



ORDINARY MINUTES

DATE: Tuesday, 9 December 2014

TIME: 3:00pm

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

John Fathers
ACTING CHIEF EXECUTIVE OFFICER

Resolution numbers: 265/14 to 284/14

DISCLAIMER

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

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MEMBERSHIP – Quorum (5)

Membership:

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

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:01pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr J Oldfield	Councillor (Left Chambers 3:17pm, returned 3:25pm)
Cr C Pavlovich	Councillor

In Attendance:

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

Previously Approved Leave of Absence:

Cr S Etherington – 9 December 2014

There were no members of the public present.

Emergency Evacuation Procedures/Disclaimer:

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

Mr Fathers then read aloud the following disclaimer:

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to

be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.'

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr L Handasyde

Item: 9.1.3

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)

Nature: Perceived common interest

Extent: Run a small feedlot type of yard to finish lambs occasionally.

Cr J Oldfield

Item: 9.1.3

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),

Nature: Owner of rotational outdoor piggery which is a form of feedlot.

Extent: Not required.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr C Pavlovich requested Leave of Absence for 3 February 2015.

Moved Cr L Handasyde, seconded Cr G Messmer:

That Cr C Pavlovich be granted Leave of Absence for 3 February 2015.

CARRIED (8/0)

NO. 265/14

7 CONFIRMATION OF MINUTES

Moved Cr J Oldfield, seconded Cr C Pavlovich:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 11 November 2014 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 266/14

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

The Shire President advised that Hon Terry Waldron MLA had resigned from his appointment as Minister for Sport and Recreation, Racing and Gaming however will continue as the local member for Wagin. A letter of thanks will be sent to Mr Waldron thanking him for his support over the years.

The Shire President also announced that Mr Osmond (Mon) Henderson had passed away. Mr Henderson was a well known, long time resident of Mount Barker and Life Member of the Mount Barker RSL.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 POLICY REVIEW - SCHEME AMENDMENT REQUESTS

File No:	N32641
Attachments:	Scheme Amendment Requests Policy
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	9 December 2014

PURPOSE

The purpose of this report is to review Council Policy No. TP/SDC/6 – ‘Scheme Amendment Requests’.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 29 January 2013.

STATUTORY ENVIRONMENT

Local Government Act 1995

Planning and Development Act 2005

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

FINANCIAL IMPLICATIONS

The present fee amount set in the Council’s Annual Budget for a Scheme Amendment Request (SAR) is \$745.00.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protect local heritage) the following strategy:

Strategy 2.2.2 – *‘Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.’*

OFFICER COMMENT

The policy has been found to work well in terms of setting appropriate standards for this form of request for the support of the Council for a preliminary rezoning concept.

The last SAR submitted was for Lot 51 Porongurup Road which resulted in the presentation of Amendment No. 61 to TPS3 which has just come off public advertising.

The policy requires only one minor alteration to delete reference to the Department of Environment and Conservation (DEC) and insert Department of Parks and Wildlife (DPAW) at point 3 of the Policy.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr G Messmer, seconded Cr J Moir:

That amended Council Policy TP/SDC/6 – Scheme Amendment Requests, as follows:

OBJECTIVE

To allow proponents to gain an indication of support or otherwise from the Council prior to preparing formal and detailed Town Planning Scheme Amendment documents.

POLICY

This process is used to determine if there are any specific issues that will need addressing in the formal Amendment documentation and whether the Council will entertain such a proposal.

1. Initial Enquiry

Once a written enquiry is received, a letter will be forwarded to the enquirer advising whether or not the proponent should prepare a Scheme Amendment Request report and what the request should contain/address.

2. Scheme Amendment Request (SAR)

The SAR document is to be a maximum of six A4 pages and address specifically strategic issues and not detailed site analysis. The following are to be addressed in the SAR:

- a) existing and proposed zonings;
- b) impacts of structure plans and strategic documents on site and proposed zoning;
- c) the proposed method of integration of development on the site with adjoining lots;

- d) any precedent set by the proposed zoning;
- e) services available to the lot(s);
- f) any special outcomes proposed to be introduced through the rezoning process; and
- g) four copies plus a digital version are to be supplied to the Council.

A fee is payable prior to the SAR being assessed. Such a fee will be set in the Schedule of Fees and Charges in the Council's Annual Budget.

3. Referral of SAR to DOP, DPAW and DOW

Once received, the SAR will be referred to the Department of Planning (DOP), the Department of Parks and Wildlife (DPAW) and the Department of Water (DOW) for comments. The Departments will provide their responses on the SAR within 28 days.

4. SAR Submitted to the Council

The SAR is to be submitted with an officer's report and recommendation to the Council for consideration. Potential outcomes are:

- a) The Council decides to seek community feedback on the SAR if the application warrants it.
- b) The Council agrees to the SAR to allow further detailed documentation of the proposal and a subsequent assessment process to initiate the Scheme Amendment. (Note: detailed documentation may identify unresolved issues not known on initial SAR and as such the Amendment may not be initiated.)
- c) The Council considers the proposal to be unacceptable and advises the proponent that it would be unlikely to support a request to initiate a Scheme Amendment.
- d) The Council may acknowledge there is potential for the land to be rezoned but advise the applicant that the proposal is premature until the Council has agreed to a suitable structure plan or planning strategy for the locality to co-ordinate and integrate development in accordance with adopted strategic documents.

Note: Applicants who proceed after being advised as above do so at their own risk and cost.

5. Community Feedback

A decision of the Council under 4a) above to seek community feedback on the SAR shall be in the form of a letter to adjoining landowners, and relevant agencies, a sign on site, plus an advertisement in the local press, asking for feedback on the SAR. The feedback period shall be 42 days.

Submissions received during this process shall be summarised and forwarded to the Council for further consideration.

6. Response to Applicant if SAR Agreed to by the Council

A decision to allow the applicant to proceed with further documentation under 4b) above will be transmitted in a letter from the Council and will detail such matters as:

- a) policy issues to be addressed in the amending report;
- b) environmental issues;
- c) servicing issues (e.g.: full testing of groundwater tables prior to document lodgement) and the provision of a fire management plan;
- d) design requirements on subsequent development;
- e) developer commitments required by the Council from Scheme Amendment process;
- f) mechanisms for cost sharing of common cost items such as public open space, drainage, roads, footpaths, etc; and
- g) any other matters considered relevant to the Council.

7. Scheme Amending Documents

The required number of draft Scheme Amending documents (including a digital version) will be submitted with the appropriate fees and a formal request to initiate a Scheme Amendment. The format of the documents must meet the standards set in the Town Planning Regulations.

The Council staff shall review the draft Scheme Amending documents and make recommendations on potential changes/modifications. Staff shall prepare a report to the Council on the Scheme Amendment.

The Council may decide to initiate, decline to initiate, or require modifications prior to initiating the Amendment.

The procedures for Scheme Amendments as laid down in the Town Planning Regulations will be followed.'

be endorsed.

AMENDMENT

Moved Cr C Pavlovich, seconded Cr J Oldfield:

That at part 6 c) the words '(e.g.: full testing of groundwater tables prior to document lodgement) and the provision of a fire management plan' be deleted.

LOST (2/6)

The motion was then put.

CARRIED (8/0)

NO. 267/14

9.1.2 POLICY REVIEW - STATE ADMINISTRATIVE TRIBUNAL - COUNCILLOR REPRESENTATION

File No: N32640
Responsible Officer: Peter Duncan
Manager Development Services
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 9 December 2014

PURPOSE

The purpose of this report is to review Council Policy No. TP/SDC/7 'State Administrative Tribunal – Councillor Representation'.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 29 January 2013.

STATUTORY ENVIRONMENT

Local Government Act 1995

Planning and Development Act 2005

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protect local heritage) the following strategy:

Strategy 2.2.2 – *'Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.'*

OFFICER COMMENT

The policy has been found to work well in terms of specifying which Councillors can attend a State Administrative Tribunal (SAT) hearing.

The policy does not need alteration at this point in time.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr B Bell:

That Council Policy No. TP/SDC/7 – State Administrative Tribunal – Councillor Representation, as follows:

‘OBJECTIVE

To provide guidance as to which Councillors may attend a State Administrative Tribunal (SAT) hearing when invited to do so.

POLICY

1. When the SAT invites or requests the Council to nominate a Councillor to attend a mediation hearing, compulsory conference or final hearing in respect to an application for a review lodged against a Council decision, then that Council representative shall be the Shire President or the Deputy Shire President.
2. In the event that both the Shire President and the Deputy President are not available, the Shire President be authorised to appoint a Councillor as the Council representative.
3. As mediation hearings and compulsory conferences of the SAT are confidential and private, any consideration of a matter in respect to these must remain confidential and be considered behind closed doors by the Council where the SAT has asked the Council for further consideration of the matter at hand.’

be endorsed.

CARRIED (8/0)

NO. 268/14

9.1.3 TOWN PLANNING SCHEME POLICY NO. 13 - FEEDLOTS - ALTERATION TO POLICY

Cr L Handasyde

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)

Nature: Perceived common interest

Extent: Run a small feedlot type of yard to finish lambs occasionally.

Cr J Oldfield

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA),

Nature: Owner of rotational outdoor piggery which is a form of feedlot.

Extent: Not required.

3:17pm Cr J Oldfield withdrew from the meeting.

File No: N32604
Attachments: [Existing TPS Policy No. 13 with edits marked](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 9 December 2014

PURPOSE

The purpose of this report is to consider proposed alterations to existing Town Planning Scheme Policy No. 13 – Feedlots.

BACKGROUND

At its meeting held on 14 November 2006 the Council adopted Town Planning Scheme No. 13 – Feedlots following required public advertising. That policy is attached and includes the proposed changes in italics and deletions crossed.

Amendment No. 65 to Town Planning Scheme No. 3 (TPS3) is an omnibus amendment that altered various parts of the Scheme. The Amendment is about to be finalised and then published in the Government Gazette. The Amendment amongst other things introduces a new use class of Feedlot into Table 1 (Zoning Table) and a new interpretation of 'Feedlot'.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

TPS3 – Clause 7.6 'Power to Make Policies' reads as follows:

'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:*

- (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 which the Policy was designed to achieve before making its decision.'*

To alter a policy, clause 7.6.3(a) is relevant as is the procedure involving advertising set by clause 7.6.2.

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 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 an alteration to a Town Planning Scheme Policy adopted by the Council in November 2006.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 3.2 (A strong and diverse economic base) the following strategy:

Strategy 3.2.3 – *‘Develop and review policy to facilitate and support business development and economic growth’*

OFFICER COMMENT

Town Planning Scheme Policy No. 13 was prepared in 2006 to provide guidance and direction when considering proposals for feedlots.

As this document is a Town Planning Scheme Policy the Council is to have regard to it. There may be instances where the Council considers a departure or variance from the policy is justified and this can be considered by the Council.

As stated above, Amendment No. 65 to TPS3 is about to be finalised and TPS3 will include the new interpretation of Feedlot. It is appropriate that this particular Town Planning Scheme Policy No. 13 be altered to include reference to the new requirements in appropriate areas. The alterations to the policy are to include reference to the new use class in the zoning table and that they are permissible at the Council’s discretion in the Rural and Special Industry zones. The other changes include inserting current Government agency names and acronyms and the removal of the road names of the Kendenup village as that is now a Townsite.

As the policy is to be altered it will need to be renumbered from 13 to become 13.1 and also to include a statement at the end that this policy No. 13.1 supersedes policy No. 13.

Although these changes are relatively minor, clause 7.6 of TPS3 requires advertising for a minimum period of 21 days.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr G Messmer:

That:

1. Draft Town Planning Scheme Policy No 13.1 – Feedlots as follows:

‘Town Planning Scheme No. 3

Town Planning Scheme Policy No. 13.1.

FEEDLOTS

Definition

Feedlots are a confined yard area with watering and feeding facilities where animals are hand or mechanically fed for the purpose of production. Animals include cattle, sheep, goats, deer and the like.

Objectives

1. To provide acceptable standards for the establishment, operation and environmental management of feedlots.
2. To ensure there is minimal impact on adjoining property, neighbours and the environment.
3. To ensure the amenity of the locality is protected for proper and orderly planning.

In considering any application for approval for Feedlots, the Council will have regard to the criteria below before a decision is made.

Policy Criteria:

- 1) Feedlots are a defined land use and are permissible at the Council's discretion following advertising in the Rural and Special Industrial zones under Town Planning Scheme No. 3.
- 2) An application for planning consent must be lodged with the Council and an approval obtained prior to establishing a feedlot. The application process will be dealt generally in accordance with the process shown in Appendix one.
- 3) In order for the Council to consider an application for planning consent an applicant must provide:
 - A site plan clearly noting the location of pens on the land, distances from sensitive areas (such as houses and waterways) and slope of the land.
 - A detailed plan of pens noting the number of animals per pen, size of each pen, extent of vegetation to be planted and soil type information.
 - Details of the ultimate number of animals.
 - A Waste Management Plan (Detailed methods for the collection, storage and disposal of solid and liquid waste).
 - Water supply.
- 4) The feedlot must comply with minimum separation distances from sensitive areas:

Description	Separation Distances
-------------	----------------------

Groundwater table (wet season) – minimum depth separation	1.5m
Banks of water courses that flow intermittently	50m
Property boundary	50m
Private water supply bores and dams	100m
Banks or permanent streams and rivers	100m
Conservation wetlands (as identified by DOW)	200m
Boundary of wetland vegetation around estuaries and lakes	200m
Neighbouring isolated residence or public amenities	1000m
Gazetted townsites	5000m
Source: DoA, DEP & WRC (2002) 'Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia'	

- 5) Feedlots to be sited in an area where the land slope is no greater than 1:20 but no less than 1:100.
- 6) Feedlots should be sited on sandy loam soils rather than coarse sand.
- 7) Stock numbers per pen are to ensure adequate management of dust and effluvia occurs and does not become a nuisance. In the case of Cattle Feedlots stock density should range from 9 – 25 m² per head of cattle. For current stocking rates, for various stock, consult the DAFWA for appropriate standards.
- 8) Waste (solid and liquid) to be adequately stored and/ or disposed of over the subject land. Solid wastes should not be spread on land within the minimum buffer distance from water resources. All waste disposal methods to meet DER standards.
- 9) Vegetation (trees and shrubs) to be planted around and amongst the pens for screening purposes, to provide windbreaks, to help with dust control and to enhance nutrient uptake. Vegetation should be appropriately chosen in order to prevent excessive shading over the pens.
- 10) Approvals will contain conditions which may limit a maximum number of animals.

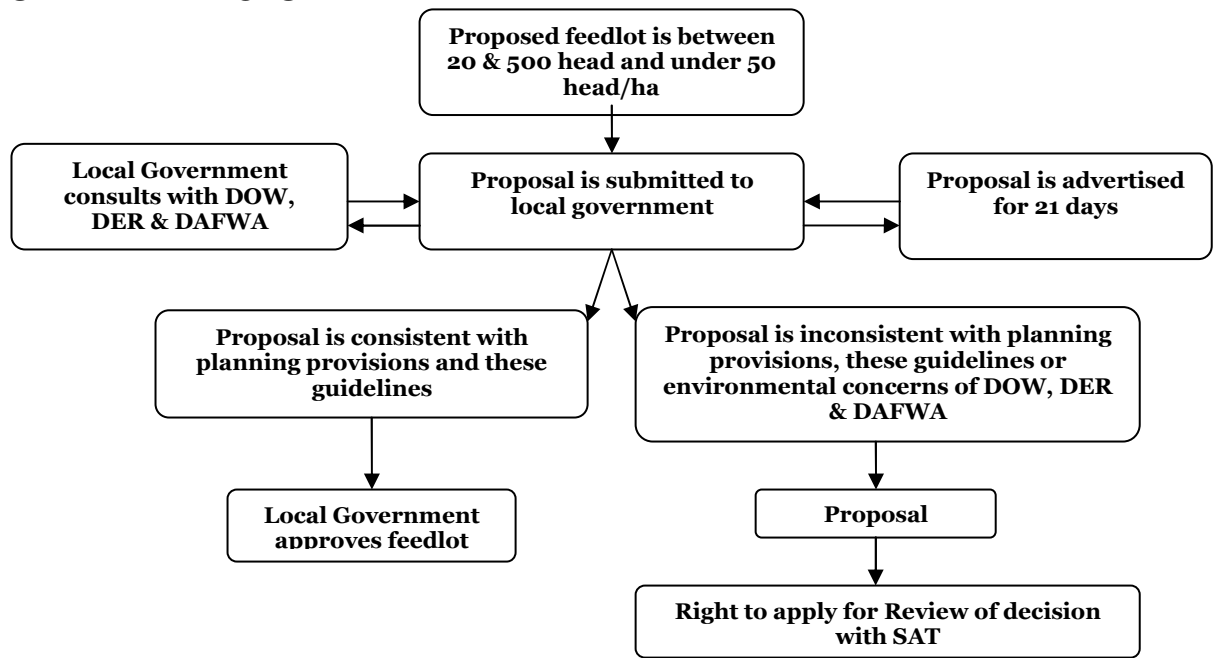
For further information on Cattle Feedlots refer to 'Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia'.

This TPS Policy No. 13.1 supersedes TPS Policy No. 13.

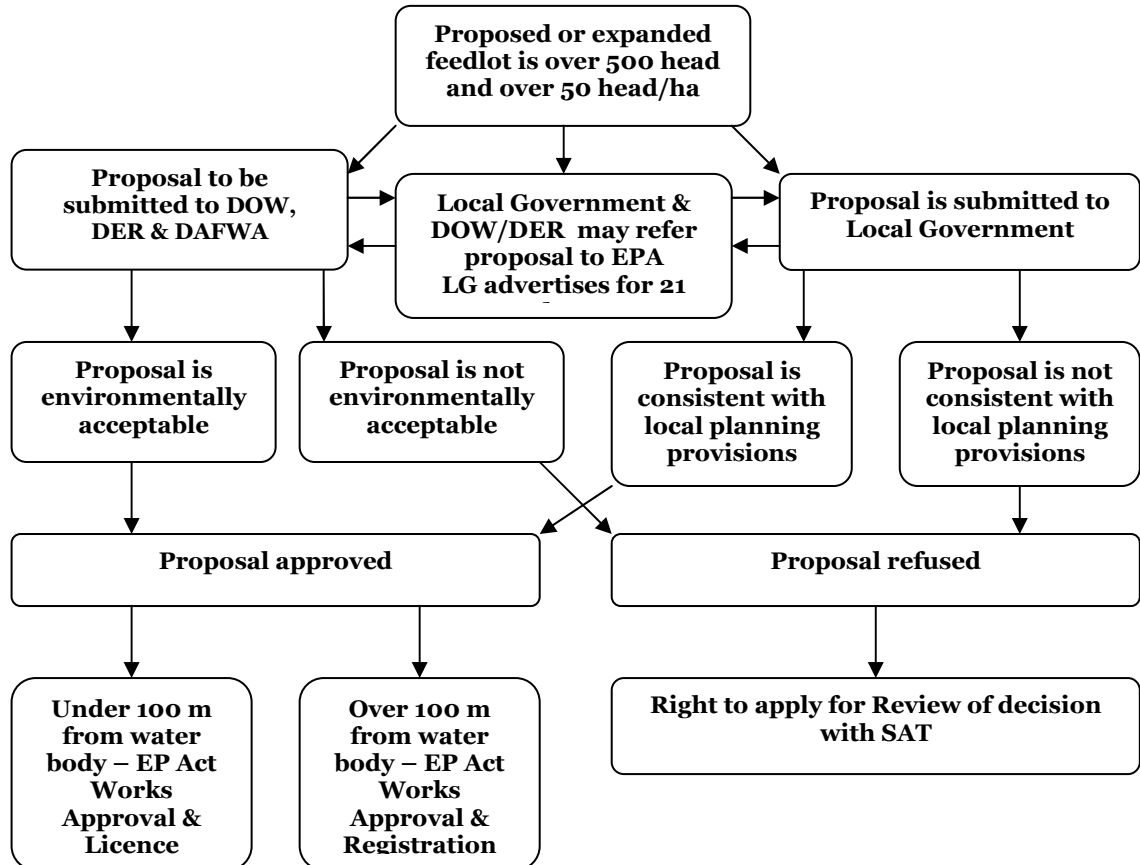
Adopted on in accordance with clause 7.6 of Town Planning Scheme No. 3.

APPENDIX ONE - APPROVALS PROCESS

SMALL FEEDLOTS



LARGE FEEDLOTS



- DAFWA - Department of Agriculture & Food WA
- DER - Department of Environment Regulation
- DOW - Department of Water
- SAT - State Administrative Tribunal

be advertised for public comment for a period of 21 days.

2. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 3 February 2015.

AMENDMENT

Moved Cr C Pavlovich, seconded Cr B Bell:

That at part 4) of the Policy Criteria, the word ‘must’ be replaced with ‘should’.

CARRIED (7/0)

NO. 269/14

COUNCIL DECISION

That:

1. **Draft Town Planning Scheme Policy No 13.1 – Feedlots as follows:**

‘Town Planning Scheme No. 3

Town Planning Scheme Policy No. 13.1.

FEEDLOTS**Definition**

Feedlots are a confined yard area with watering and feeding facilities where animals are hand or mechanically fed for the purpose of production. Animals include cattle, sheep, goats, deer and the like.

Objectives

1. **To provide acceptable standards for the establishment, operation and environmental management of feedlots.**
2. **To ensure there is minimal impact on adjoining property, neighbours and the environment.**
3. **To ensure the amenity of the locality is protected for proper and orderly planning.**

In considering any application for approval for Feedlots, the Council will have regard to the criteria below before a decision is made.

Policy Criteria:

- 1) **Feedlots are a defined land use and are permissible at the Council’s discretion following advertising in the Rural and Special Industrial zones under Town Planning Scheme No. 3.**
- 2) **An application for planning consent must be lodged with the Council and an approval obtained prior to establishing a feedlot. The application process will be dealt generally in accordance with the process shown in Appendix one.**
- 3) **In order for the Council to consider an application for planning consent an applicant must provide:**
 - **A site plan clearly noting the location of pens on the land, distances from sensitive areas (such as houses and waterways) and slope of the land.**
 - **A detailed plan of pens noting the number of animals per pen, size of each pen, extent of vegetation to be planted and soil type information.**

- Details of the ultimate number of animals.
 - A Waste Management Plan (Detailed methods for the collection, storage and disposal of solid and liquid waste).
 - Water supply.
- 4) The feedlot should comply with minimum separation distances from sensitive areas:

Description	Separation Distances
Groundwater table (wet season) – minimum depth separation	1.5m
Banks of water courses that flow intermittently	50m
Property boundary	50m
Private water supply bores and dams	100m
Banks or permanent streams and rivers	100m
Conservation wetlands (as identified by DOW)	200m
Boundary of wetland vegetation around estuaries and lakes	200m
Neighbouring isolated residence or public amenities	1000m
Gazetted townsites	5000m

Source: DoA, DEP & WRC (2002) *'Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia'*

- 5) Feedlots to be sited in an area where the land slope is no greater than 1:20 but no less than 1:100.
- 6) Feedlots should be sited on sandy loam soils rather than coarse sand.
- 7) Stock numbers per pen are to ensure adequate management of dust and effluvia occurs and does not become a nuisance. In the case of Cattle Feedlots stock density should range from 9 – 25 m² per head of cattle. For current stocking rates, for various stock, consult the DAFWA for appropriate standards.
- 8) Waste (solid and liquid) to be adequately stored and/ or disposed of over the subject land. Solid wastes should not be spread on land within the minimum buffer distance from water resources. All waste disposal methods to meet DER standards.

- 9) Vegetation (trees and shrubs) to be planted around and amongst the pens for screening purposes, to provide windbreaks, to help with dust control and to enhance nutrient uptake. Vegetation should be appropriately chosen in order to prevent excessive shading over the pens.
- 10) Approvals will contain conditions which may limit a maximum number of animals.

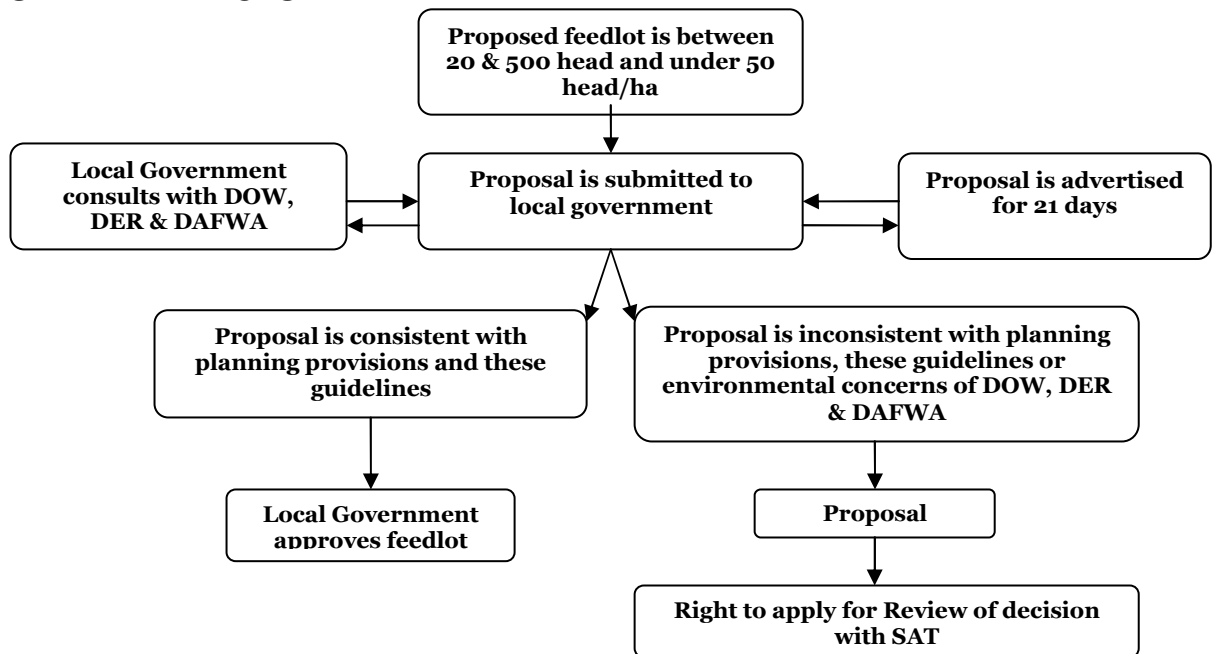
For further information on Cattle Feedlots refer to ‘Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia’.

This TPS Policy No. 13.1 supersedes TPS Policy No. 13.

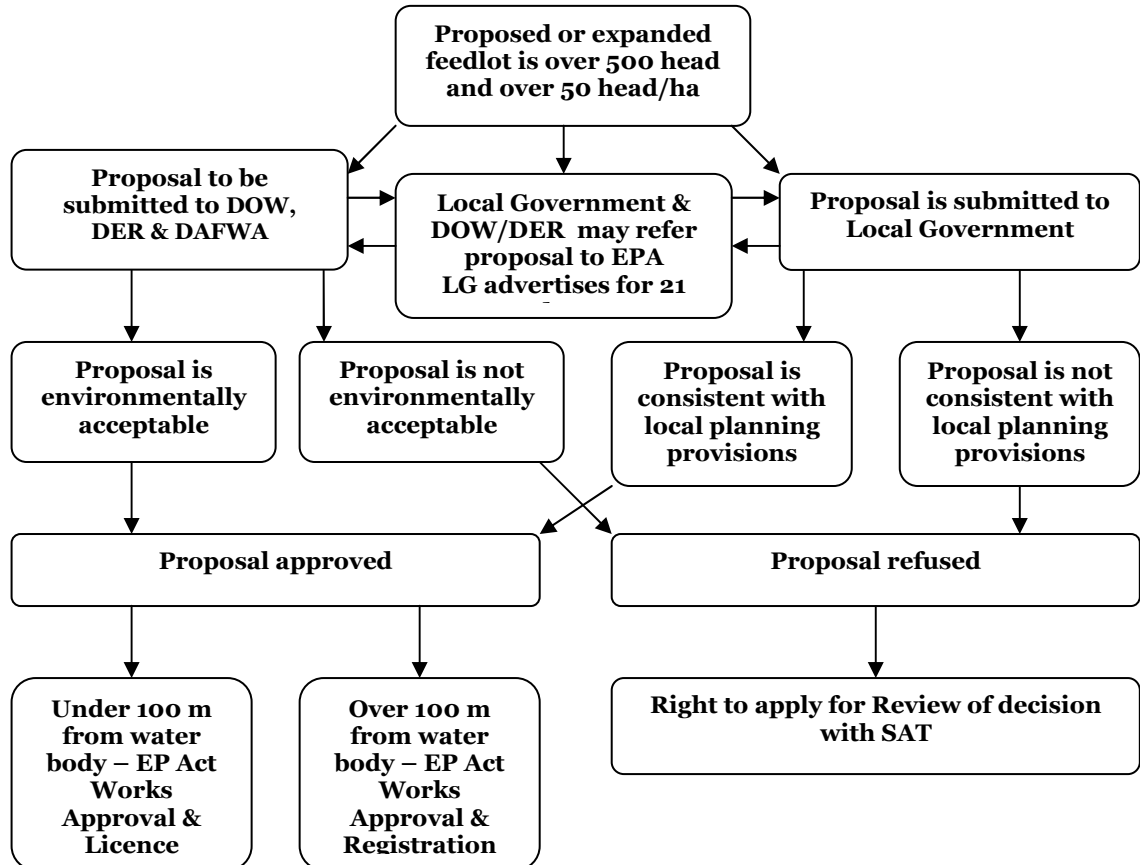
Adopted on in accordance with clause 7.6 of Town Planning Scheme No. 3.

APPENDIX ONE - APPROVALS PROCESS

SMALL FEEDLOTS



LARGE FEEDLOTS



- DAFWA - Department of Agriculture & Food WA
- DER - Department of Environment Regulation
- DOW - Department of Water
- SAT - State Administrative Tribunal

be advertised for public comment for a period of 21 days.

2. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 3 February 2015.

CARRIED (7/0)

NO. 270/14

3:25pm Cr J Oldfield returned to the meeting.

9.1.4 TOWN PLANNING SCHEME POLICY NO. 16.2 - OUTBUILDINGS

File No:	N32603
Attachments:	<u>Draft Town Planning Scheme Policy No. 16.2</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	9 December 2014

PURPOSE

The purpose of this report is to consider the result of public advertising of a review of Town Planning Scheme Policy No 16.1 to become Town Planning Scheme Policy No. 16.2 – Outbuildings and then referral to the Western Australian Planning Commission (WAPC).

BACKGROUND

The Council on 18 January 2011 last reviewed Town Planning Scheme Policy No. 16 and adopted Town Planning Scheme Policy No. 16.1 (Outbuildings).

A review of Town Planning Scheme Policy No. 16.1 revealed some of the policy criteria do not conform to the deemed-to-comply provisions of the Residential Design Codes (R-Codes). In addition, the R-Codes require any local planning policy that proposes to amend the ‘deemed-to-comply’ outbuilding provisions of the R-Codes be to the satisfaction of the WAPC.

The Council at its meeting held on 14 October 2014 when considering this matter resolved:

‘That:

- 1. Town Planning Scheme Policy No. 16.2 (Outbuildings) be adopted as a draft to supersede Town Planning Scheme Policy No. 16.1 (Outbuildings) and that it be advertised for a period of 21 days as detailed in clause 7.6.2 of the Shire of Plantagenet Town Planning Scheme No. 3.*
- 2. At the conclusion of the public advertising a further report be placed before the Council by no later than its meeting to be held on 9 December 2014 on any submissions received.*
- 3. Following that 9 December 2014 Council meeting, should the policy be approved, the policy be referred to the Western Australian Planning Commission for its approval as it amends a deemed-to-comply provision of the Residential Design Codes for the Residential zones.’*

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

TPS3 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:*
- (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 which the Policy was designed to achieve before making its decision.'*

To rescind and adopt a policy, clause 7.6.3(a) is relevant as is the procedure involving advertising set by clause 7.6.2.

R-Codes August 2013

R-Codes Part 7 Local planning framework, Scope of local planning policies, local development plans, local structure plans and activity centre plans Provision 7.3.2 reads as follows:

'Notwithstanding clause 7.3.1, the local government may, with the approval of the WAPC, amend any other deemed-to-comply provision within the R-Codes by means of a local planning policy, local structure plan or local development plan where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:

- Is warranted due to a specific need related to that particular locality or region;*
- Is consistent with the objectives and design principles of the R-Codes; and*
- Can be properly implemented and audited by the decision-maker as part of ongoing building approval process.'*

Draft Town Planning Scheme Policy No. 16.2 (Outbuildings) proposes to amend the 'deemed-to-comply' outbuilding provisions of the R-Codes in respect to the maximum size of outbuildings. The existing Town Planning Scheme Policy No. 16.1 also varied a deemed-to-comply provision however WAPC approval is required. This has been the case in the City of Greater Geraldton, the City of Kalgoorlie-Boulder and the Shire of Ravensthorpe.

EXTERNAL CONSULTATION

In accordance with the R-Codes Provision 7.3.2, the Council is required to refer this Town Planning Scheme Policy No. 16.2 to the WAPC for approval. Pursuant to TPS3 Clause 7.6.2, the Council advertised the draft policy once a week for two consecutive weeks within the newspaper.

At the close of the submission period on 13 November 2014 no submissions had been received.

FINANCIAL IMPLICATIONS

The cost of advertising was met from the Town Planning advertising budget.

POLICY IMPLICATIONS

The proposed revisions to the policy will increase wall height limits and floor area limits.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protect local heritage) the following strategy:

Strategy 2.2.2 – *'Ensure quality, consistent and responsive development and building assessment approval processes and enforcement.'*

OFFICER COMMENT

The draft Town Planning Scheme Policy No. 16.2 was prepared to replace existing Town Planning Scheme Policy No. 16.1 and to provide guidance and direction when considering proposals to erect outbuildings in particular zones.

The main parts of the draft policy set maximum wall heights and maximum cumulative floor areas for outbuildings based on the particular zone. These are summarised briefly in the table below with the existing TPS Policy No. 16.1 figures in brackets:

Zone	Maximum Wall Height	Maximum Cumulative Floor Area
Residential and Enterprise	3.0m (2.4m)	100m ² (80m ²)
Rural Residential and Landscape Protection	4.2m (3.5m)	200m ² (150m ²)
Rural Smallholdings	4.2m (3.5m)	300m ² (200m ²)
Rural	No Limit	No Limit

The present R-Code restriction of outbuildings in Residential zones to a maximum floor area of 60m² may be appropriate on smaller lots in built up areas in the Perth metropolitan region. In a rural town with a variety of larger size residential lots, there is a need to allow for a larger cumulative outbuilding size of 100m².

In country towns with larger lots, there is generally the need for larger outbuildings for storage and security of items such as caravans, boats, 4x4 vehicles, trailers etc. A 60m² limit is equivalent to a 6m x 10m structure which is in essence similar to a two car garage. On larger residential lots in country towns, there is quite often the need to have more than one outbuilding hence the cumulative area limit of 100m² is proposed.

The present policy restriction to the wall height of 2.4m is to be increased to 3.0m. That will enable the storage and security of taller items such as caravans and boats which is common in country towns.

For Rural Residential and Landscape Protection zones the floor area is to be 200m² based on larger rural lot sizes in these zones. The wall height has been increased to 4.2m which is a standard metal sheet size. In the Rural Smallholdings zone the area is being increased to 300m² and the wall height to 4.2m.

The policy also provides guidance in dealing with boundary setbacks for outbuildings in the Residential zone.

The proposed policy is consistent with the objectives and design principles of the R-Codes for the Residential zoned land in that it ensures that:

- residential development meets community expectations in regard to appearance, use and density;
- design responds to the key natural and built features of the area and respond to the local context in terms of bulk and scale;
- adequate provision of direct sunlight and ventilation for buildings and to ameliorate the impacts of building bulk, privacy and overshadowing on adjoining properties;
- open space is provided on site;

- development and design is appropriately scaled, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings;
- design of such buildings minimises adverse impact on the privacy of adjoining dwellings; and
- maintains the amenity of streetscapes and views along the street by ensuring that outbuildings do not detract from the street scape and are not visually intrusive to neighbouring properties or adjoining public places.

This variation to a 'deemed-to-comply' provision of the R-Codes in respect to outbuildings being larger has been approved by the WAPC for the City of Greater Geraldton, the City of Kalgoorlie-Boulder and the Shire of Ravensthorpe. A similar proposal for the Shire of Katanning is about to be put to the WAPC.

The draft policy has been altered to include the current R-Code definitions of outbuilding and garage. It also includes a new part 9) which allows the Council to approve outbuildings that exceed the policy standards by up to 20% on the basis of adjoining owner/s support and no adverse visual impact. A part 12) has been added to allow smaller structures less than 10m² in area and less than 2.4m in height (such as garden sheds and cubby houses) to be exempt from the policy requirements.

As a result of the public advertising of the draft policy no submissions were received. There is no need to adjust the policy as a result of the public advertising.

The next step in the process will be to finalise Town Planning Scheme Policy No. 16.2 and refer it to the Western Australian Planning Commission for its approval as it amends a provision of the Residential Design Codes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That:

- 1. Town Planning Scheme Policy No. 16.2 (Outbuildings) be approved and then be referred to the Western Australian Planning Commission for its approval as the Policy amends a deemed-to-comply provision of the Residential Design Codes for the Residential Zone.**
- 2. Following the approval of the Western Australian Planning Commission, Town Planning Scheme Policy No. 16.2 (Outbuildings) be advertised as finalised.**

CARRIED (8/0)

NO. 271/14

9.2 WORKS AND SERVICES REPORTS

9.2.1 POLICY ADOPTION - TOWN STREET VERGE MANAGEMENT I/RR/4

File No: N32221
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Amy Chadbourne
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 9 December 2014

PURPOSE

The purpose of this report is to adopt a new Town Street Verge Management Policy (I/RR/4).

BACKGROUND

Street verges within townsites are under the care, control and management of the Shire and are used for the provision of public services such as pathways and to accommodate public utilities.

Property owners regularly seek guidance from the Shire regarding what they can do within their verge space. The adoption of a policy which provides clear guidelines will be beneficial.

STATUTORY ENVIRONMENT

Local Government Act 1995

Land Administration Act 1997, Part 5 Section 55 (2) - 'Property in and management etc. of roads'

Shire of Plantagenet – Activities in Thoroughfares and Public Places and Trading Local Law 2008

Shire of Plantagenet – Parking Facilities Local Law 2008

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This report will recommend the adoption of a new policy.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 2.3 (Pleasant streetscapes, open spaces, parks and gardens) the following:

Strategy 2.3.2 - *'Develop, maintain and enhance town streetscapes and public spaces'*.

OFFICER COMMENT

Enhanced street verges contribute to the attractiveness of the streetscape and help develop the town's character. Property owners may seek permission to develop the verge adjacent to their property, however, guidelines are required to ensure that appropriate and safe verge treatments are installed.

The policy reflects the requirements set out in the Activities in Thoroughfares and Public Places and Trading Local Law 2008 and provides further guidance regarding planting, street trees and the installation of irrigation.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr G Messmer:

That new Town Street Verge Management Policy (I/RR/4) as follows:

'OBJECTIVE

To provide guidelines for the maintenance and development of street verges within townsites under the care, control and management of the Council.

POLICY

1. Verge Definition

A verge is defined as the part of a thoroughfare between the carriageway and the land which abuts the thoroughfare but does not include any footpath. The land is under the care, control and management of the Shire of Plantagenet for the provision of public services such as pathways and to accommodate public utilities.

2. Landscaping a Verge

The Shire permits, with permission, property owners to enhance their verge. A landscaped verge contributes to the attractiveness of the adjacent property and helps develop the town's character and form a 'sense of place'.

Low growing water wise plants are highly recommended for planting in verges. The advantages of water wise plants, in particular plants native to the area, include supporting biodiversity, decreasing storm water and nutrient runoff and less maintenance costs and water requirements compared to lawn.

The Shire will not undertake any maintenance work (such as mowing, slashing and pruning) on townsite verges apart from drainage preservation, annual spraying for weeds and maintenance of street trees. The Shire will also remove trees that are considered a danger to persons or infrastructure.

3. Permissible Verge Treatments

Permissible Verge Treatments are detailed in the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008.

4. Verge Treatment Restrictions

The following restrictions apply to verge treatments:

- a) No structures or objects that would create a hazard to vehicles or pedestrians are to be placed on the verge;
- b) No plant is to be more than 750mm in height when mature or of a hazardous nature eg declared weeds (WA), poisonous or thorny;
- c) Property owners are responsible for checking for the presence of any service infrastructure in their verge prior to developing the site. This may include a 'Dial Before You Dig' check;
- d) Productive gardens are permitted provided that produce will not lie on the footpath, kerb or street;
- e) The level and grade of the verge, and between adjoining verges, shall remain consistent and free of trip hazards, excess undulations, mounds, holes, depressions, ridges and terraces; and
- f) Verges cannot be used for permanent or long term car parking purposes unless approved by the Chief Executive Officer.

5. Irrigation

If a property owner wishes to irrigate their verge an application must be made in writing to the Chief Executive Officer. Property owners are advised that installation and maintenance of irrigation structures is at their expense and will not be maintained by the Shire.

If approved, irrigation pipes and connections shall be laid underground and pipe fittings not protrude above the surface. Drip line and/or pop up sprinklers must be used. Water supplied to the system must be sourced from the adjoining property. Sprinklers are not to cause an inconvenience to any person using the verge and 'half' sprinklers must be used adjacent to kerbs, footpaths or streets to ensure flow is directed away from these surfaces.

6. Street Trees

The Shire is responsible for the planting, maintenance and removal of trees on townsite verges. Occasionally it is necessary to remove a dangerous tree that poses a threat to public safety such as impeding sight along the road way or one threatening to fall.

Property owners are permitted and encouraged to prune any branches overhanging their fenceline from a verge tree. The removal of these branches is the responsibility of the property owner. See Policy I/RR/5 Trees across Fences and Boundaries.

7. Verge Spraying Program

The Shire undertakes an annual verge spraying program within all townsites. As part of the program, an undeveloped verge is sprayed from the edge of the road to the property boundary.

A 'Do Not Spray' Register is maintained by the Works and Services Department and updated regularly to ensure requested (and developed) verges are excluded from the spraying program.

8. Obligations of the Property Owner

A property owner who installs or maintains a verge treatment shall ensure the treatment is in a good and tidy condition and that the footpath, kerb and/or carriageway is not impeded. The Shire will not carry out any maintenance work (including mowing, watering, spraying, slashing and pruning) on these developed verges.

9. Notice to Property Owner

The Shire may give a notice in writing to the property owner of a lot abutting a verge to make good, within the time specified in the notice, any breach of the verge treatment guidelines.

10. Non-Prescribed Verge Treatments

Permission for any other form of verge treatment, other than the permissible verge treatments outlined above, must be sought in writing from the Chief Executive Officer.

11. Trees Near Power Lines

The Shire is provided with a regular report from Western Power listing trees within a townsite that require pruning. A resident may request a street tree be pruned by Shire staff, however, this will only occur if an inspection deems the branches be within Western Power's recommended safe 2.5m distance.

12. Conditions Applicable to all Verge Treatments

The Shire reserves the right to remove any verge treatment for the purpose of carrying out maintenance works, without being liable to compensate any person for such loss. Notice of Shire verge works will be provided to the property owner prior to any works being carried out.'

be adopted.

AMENDMENT

Moved Cr J Moir, seconded Cr B Bell:

That at Part 7 an additional paragraph be added as follows 'The Council reserves the right to maintain verges that are added to the 'Do Not Spray' Register as it sees fit, if they are not maintained to required standards.'

CARRIED (8/0)

NO. 272/14

COUNCIL DECISION

That new Town Street Verge Management Policy (I/RR/4) as follows:

‘OBJECTIVE

To provide guidelines for the maintenance and development of street verges within townsites under the care, control and management of the Council.

POLICY

1. Verge Definition

A verge is defined as the part of a thoroughfare between the carriageway and the land which abuts the thoroughfare but does not include any footpath. The land is under the care, control and management of the Shire of Plantagenet for the provision of public services such as pathways and to accommodate public utilities.

2. Landscaping a Verge

The Shire permits, with permission, property owners to enhance their verge. A landscaped verge contributes to the attractiveness of the adjacent property and helps develop the town’s character and form a ‘sense of place’.

Low growing water wise plants are highly recommended for planting in verges. The advantages of water wise plants, in particular plants native to the area, include supporting biodiversity, decreasing storm water and nutrient runoff and less maintenance costs and water requirements compared to lawn.

The Shire will not undertake any maintenance work (such as mowing, slashing and pruning) on townsite verges apart from drainage preservation, annual spraying for weeds and maintenance of street trees. The Shire will also remove trees that are considered a danger to persons or infrastructure.

3. Permissible Verge Treatments

Permissible Verge Treatments are detailed in the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008.

4. Verge Treatment Restrictions

The following restrictions apply to verge treatments:

- a) No structures or objects that would create a hazard to vehicles or pedestrians are to be placed on the verge;
- b) No plant is to be more than 750mm in height when mature or of a hazardous nature eg declared weeds (WA), poisonous or thorny;

- c) **Property owners are responsible for checking for the presence of any service infrastructure in their verge prior to developing the site. This may include a 'Dial Before You Dig' check;**
- d) **Productive gardens are permitted provided that produce will not lie on the footpath, kerb or street;**
- e) **The level and grade of the verge, and between adjoining verges, shall remain consistent and free of trip hazards, excess undulations, mounds, holes, depressions, ridges and terraces; and**
- f) **Verges cannot be used for permanent or long term car parking purposes unless approved by the Chief Executive Officer.**

5. Irrigation

If a property owner wishes to irrigate their verge an application must be made in writing to the Chief Executive Officer. Property owners are advised that installation and maintenance of irrigation structures is at their expense and will not be maintained by the Shire.

If approved, irrigation pipes and connections shall be laid underground and pipe fittings not protrude above the surface. Drip line and/or pop up sprinklers must be used. Water supplied to the system must be sourced from the adjoining property. Sprinklers are not to cause an inconvenience to any person using the verge and 'half' sprinklers must be used adjacent to kerbs, footpaths or streets to ensure flow is directed away from these surfaces.

6. Street Trees

The Shire is responsible for the planting, maintenance and removal of trees on townsite verges. Occasionally it is necessary to remove a dangerous tree that poses a threat to public safety such as impeding sight along the road way or one threatening to fall.

Property owners are permitted and encouraged to prune any branches overhanging their fenceline from a verge tree. The removal of these branches is the responsibility of the property owner. See Policy I/RR/5 Trees across Fences and Boundaries.

7. Verge Spraying Program

The Shire undertakes an annual verge spraying program within all townsites. As part of the program, an undeveloped verge is sprayed from the edge of the road to the property boundary.

A 'Do Not Spray' Register is maintained by the Works and Services Department and updated regularly to ensure requested (and developed) verges are excluded from the spraying program.

The Council reserves the right to maintain verges that are added to the 'Do Not Spray' Register as it sees fit, if they are not maintained to required standards.'

8. Obligations of the Property Owner

A property owner who installs or maintains a verge treatment shall ensure the treatment is in a good and tidy condition and that the

footpath, kerb and/or carriageway is not impeded. The Shire will not carry out any maintenance work (including mowing, watering, spraying, slashing and pruning) on these developed verges.

9. Notice to Property Owner

The Shire may give a notice in writing to the property owner of a lot abutting a verge to make good, within the time specified in the notice, any breach of the verge treatment guidelines.

10. Non-Prescribed Verge Treatments

Permission for any other form of verge treatment, other than the permissible verge treatments outlined above, must be sought in writing from the Chief Executive Officer.

11. Trees Near Power Lines

The Shire is provided with a regular report from Western Power listing trees within a townsite that require pruning. A resident may request a street tree be pruned by Shire staff, however, this will only occur if an inspection deems the branches be within Western Power's recommended safe 2.5m distance.

12. Conditions Applicable to all Verge Treatments

The Shire reserves the right to remove any verge treatment for the purpose of carrying out maintenance works, without being liable to compensate any person for such loss. Notice of Shire verge works will be provided to the property owner prior to any works being carried out.'

be adopted.

CARRIED (8/0)

NO. 273/14

9.3 COMMUNITY SERVICES REPORTS

9.3.1 ART LOAN AGREEMENT - RENEWAL

File No:	N32471
Attachments:	Art Loan Agreement CRC Acquisitives
Responsible Officer:	Fiona Saurin Manager Community Services
Author:	Isabelle Draffehn Community Development Officer
Proposed Meeting Date:	9 December 2014

PURPOSE

The purpose of this report is to recommend the renewal of the Art Loan Agreement for the Acquisitive Art Collection to the Mount Barker Community Resource Centre (CRC).

BACKGROUND

The Art Loan Agreement between the Shire of Plantagenet and the CRC to display the Acquisitive Art Collection expired on 26 November 2014.

The agreement allows the CRC to display 27 pieces of art at the centre. The Shire of Plantagenet is responsible for maintaining the appropriate level of insurance. The CRC is responsible for payment of any excess arising from a claim being lodged.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Consultation has occurred with Stephen Shoebridge, Manager of the CRC.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 -2023 provides at Outcome 1.8 (Cultural, arts and learning opportunities that contribute to vibrancy and diversity in the community) the following Strategy:

Strategy 1.8.3 – *‘Support the provision of appropriate, accessible arts facilities and activities to encourage artistic and cultural expression.’*

OFFICER COMMENT

The display of the Acquisitive Art Collection at the CRC complements the Sir Claude Hotchin pieces which are permanently displayed in the Mount Barker Library. It also ensures that the art is accessible to both the community and visitors in the area.

It is recommended that the agreement be renewed for a further one year term subject to the same terms and conditions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr G Messmer:

That:

- 1. The renewal of the Art Loan Agreement (Acquisitive Collection) with the Mount Barker Community Resource Centre as attached be endorsed.**
- 2. The Chief Executive Officer be authorised to sign the Agreement referred to in part 1 above.**

CARRIED (8/0)

NO. 274/14

9.4 CORPORATE SERVICES REPORTS

9.4.1 AUDIT REPORT - YEAR ENDING 30 JUNE 2014

File No:	N32112
Attachment:	2013/2014 End of Year Audit Report
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	9 December 2014

PURPOSE

The purpose of this report is to present the Annual Financial Audit and Management Report for the year ending 30 June 2014.

BACKGROUND

In October 2014, representatives of Lincolns Accountants and Business Advisors attended the Shire office to conduct an end of year audit for 2013/2014. It should be noted that the audit is designed primarily to enable the auditors to form an opinion on the financial statements and therefore does not extend to all of the Council's systems and procedures.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 7.12A (3) and (4) of the Act states the following:

- (3) *A local Government is to examine the report of the auditor prepared under section 7.9 (1), and any report prepared under section 7.9(3) forwarded to it, and is to -*
- (a) *determine if any matters raised by the report, or reports require action to be taken by the local government; and*
 - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government is to -*
- (a) *prepare a report on any actions taken under subsection (3) in respect of an audit conducted in respect of a financial year; and*
 - (b) *forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.'*

EXTERNAL CONSULTATION

Consultation has occurred with the Shire's auditors in regard to this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

A copy of the Lincolns' Audit and Management Report is attached. The audit letter focuses on the Shire's current position with respect to the statutory financial ratios in Note 19. A comment in regard to the results is as follows:

The trend in regard to the ratios is shown in the table below:

Financial Ratios	2014	2013	2012
Current Ratio	0.650	0.771	1.489
Asset Sustainability Ratio	1.178	0.928	1.085
Debt Service Cover Ratio	4.250	6.857	10.368
Operating Surplus Ratio	-0.258	-0.210	-0.156
Own Source Revenue Coverage Ratio	0.677	0.646	0.680
Asset Consumption Ratio	0.188	0.122	N/A
Asset Renewal Funding Ratio	0.970	1.024	N/A

- **Current Ratio**
$$\frac{\text{Current assets minus restricted assets}}{\text{Current liabilities minus liabilities associated with restricted assets}}$$

This ratio gives an indication of short term liquidity, or the ability to meet financial obligations when they fall due. The standard is met if the ratio is greater than 1. The Shire's 2014 result of 0.650 is below the standard and is on a downward trend. Large creditor bills for Sounness Park influenced the current result. As loans are paid off and the Shire's Employee Entitlements Reserve increases, this ratio will improve.

- **Asset Sustainability Ratio**
$$\frac{\text{capital renewal and replacement expenditure}}{\text{depreciation expense}}$$

This ratio indicates that to what degree the Shire is replacing or renewing existing assets at the same rate that its overall asset stock is wearing out. The standard is met if the ratio is greater than 0.9. The Shire's 2014 result of 1.178 is well above the standard ratio, which reflects the major expenditure associated with Sounness Park. Ordinarily, the Shire's ratio should exceed the standard ratio.

- **Debt Service Cover Ratio**
$$\frac{\text{annual operating surplus before interest and depreciation}}{\text{principal and interest}}$$

This ratio indicates an ability to service debt out of general purpose funds available for operations. A ratio greater than 2 is desirable at a basic level and an advanced standard is met if the ratio is greater than 5. The Shire's 2014 result of 4.25 is a good

result, however, the Shire needs to continue to exercise caution around its debt management to help ensure its longer term financial position.

- Operating Surplus Ratio
$$\frac{\text{operating revenue minus operating expense}}{\text{own source operating revenue}}$$

This ratio indicates an ability to cover operational costs and have revenues available for capital funding or other purposes. A basic standard is met between 0 and 0.15. An advanced standard is met over 0.15. The Shire's 2014 result of -0.258 is well below ideal. A sustained period of deficits will erode the Shire's ability to maintain both its operational service level and asset base. This result should be taken in the context of currently unproven depreciation figures. As the Shire continues to develop robust asset values, depreciation values and asset management plans, the accuracy and reliability of this measure will improve.

- Own Source Revenue Coverage Ratio
$$\frac{\text{own source operating revenue}}{\text{operating expense}}$$

This ratio indicates an ability to cover costs through own source revenue efforts. A basic standard is met between 0.4 and 0.6. An intermediate standard is met between 0.6 and 0.9. An advanced standard is met over 0.9. The Shire's 2014 result of 0.677 is satisfactory.

The following ratios cannot be measured retrospectively:

- Asset Consumption Ratio
$$\frac{\text{depreciated replacement cost of assets}}{\text{current replacement cost of depreciable assets}}$$

This ratio measures the extent to which depreciable assets have been consumed by comparing their written down value to their replacement cost. The standard is met if the ratio is greater than 0.5. The standard is improving if the ratio is between 0.6 and 0.75. The Shire's 2014 result is 0.188.

This result would indicate that the Shire has not been undertaking a sustained capital investment program sufficient to renew assets at a level equal to maintain the average 'aged' condition of the assets. Again the figures used to calculate this ratio need to be updated with revised values over the next couple of years in order for this to be a reliable measure.

- Asset Renewal Funding Ratio
$$\frac{\text{NPV of planned capital renewals over 10 years}}{\text{NPV of required capital expenditure over 10 years}}$$

This ratio measures an ability to fund projected asset renewal and replacements in the future. The standard is met if the ratio is between 0.75 and 0.95. The standard is improving if the ratio is between 0.95 and 1.05. The Shire's 2014 result is 0.970 indicates that this part of the Long Term Financial Plan is sound in that long term projections for investment in asset renewal more than offset the current consumption of assets and provide for the effect of inflation.

These final two ratios have only been audited to the extent that the values are accurately represented in the Shire's Asset Management Plan and Long Term Financial Plan. There has been no additional effort in auditing the veracity of those

plans or the figures used to determine the ratios. Further work is required on those plans to ensure that, in the long term, the Shire has adequate information to ensure that its plans are robust and that assets are maintained in a responsible and sustainable manner.

The management letter has raised some other minor issues as detailed below:

Matter	Present Procedure Finding	Recommendation	Administration Comment										
Rate Debtors	<p>A detailed report of rates receivable as at year end reconciled to the general ledger was not available for audit. We understand that the Civic Authority software does not enable this report to be run at a later date, as numerous adjustments are made as at year end. The rates trial balance subsidiary ledger as at 30 June 2014 shows \$276,791.01.</p> <p>The general ledger shows:</p> <table border="0"> <tr> <td>Current Rates</td> <td>\$228,077.21</td> </tr> <tr> <td>Current ESL</td> <td>\$ 5,358.55</td> </tr> <tr> <td>Non Current Rates</td> <td><u>\$ 42,789.03</u></td> </tr> <tr> <td>Total Rates</td> <td>\$276,224.79</td> </tr> <tr> <td>Variance</td> <td>\$ 566.22</td> </tr> </table> <p>We undertook alternative testing to support the asserted balance of rate debtors in the general ledger.</p>	Current Rates	\$228,077.21	Current ESL	\$ 5,358.55	Non Current Rates	<u>\$ 42,789.03</u>	Total Rates	\$276,224.79	Variance	\$ 566.22	<p>Whilst we did not consider that the variance was material, we recommend that the final rates general ledger balance at close off be reconciled to the rates trial balance to ensure accuracy of the ledger. All reports are to be retained.</p>	<p>As part of future year end processes, the relevant detailed rates outstanding report will be run and kept in electronic format to ensure that the reconciliation to General Ledger balances can be verified.</p>
Current Rates	\$228,077.21												
Current ESL	\$ 5,358.55												
Non Current Rates	<u>\$ 42,789.03</u>												
Total Rates	\$276,224.79												
Variance	\$ 566.22												
Creditors	<p>The creditors ledger records creditors exclusive of GST. Accounting policy notes and generally accepted accounting principles require that the creditors balance be reported inclusive of GST. We note that this anomaly does not impact on the current ratio because the GST liability is similarly understated.</p>	<p>Whilst we did not consider that the variance was material, we recommend that the creditors and debtors ledger report payables and receivables inclusive of GST.</p>	<p>As part of future annual report preparation, an adjustment will be made to reflect creditor and debtor figures inclusive of GST.</p>										
Non Current Rates	<p>In accordance with Accounting Standards AASB 101 para 66, Council is required to classify as non current any rates which are not considered to be collectible within twelve months. Prior to making any adjustment in this regard we need to consider the amount and likelihood of collection within 12 months of year end.</p>	<p>We recommend that at year end, for financial reporting purposes, Council make an informed estimate of what portion of rates outstanding are considered collectible within twelve months. We request that we then be contacted to make a determination as to materiality.</p>	<p>As part of future annual report preparation, an estimate of what portion of rates outstanding can be collected within twelve months will be made. The Audit Team will be advised in order to determine materiality.</p>										

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That the Annual Financial Audit and Management Report for the year ending 30 June 2014 as issued by Mr Russell Harrison of Lincolns Accountants and Business Advisors be received.

CARRIED (8/0)

NO. 275/14

9.4.2 DRAFT ANNUAL REPORT - YEAR ENDING 30 JUNE 2014

File No:	N32113
Attachment:	Draft Annual Report – Year End 30 June 2014 (Separate Attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	9 December 2014

PURPOSE

The purpose of this report is to accept the Shire of Plantagenet's 2013/2014 Annual Report.

BACKGROUND

The annual financial audit for 2013/2014 was conducted by representatives of the Council's auditors, Lincolns Accountants and Business Advisors in October 2014.

At its meeting held on 11 November 2014, the Council resolved that subject to the timely receipt of the Shire's audit report, a General Meeting of Electors be held at 6.30pm on 9 December 2014 to receive the 2013/2014 Annual Report.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 5.54 governs the acceptance of annual reports. Section 5.54 (1) states '*subject to Subsection (2) the Annual Report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*' (Absolute Majority required).

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.

OFFICER COMMENT

The draft Annual Report notes that a number of key items of infrastructure and plant were progressed during 2013/2014, including:

- \$2.53 million capital road works program.

- Completion of the redevelopment of Sounness Park (\$3.75 million in 2013/2014).
- Completion of the nature playground at Wilson Park.
- Significant upgrades were undertaken at four waste disposal / transfer station sites.
- Installation of soft floor matting in all selling pens at the saleyards.
- Continuation of additional holding pens at the saleyards.
- Continuation of refurbishment of Shire houses.
- The refurbishment of the Mount Barker war memorial was begun.
- Construction of a half court basketball court in the Kendenup Rail Reserve (this project was driven by the Kendenup Community Development Association and largely funded by Lotterywest).
- Construction of a new cat pound at the Shire Depot.

The Shire's operating net result was \$3,876,555.00 in 2013/2014. Rate revenue increased from \$5.46 million in 2012/2013 to \$5.74 million in 2013/2014. Outstanding borrowings reduced from \$3.72 million in 2012/2013 to \$3.33 million in 2013/2014. At the request of the Bendigo Community Bank, the interest free loan (remaining principal of \$120,000.00) was repaid in full during the year.

The Council spent \$3,296,688.00 on land and buildings, a significant part of this being the Sounness Park clubrooms and change rooms. A total of \$3,807,670.00 was spent on infrastructure capital works and \$1,947,564.00 on purchases of plant, furniture and equipment.

The level of reserve funds increased from \$1,194,770.00 in 2012/2013 to \$1,291,674.00 in 2013/2014. The level of unrestricted cash at year end fell from \$964,976.00 to \$412,914.00 and unspent grant funds on hand decreased from \$695,483.00 to \$10,432.00.

The Council received grants and contributions for the development of assets of \$5.98 million in 2013/2014. Total grants and contributions received was \$7.56 million.

The report notes that a significant issue dealt with in this financial year was the impact of changes implemented by the State Government regarding the Country Local Government Fund (CLGF), which have created a situation such that the final payment (allocated for Stage One of Sounness Park) in the amount of \$593,798.00 was not made.

As these funds had already been committed as part of the contractual obligations for the completion of Stage One of Sounness Park, the funds needed to be raised elsewhere. In an already tight budget situation, there was some difficulty in finding such a large amount of money through reallocation and without borrowing. The money was eventually found from reductions in some capital works projects, other unbudgeted income and from reserve funds (for which a formal change of use of reserve funds was required).

Regardless of this funding issue, Stage One of the Sounness Park Recreation Development was completed on 16 March 2014. This project is one of the biggest undertaken by the Shire in its history and is a fitting tribute to the Sounness family who gifted the Sounness Park land to Shire for the purpose of *'the prime facility for sport and recreation'*.

Stage One comprises new clubrooms and change rooms and the refurbishment and lighting of Sounness Oval. The \$6.2 million budget was supported with funding from commonwealth and state government programs and also Lotterywest for part of the fitout. The total grant funding component was over \$4.8 million.

Other activities carried out throughout the year have been reported on extensively within the Annual Report.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr J Moir:

That the Annual Report for the year ended 30 June 2014 as attached, be accepted.

CARRIED (8/0)

NO. 276/14

Absolute Majority

9.4.3 FINANCIAL STATEMENTS – NOVEMBER 2014

File No:	N32778
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	9 December 2014

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 30 November 2014.

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr G Messmer:

That the Financial Statements for the month ending 30 November 2014 be received.

CARRIED (8/0)

NO. 277/14

9.4.4 LIST OF ACCOUNTS - NOVEMBER 2014

File No:	N32757
Attachment	List of Accounts - November 2014
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	9 December 2014

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of November 2014.

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 (27 May 2014). 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 J Oldfield:

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 November 2014 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$478,940.12;
- b. Municipal Cheques 44935 – 44956 and 44969 - 44994 totalling \$53,661.94; and
- c. Cancelled Cheques 44957 to 44968.

CARRIED (8/0)

NO. 278/14

9.4.5 POLICY REVIEW - VEHICLE REGISTRATION PLATE PL 1 AND PL 2 ISSUE

File No: N32610
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 9 December 2014

PURPOSE

The purpose of this report is to review Council Policy No. A/PA/11 – Vehicle Registration Plates PL 1 and PL 2 Issue.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 27 November 2012.

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

There are no strategic implications for this report.

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed without alteration.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That Council Policy No. A/PA/11 – Vehicle Registration Plates PL 1 and PL 2 Issue, as follows:

‘OBJECTIVE:

To determine the allocation of Vehicle Registration Plates PL 1 and PL 2.

POLICY:

That the Council will:

1. Issue to the Shire President of the day whilst that person occupies the office of Shire President Vehicle Registration Plate PL 1; and
2. Issue to the Chief Executive Officer of the day whilst that person occupies the office of Chief Executive Officer Vehicle Registration Plate PL 2.’

be endorsed.

CARRIED (8/0)

NO. 279/14

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 CHIEF BUSHFIRE CONTROL OFFICER, BUSHFIRE CONTROL OFFICER - APPOINTMENT

File No:	N32649
Attachment:	Letter
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Fiona Saurin Community Services Manager
Proposed Meeting Date:	9 December 2014

PURPOSE

The purpose of this report is to note the resignation of the Chief Bushfire Control Officer Mr Murray Wills and to recommend the appointment of Mr Kevin Forbes AM as a Bushfire Control Officer and Chief Bushfire Control Officer.

BACKGROUND

At its meeting held on 4 March 2014 the Council was advised that the Chief Bushfire Control Officer, Mr Kevin Forbes had been involved in an accident and his injuries prevented him from carrying out the duties of Chief bushfire Control Officer.

At that time Mr Murray Wills (Deputy Chief Bushfire Control Officer) indicated his willingness to undertake the role of Chief Bushfire Control Officer and was subsequently appointed.

STATUTORY ENVIRONMENT

Bush Fires Act 1954 – Section 38 of the Act provides that a Local Government may appoint Bush Fire Control Officers, including the position of Chief Bushfire Control Officer.

Subsection (2)(c) further provides that the Local government shall fill any vacancy occurring in the office of Chief Bushfire Control Officer within one month after a vacancy occurs.

EXTERNAL CONSULTATION

Both the Chief Bushfire Control Officer and Mr Forbes have been consulted with regard to this report and are in agreement with the report's recommendation.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 at Outcome 1.9 (A safe Plantagenet) provides the following Strategy:

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

OFFICER COMMENT

At the meeting of the Bushfire Advisory Committee held on 12 November 2014, the delegates were advised that the Chief Bushfire Control Officer would not be available in Plantagenet on a constant basis during the fire season due to a change in employment arrangements. The Chief Bushfire Control Officer has tendered his resignation to the Chief Executive Officer effective close of business 19 December 2014.

Mr Kevin Forbes has indicated his willingness to resume the role of Chief Bushfire Control Officer from that date.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That :

- 1. The resignation of Mr Murray Wills from the appointment of Chief Bushfire Control Officer for the Shire of Plantagenet be accepted, to be effective from 19 December 2014.**
- 2. Mr Kevin Forbes AM be appointed:**
 - a) as Fire Control Officer for the Middle Ward Brigade; and**
 - b) to the role as Chief Bushfire Control Officer for the Shire of Plantagenet from 19 December 2014.**
- 3. Mr Wills be thanked for his services as Chief Bushfire Control Officer.**

CARRIED (8/0)

NO. 280/14

9.5.2 DELEGATION – SECTION 6.26(2)(G) OF THE LOCAL GOVERNMENT ACT 1995

File No: N32773
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 9 December 2014

PURPOSE

The purpose of this report is to recommend to the Council that the Chief Executive Officer be delegated powers pursuant to Section 6.26(2)(g) of the Local Government Act 1995.

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.

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. Therefore 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.

Section 6.26(2)(g) of the Local Government Act 1995 states that 'Land used exclusively for charitable purposes' is not rateable land. The matter of the definition of 'charitable' has previously been raised with the Western Australian Local Government Association and the Department of Local Government and Communities.

Although it is acknowledged that the section of the Act is open to interpretation, it is generally considered that the interpretation has been defined through Case Law, notably the Shire of Ashburton vs Bindi Bindi Community Aboriginal Corporation and the Shire of Derby-West Kimberley vs Yungngora Association Inc cases.

In 2005, the Local Government Advisory Board undertook an inquiry into the operation of the provisions of section 6.26(2)(g) of the Local Government Act relating to rating of land used for charitable purposes. The Minister at that time was of the view that the existing process that allowed the State Administrative Tribunal (SAT) to determine charitable status, where a local government declined an application, was sufficient. SAT determinations of recent years seem to have widened the scope of charitable purposes.

EXTERNAL CONSULTATION

This matter was referred to the Department of Local Government and Communities for advice relating to the application of Section 6.26(2)(g) of the Local Government Act 1995.

It has been confirmed that a local government has the power to make a determination that a property is land used exclusively for charitable purposes and therefore not rateable. That power can be delegated to the Chief Executive Officer.

Such a decision would need to take into consideration the relevant case law. The use that the properties are being put to will be of key importance in determining whether properties are not rateable due to charitable use.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.6 – *‘Provide administrative support to Shire for Governance functions’*

OFFICER COMMENT

The annual review of delegations was endorsed by the Council at its meeting held on 27 May 2014. Since then, an application from Southern Aboriginal Corporation Inc for a rates exemption for six properties in Mount Barker and Narrikup has been received.

Further advice has been sought from the Association to confirm the use that the properties are being put to and the rental being paid. It is considered opportune to seek approval to deal with such requests administratively.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr J Moir:

That Delegation LG 046, as follows be endorsed:

The Chief Executive Officer is delegated authority to make a determination that a property is land used exclusively for charitable purposes and therefore not rateable in accordance with Section 6.26(2)(g) of the Local Government Act 1995.

CARRIED (8/0)

NO. 281/14

Absolute Majority

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL**12.1 WORKS AND SERVICES REPORTS****12.1.1 TENDER CO1/1415 - SUPPLY AND INSTALL SYNTHETIC HOCKEY FIELD WITH LIGHTS**

File No: N32798
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 9 December 2014

PURPOSE

The purpose of this report is to accept the submission from the preferred tenderer Woodlands/ABS Sports Fields Pty Ltd for the Tender CO/1415 – Supply and Install Synthetic Hockey Field with Lights at the Sounness Park Sport and Recreation Precinct Development.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr G Messmer, seconded Cr L Handasyde:

4:06pm That the meeting be closed to members of the public pursuant to Section 5.23 (2)(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED (8/0)

NO. 282/14

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr J Moir:

4:20pm That the meeting proceed in public.

CARRIED (8/0)

NO. 283/14

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. The alternate tender submitted by Woodlands/ABS Sports Fields Pty Ltd for Tender CO1/1415 - Supply and Install Synthetic Hockey Field with Lights at the Sounness Park Sport and Recreation Precinct, for \$1,809.090.00 (gst exclusive) be accepted.
2. The Chief Executive Officer be authorised to negotiate a suitable start date for the contract.
3. Notification letters be sent to all unsuccessful Tenderers advising the outcome of the Tender, as required by the Local Government (Functions and General) Regulations 1996.

CARRIED (8/0)

NO. 284/14

13 CLOSURE OF MEETING

4:22pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____/____/____