

**File No:** N26938  
**Attachments:** [LGC13 Registration Brochure](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Linda Sounness  
Executive Secretary  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to consider Councillors' attendance at the Western Australian Local Government Association (WALGA) Local Government Convention and Exhibition 2013 to be held Thursday 8 August to Friday 9 August 2013 and to endorse voting delegates for the WALGA Annual General Meeting to be held on Wednesday 7 August 2013.

**BACKGROUND**

The Council's delegates for the WALGA Local Government Convention held in August 2012 were Shire President Cr Ken Clements, Deputy Shire President Cr Michael Skinner, Cr Sue Etherington, Cr Brett Bell and Cr Jeff Moir. Chief Executive Officer Rob Stewart also attended.

**FINANCIAL IMPLICATIONS**

Full delegate convention fees per person - \$1,375.00  
Convention Breakfast – \$88.00  
Convention Gala Dinner - \$190.00  
Accommodation - \$215.00 per room per night not including meals.  
Daily parking - \$30.00

Approximate cost per delegate (Including 3 nights accommodation but not including meals) would be \$2,328.00.

**POLICY IMPLICATIONS**

Council Policy No. CE/CS/1 'Elected Members Expenses to be Reimbursed' applies.

**STRATEGIC IMPLICATIONS**

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

*'Strategy 4.1.5 - Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role'*

**OFFICER COMMENT**

The cost to attend the WALGA Local Government Convention in 2012 was \$9,897.27 (\$6,590.00 registrations and \$3,307.27 accommodation). Feedback

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received from some delegates identified that the convention was weighted towards 'public interest' topics and presentations rather than specific issues and information relating to local government.

The theme of the 2013 Convention is 'Future Focus: Your Future, Your Choice' and the program is attached.

Conferences and forums provided annually that have received positive feedback from delegates are: the Municipal Association of Victoria's Annual Conference; the National General Assembly of Local Government; the Waste and Recycle Conference and the WA Transport Road Forum. Further, the Great Southern Zone WALGA is endeavouring to provide training for Councillors within the region, with the recent training 'Meeting Procedures and Debating' being held at the Shire of Plantagenet.

Councillors may wish to re-consider whether attendance at the WALGA Convention on this occasion is beneficial given the range of conferences and forums available elsewhere and the questionable depth of information specific to local government at the Convention.

The WALGA Annual General Meeting (AGM) is held separately to the Convention on the afternoon of Wednesday 7 August 2013. It is understood that at the AGM there will be a proposal to alter the Constitution as it relates to the timing of the appointment of State Councillors/Zone Representatives to better reflect when local government elections occur. Normally though, the AGM appears to be a means for Councils to get attention to matters that haven't been taken through Zone meetings.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr J Moir, seconded Cr L Handasyde:**

**That Shire President Councillor Clements and Deputy Shire President Councillor Skinner be endorsed as the Council's voting delegates for the Annual General meeting of the Western Australian Local Government Association to be held on Wednesday 7 August 2013, should they wish to attend.**

**CARRIED (8/0)**

**NO. 128/13**

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

Nil

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

Moved Cr B Bell, seconded Cr G Messmer:

That new business of an urgent nature, namely:

- **Councillor Conference Attendance - Municipal Association of Victoria 2013 National conference and National General Assembly of Local Government - Councillor Attendance**

be introduced to the meeting.

**CARRIED (8/0)**

**NO. 129/13**

**11.1 COUNCILLOR CONFERENCE ATTENDANCE - MUNICIPAL ASSOCIATION OF VICTORIA 2013 NATIONAL CONFERENCE AND NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - COUNCILLOR ATTENDANCE**

**File No:** N27019  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Linda Sounness  
Executive Secretary  
**Proposed Meeting Date:** 28 May 2013

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**PURPOSE**

The purpose of this report is to endorse the attendance of the Shire President at the Municipal Association of Victoria (MAV) 2013 National Conference and to endorse the registrations of Councillor Bell and Councillor Handasyde to attend the National General Assembly of Local Government to be held in Canberra 16 to 19 June 2013.

**BACKGROUND**

At its meeting held on 26 March 2013 the Council resolved the following:

*'That:*

1. *The Shire President be authorised to attend the National General Assembly of Local Government to be held in Canberra from 16 June to 19 June 2013 and all*
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*costs relating to registration, travel and accommodation be charged to budget item 20026.0029.*

2. *The intention of the CEO to accompany the Shire President be noted.'*

Subsequent to this, it was brought to the attention of the Shire President that a MAV Conference was being held in Melbourne on 22 and 23 May 2013 with an exemplary program over the two days, with topics related to the theme 'The future of Local Government: The Evolution and the Challenges.'

The Shire President sought to cancel his registration to the National General Assembly of Local Government to instead attend the MAV Conference. However the time frame for cancellations had passed. The Assembly's cancellation policy did allow for the substitution of delegates. In discussions held with Councillors following the Council meeting held on 30 April 2013, Deputy Shire President Councillor Skinner, Councillor Bell and Councillor Handasyde expressed an interest in attending the National General Assembly in Canberra. Councillor Skinner subsequently advised that he would not be available to attend and therefore Councillors Bell and Handasyde were registered.

## **FINANCIAL IMPLICATIONS**

### MAV 2013 Summit – Cr Clements

Registration Fee for the MAV Summit was \$594.00

Air Travel – Administrative charges to change flights totalled \$226.01 (a flight voucher has been created to Cr Clements to the total of \$315.00).

Accommodation (not including meals) totalled \$573.75.

### National General Assembly – Cr Bell and Cr Handasyde

1. Registration Fees - \$1,094.00 per person including Regional Cooperation and Development Forum. One registration fee is in lieu of Cr Clements' previous registration, however the \$1,094.00 from CEO's registration will require reallocation to the Member Expenditure Account 20026.0029.
2. Accommodation - \$996.00 per person. One Councillor's expenditure is in lieu of Cr Clements' booking, however the \$996.00 from CEO's accommodation booking will require reallocation to the Member Expenditure Account 20026.0029.
3. Air Travel - \$1472.57

The approximate expenditure totalling (not including meals) of \$4,761.33 includes:

Cr Clements – MAV Summit accommodation and administration charges on flights)	\$1,393.76(Registration,
One Councillor – National General Assembly	\$ 791.37(Flights)
One Councillor – National General Assembly Flights and accommodation)	\$2,915.20(Registration,

## **POLICY IMPLICATIONS**

Council Policy CE/CS/1 – 'Elected Member Expenses to Be Reimbursed' applies.

**STRATEGIC IMPLICATIONS**

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

*'Strategy 4.1.5 Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role'*

Further at Outcome 4.2 (Effective engagement with the community and stakeholders) the following strategy:

*'Represent and promote the council at appropriate regional, State and Federal forums.'*

**OFFICER COMMENT**

Endorsement of the Shire President's actions in attending the MAV 2013 Conference and seeking Councillor interest in attending the National General Assembly is recommended. These actions have facilitated three Councillors to attend conferences and utilised \$2,188.00 in potentially unused registration fees.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. The attendance of the Shire President at the Municipal Association of Victoria 2013 'Future of Local Government' National Summit held in Melbourne on the 22 and 23 May be endorsed.**
- 2. The registrations of Councillor Bell and Councillor Handasyde to the National General Assembly of Local Government being held in Canberra from the 16 to 19 June 2013 be endorsed.**
- 3. All costs relating to registration, travel and accommodation be charged to budget item 20026.0029.**

**CARRIED (8/0)**

**NO. 130/13**

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

6:23pm The Presiding Member declared the meeting closed.

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