



ORDINARY MINUTES

DATE: Tuesday, 27 May 2014

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

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.

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission, statement or intimation occurring during Council or Committee meetings.

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 or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting 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 intimation of approval made by any member of Officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet.

The Shire of Plantagenet advises that anyone who has any application lodged with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.

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

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.

TABLE OF CONTENTS

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	FREDY AND ULLI ZICHER - OWNERS OF PORONGURUP RANGE TOURIST PARK.....	2
4.2	GENE HARMA – IRONWOOD WINES – CHAIRMAN OF THE PORONGURUP PROMOTIONS ASSOCIATION	2
4.3	MARCUS COLEMAN.....	5
4.4	NEIL SMITHSON, SMITHSON PLANNING	5
4.5	DAVID WILLIAMSON - KENDENUP BUSHLAND MANAGEMENT GROUP	5
5	DISCLOSURE OF INTEREST	6
6	APPLICATIONS FOR LEAVE OF ABSENCE	7
7	CONFIRMATION OF MINUTES.....	8
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	8
9	REPORTS OF COMMITTEES AND OFFICERS.....	9
9.1	DEVELOPMENT SERVICES REPORTS.....	9
9.1.1	RV FRIENDLY TOWN STATUS FOR MOUNT BARKER.....	9
9.1.2	LOT 151 MUIR HIGHWAY, MOUNT BARKER – SIX LOT SUBDIVISION - INDUSTRIAL ZONE	15

9.1.3	LOT 305 LOWOOD ROAD, MOUNT BARKER - AUTOMOTIVE PANEL BEATING SPRAY-PAINTING	19
9.1.4	LOT 517 FOURTH AVENUE, KENDENUP - OVERSIZE OUTBUILDING	26
9.1.5	LOT 974 SIXTH AVENUE CORNER SIMMONS STREET, KENDENUP – OVERSIZE OUTBUILDING	29
9.1.6	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 62 - LOT 1 ALBANY HIGHWAY, MOUNT BARKER - SCHEDULE 2 - ADDITIONAL USES - SUBMISSIONS RECEIVED	32
9.1.7	LOT 155 CARBARUP ROAD, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION.....	36
9.2	WORKS AND SERVICES REPORTS.....	39
9.2.1	MOUNT BARKER WAR MEMORIAL – PLANS FOR UPGRADE .	39
9.3	COMMUNITY SERVICES REPORTS	42
9.3.1	ANNUAL FIREBREAK AND FIRE HAZARD REDUCTION NOTICE 2014/2015 (WITHDRAWN)	42
9.3.2	BUSH FIRE CONTROL OFFICER POSITIONS - APPOINTMENT FOR 2014/2015	43
9.4	CORPORATE SERVICES REPORTS	49
9.4.1	BUDGET REVIEW – APRIL 2014	49
9.4.2	FINANCIAL STATEMENTS – APRIL 2014.....	54
9.4.3	LIST OF ACCOUNTS - APRIL 2014	56
9.4.4	MATERIAL VARIANCE AMOUNT – 2014/2015.....	59
9.4.5	CREDIT CARD POLICY (F/FM/14) - ADOPTION	61
9.4.6	INTERNAL CONTROL POLICY (C/IC/1) - ADOPTION.....	64
9.4.7	COUNCILLORS' ATTENDANCE FEES AND ALLOWANCES	69
9.4.8	FINANCIAL MANAGEMENT REVIEW	72
9.4.9	POLICY REVIEW - COUNCIL OWNED BUILDINGS - CEILING INTERFERENCE.....	75
9.4.10	POLICY REVIEW - RATING OF COUNCIL OWNED LAND - SPORTING AND COMMUNITY ORGANISATIONS	77
9.5	EXECUTIVE SERVICES REPORTS.....	81

9.5.1	CONFERENCE ATTENDANCE - COUNCILLOR L HANDASYDE - AUSTRALIAN LIVESTOCK MARKETS ASSOCIATION INC AGM AND CONFERENCE	81
9.5.2	COUNTRY REFORM POLICY FORUM - COUNCILLOR APPOINTMENT.....	83
9.5.3	DELEGATIONS - ANNUAL REVIEW	85
9.5.4	WESTERN AUSTRALIAN LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION 2014 - COUNCILLOR ATTENDANCE.....	88
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	90
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	90
11.1	SOUNNESS PARK CLUBROOMS LEASE – AFFIX COMMON SEAL.....	90
12	CONFIDENTIAL.....	90
13	CLOSURE OF MEETING.....	90

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 (Left the Chamber at 3:40pm, returned 3:42pm)
Cr B Bell	Councillor (Left the Chamber at 3:34pm, returned 3:39pm) (Left the Chamber at 3:40pm, returned 3:42pm) (Left the Chamber at 3:44pm, returned 3:45pm)
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr C Pavlovich	Councillor (Left the Chamber at 3:40pm, returned at 3:42pm)
Cr J Oldfield	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mrs Fiona Saurin	Manager Community Services
Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer

Apologies:

Cr J Moir

Previously Approved Leave of Absence:

Cr G Messmer

There were 14 members of the public present including two children.

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 FREDY AND ULLI ZICHER - OWNERS OF PORONGURUP RANGE TOURIST PARK.

Mr and Mrs Zicher spoke against the Officer's recommendation in Item 9.1.1.

4.2 GENE HARMA – IRONWOOD WINES – CHAIRMAN OF THE PORONGURUP PROMOTIONS ASSOCIATION

WHO: As a community member and as Chair of Porongurup Promotions Association representing nearly 26 Porongurup enterprises including wineries, accommodation, food, fuel, arts and crafts and the primary products: lamb, olives, macadamias, avacados and sheeps cheese.

WHY: To support Fredy and Ulli Zicher, owners of Porongurup Range Tourist Park – members of our Association chartered to promote the unique natural attractions, healthy experiential activities, and selection of services that Porongurup offers.

WHAT: To question the wisdom of the proposal contained in 9.1.1. of today's agenda.

Fredy and Ulli have worked hard in their new venture at the established Porongurup Range Tourist Park to improve its amenity and to service their patrons who can book in as late as 10:00pm, if necessary. In their role they are de-facto tourist advisors successfully directing caravan and campers to the local points of interest and to the broader attractions accessible from Porongurup to encourage longer stays exploring the region.

They have a property zoned for the purpose of their business and have paid a license to the Shire to operate as such. They also adhere to all the other requisites of hygiene, safety, registration etc. Their emotional intelligence, based on years of hospitality experience, insures peaceful and enjoyable stays.

The proponent for Item 9.1.1 could be seen to be the Campervan and Motorhome Club of Australia Limited (CMCA) whose aim is to have access to low cost and (read versus) commercial options. This includes greater access to (read free) state and national parks and regional and rural rest areas, and access to commercial land.

The CMCA website proclaims itself the premier online resource of the Recreational vehicle industry. Their RV pages guarantee to:

- Directly market your business to targeted RV enthusiasts with a prominent web presence on the CMCA website
- promote your business
- generate and track business leads
- showcase your brand, products and services.

The market is the CMCA paying membership and one of the benefits for members is the free camping that they can access through the RV Friendly Towns promoted by CMCA and the perception by towns such as ours that we need to be onboard or miss out.

The CMCA essential criteria to be 'RV Friendly' are:

- *Access to potable water...yes it is here in Mt. Barker
 - *Access to a free dump point within the town precinct...again here
 - *Provision of appropriate parking within the town centre, including access to general shopping area with groceries and fresh produce...where better in Mt Barker than Lot 624?
- This last one is the problematic one on many fronts—
- *Provision of 24/48 hour (short term) parking for self contained vehicles within the town precinct, aside from this last point, is not the Shire already being RV friendly enough without directly competing with it own ratepayers livelihoods?

Your two licensed commercial caravan park operators have had only short notice of the Council's intention to give you the depth and breadth of their objection to recommendations of Item 9.1.1.

The community generally and ours of Porongurup have many points of view on this which warrant consideration too. But there has been no public notice for them to respond to.

The Financial Implications as stated in Item 9.1.1 are not the only costs which ratepayers will bear given your acceptance of this item. (hygiene, health and safety, public liability, maintenance, management, monitoring, amenities, etc.) These can be canvassed and detailed given a reasonable response period allowance if the matter is to be deferred. It might be that, if, by accepting the CMCA / RV Friendly Town requirements in total that the Shire is acting inconsistently with its power to license because of the drawing of customers away from its licensees?...a consideration to be clarified

The Benefits of being friendly to RV owners to a point, as opposed to being wholly 'RV Friendly' designated by CMCA, would still flow into Mt Barker if Council promotes this with its own encouraging signage at appropriate locations. Let the 'free campers' choose Kojonup or Cranbrook and then choose to stay locally where the attractions are 'rich and beautiful'.

Note: A search of the IP Australia website today states 'RV Friendly Town' was lodged 24/02/2009 by CMCA and has a status of Lapsed/Not Protected.

Accommodating Special Event influxes:

This is a totally separate issue for your consideration. On the calendar are the Caravaners national rally in Albany and the ANZAC Albany events later this year and next.

Public ovals and community public spaces have been suggested. These events would be one of the rare events in any year when both Mt Barker's and Porongurup Range Parks are both full. The experience of these licensed operators ahead of this special demand could help with preparations and personnel allocations advice. These special demand events could provide a bonus revenue stream into the Council whether they are self-managed or farmed out to entrepreneurial interests.

Porongurup private property owners are prepared to consider application for Council permission to house overflow caravaners, campers, and motorhomes. We see this as an additional opportunity to positively promote Porongurup by word-of-mouth, as well as to deliver custom and the opportunity to entertain tourists in an awe inspiring and friendly environment.

To conclude that your approval of Item 9.1.1. today is the only way to cater for the RV traveller and to benefit the town commercially from their presence over simplifies the serious repercussions that it will have on your licensed park owners, and in the long term, all ratepayers. It also overlooks alternatives open to the Shire to be friendly to the RV travellers without being too accommodating.

Please do not approve the 9.1.1. recommendation today, or defer to reconsider an amendment that does not allow 24/48 hours free camping on Lot 624 while still offering the hospitality of a friendly town without being too accommodating at ratepayers expense.

Thank you for your consideration.

4.3 MARCUS COLEMAN

Mr Coleman spoke in support of the Officer's recommendation in Item 9.1.3

4.4 NEIL SMITHSON, SMITHSON PLANNING

Mr Smithson spoke against the Officer's Recommendation in Item 9.1.3.

4.5 DAVID WILLIAMSON - KENDENUP BUSHLAND MANAGEMENT GROUP

Within the Planning Vision under the Town Planning Scheme Policy No. 18.1 there are numerous references to requirements for the protection and management of native vegetation in relation to development of rural and urban environments. There is a clear policy about the use and protection of land for priority agricultural purposes. At the April meeting of the Natural Resource Management Committee (NRM) of the South Coast Natural Resource Management regional organisation, and with the valuable advice from Peter Duncan, I made specific reference to the Shire's land use policy as a significant contribution to protecting priority agricultural land for food production only. For over a year the 4 western sub-regional catchment groups have promoted policy development for the protection of good agricultural land through the agenda of the NRM Committee.

Does the Planning Vision of TPS 18.1 also provide the statement of the Council's Environmental Policy or does the Council have a policy statement more tightly focussed on environmental issues in the shire? There is none on the web site. There are significant biodiversity hot-spots within the Shire, and the community has a responsibility to preserve the unique character of these locations. Consequently, we would suggest that there needs to be a clear policy to guide what is done in these areas, how they are conserved and protected, and what action is planned to ensure their preservation for future generations. There are hot-spots within both urban and rural locations within the shire which would benefit from a definitive environmental policy statement. Is there a register of important areas of biodiversity within the shire? We understand there is a register of conservation reserves for the shire, but does this register identify the biodiversity significance of these reserves? It would be a valuable project for the community catchment groups, maybe using university students, to map the biological significance of these reserves.

The verges on our roads are an extensive and significant area of biodiversity within the shire. We have not found any policy relating to verges in the TPS Policy 18.1. Actions by a contractor to the shire in the Kendenup area earlier this month have highlighted the absence of a Verge Management Policy. This is yet another case among many where actions have decimated verge vegetation. We are well aware of the policy of the Shire to spray out vegetation in the drain and back slope part of the road verge. At times this spraying has been too enthusiastic and killed native plants in the area beyond the back slope of the verge. In October 2012 there was the additional impact of scalping and mowing native vegetation from fence to fence in Kendenup which added to the indiscriminate spraying of verges a month earlier. The impact of this on people in Kendenup who care for their verges was devastating and quite discouraging for their efforts. The recent scalping work done along Red Gum Pass Road suggests that the message of undertaking

appropriate verge management has not been taken seriously. At a meeting in Kendenup in 2012, attended by a number of members of the community, we were assured that a Verge Management Policy would be drafted by March 2013 and that the community would be given opportunity to comment. Over 12 months later this proposal has not been achieved.

We understand and know the importance of the matter of hazard reduction for fire prevention and have no problem with the spraying of introduced grasses and other weeds. But we would stress the significance of the low hazard of most native vegetation. The destruction of the native vegetation on the verges only encourages the growth of weeds and exotic grasses creating the fire hazard. There appears to be an ignorance of recognising native plants in the verges.

There are questions which were put to the CEO in 2012 which remain relevant to our concerns:

What training do the staff or contractors have regarding effect of various chemicals on different plant types, and the impact of over-spraying on native vegetation? This is of particular relevance when spraying for weed control.

What environmental awareness training is given to the staff and contractors? Are they aware of what are native plants and what are not? The KBMG are willing to volunteer to talk and give a brief induction session to the various workers in order to educate them on bushland responsibility. For example, the destruction of a number of very old black-boys in Knights Road could have been avoided when their significance was appreciated.

What improvement can be made in communication by managers with staff and contractors when supervising blanket spraying or scalping of the verges so that the destruction of appropriate native vegetation can be avoided?

Will the council commit itself to the drafting of an environmental policy which includes a verge policy? Will these draft documents be put on the web site to obtain public comment? By when will the draft documentation be prepared, and will assistance in draft preparation be sought from interested groups such as community catchment groups and the KBMG?

We would ask for a greater awareness by the councillors and staff, of what appropriate actions are being done by people in rural and urban areas, to improve their environment and provide an attractive and functional verge to their properties.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr B Bell

Item: 9.1.1
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Member of the CMCA
Extent: Not required

Cr B Bell

Item: 9.1.3
Type: Closely Associated Person (Section 5.62 LGA)

Nature: Close Association with two parties involved
Extent: Not required

Item: 9.1.6
Type: Proximity (Section 5.60 (B) LGA)
Nature: Adjoining Properties
Extent: Not required

Cr K Clements

Item: 9.1.3
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA), Closely Associated Person (Section 5.62 LGA)
Nature: Wife works for Plantagenet Sheds and Steel. Relationship with owners.
Extent: Not required

Cr C Pavlovich

Item: 9.1.3
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61LGA)
Nature: Proponent rents part of shed
Extent: Not required

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr C Pavlovich requested Leave of Absence for 22 July 2014.

Moved Cr S Etherington, seconded Cr B Bell:

That Cr C Pavlovich be granted Leave of Absence for 22 July 2014.

CARRIED (7/0)

NO. 89/14

Cr J Oldfield requested Leave of Absence for 19 August 2014

Moved Cr S Etherington, seconded Cr B Bell:

That Cr J Oldfield be granted Leave of Absence for 19 August 2014.

CARRIED (7/0)

NO. 90/14

7 CONFIRMATION OF MINUTES

Moved Cr C Pavlovich, seconded Cr J Oldfield:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 29 April 2014 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 91/14

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

The Shire President read the following:

Transport corridors

Within existing transport corridors, the Shire is entitled to clear in accordance with Schedule 2 of the Environmental (Clearing of Native Vegetation) regulations 2004. (See Regulation 5, item 22). For our purpose, we interpret this to mean back slope to back slope. If new works are carried out (not previously cleared) the appropriate permit is sought.

Roadside Restoration

A number of residents believe they have a right to re-establish flora in the road reserves. Road reserves are set aside for roads. If people wish to have flora alongside road reserves without advising the Shire or getting permission, I would advise them to put the flora on their side of the fence.

Groups/people/organisations who intend working on flora re-establishment need to:

Advising the Shire in writing as to their intent;
Forward a plan of their actions to include the area involved;
What appropriate flora is going to be planted and where;
When it is to occur;
What traffic control will be in place during actions;
Ongoing maintenance; and
Department of Environment and Regulation approvals for clearances.

After the completion:

What the restoration group has done is inspected and signed off as protected area.

A registrar of approved areas is kept by the Manager of Works and referred to whenever roadwork is to occur to make sure they are not interfered with.

At this time a Verge Maintenance Policy to cover all aspects of the Shires 1314km road network has proved extremely difficult.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 RV FRIENDLY TOWN STATUS FOR MOUNT BARKER

Cr B Bell

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Member of CMCA
Extent: Not required

3:34pm Cr B Bell left the meeting.

File No: N30438
Attachments: [Memorandum from CEO – 21 October 2013](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 27 May 2014

An interest was disclosed by the Manager Development Services Mr Peter Duncan. Nature and extent of Interest – Mr Duncan advised that he is the author of the Report and is a member of a caravan club which is affiliated with the WA Association of Caravan and Camping Inc.

PURPOSE

The purpose of this report is to recommend the Council seeks to have its RV Friendly Town status reinstated.

BACKGROUND

Mount Barker became a RV Friendly Town in January 2012. The RV Friendly Town scheme is run by the national Campervan and Motorhome Club of Australia Ltd (CMCA) and such towns are promoted to the club's 63,000 members through its website and magazine entitled 'The Wanderer'. RV Friendly Town signs were erected on the four main entry roads into Mount Barker.

In May 2012 the Council considered a 48 signature petition submitted which sought restrictions be placed on overnight parking by caravans and motorhomes in Mount Barker at the rear of the Council's administration building. Parking in that area was to be limited to 12 hour daytime parking only.

The Council at its meeting held on 22 May 2012 resolved:

'That:

1. *'No Overnight Camping or Parking' signs be installed on Lot 624 Mount Barker Road.*
-

2. *The proprietors of the Mount Barker Caravan Park and Cabin Accommodation be advised in terms of part (1) above.'*

The owners of the Mount Barker Caravan Park were the sponsors of the petition. The land to the south of Hicks Close and the administration building is known as Lot 624 (Reserve 6454) and has occasionally been used by overnight parking of caravans and motorhomes.

The caravan park owners also indicated concerns with overnight campers staying at Main Roads rest areas on Albany Highway. Main Roads have installed signage in its rest areas north of Mount Barker prohibiting camping. Main Roads do not police these areas.

The Council has erected a sign indicating that no camping is permitted at Lot 624. Mount Barker was withdrawn from the RV Friendly Town scheme in July 2012 by the CMCA.

Councillors had a workshop on the matter of overnight parking of camperhomes on 29 October 2013. A memorandum from the Chief Executive Officer (CEO) for that workshop is attached.

STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997

Regulation 11 provides that:

'(1)A person may camp—

- (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval;*
- (b) for up to 24 consecutive hours in a caravan or other vehicle on a road side rest area;*
- (c) for up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene any other written law with respect to the use of the road reserve;*
- (d) on any land which is—*
 - (i) held by a State instrumentality in freehold or leasehold; or*
 - (ii) dedicated, reserved, or set apart under the Land Administration Act 1997 or any other written law, and placed under the care, control or management of a State instrumentality,**in accordance with the permission of that instrumentality; or*

- (e) *on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the Land Administration Act 1997, or a person authorised by the Minister to give permission under this paragraph.*
- (2) *Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
- (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
- (c) *despite paragraph (b), by the local government of the district where the land is situated —*
- (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
- (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a permit has effect in relation to the land.*

- (3) *In this regulation—*

emergency *means a situation where to move the caravan or other vehicle to a more suitable area would constitute an immediate and serious hazard due to the condition of the caravan or other vehicle, or a vehicle towing the caravan, or of the driver, or passengers, of any such vehicle;*

permit *means a building permit or a demolition permit as defined in the Building Act 2011 section 3;*

road side rest area *means an area designated by a traffic sign erected in accordance with a written law, as an area which may be used for 24 hours for —*

- (a) *resting;*
- (b) *stopping; or*
- (c) *camping,*
in a vehicle;'

Councillors will be familiar with this legislation as it is used by the Council to approve temporary camping on land where houses are being constructed.

Shire of Plantagenet Parking and Parking Facilities Local Law 2008

This Local Law applies to the parking of vehicles within the district of the Shire of Plantagenet. The area referred to in the petition (Fire Brigade training track) has been deliberately left uncontrolled by the Council to ensure that unrestricted parking was available subsequent to the development of the central business district and restricted parking times.

EXTERNAL CONSULTATION

Several discussions were held with staff and the CMCA regarding details on the website to correct some anomalies. The CMCA withdrew the RV Friendly Town status of Mount Barker in July 2012. Discussions were also held with the Small Business Development Corporation which had been approached by the caravan park owners.

Staff have also had discussions in June 2013 with the Hon. Alyssa Hayden MLC (Parliamentary Secretary to the Deputy Premier; Minister for Health; Tourism) and Mr Bevan Martin of the CMCA and the caravan park owner.

FINANCIAL IMPLICATIONS

The four RV Friendly Town signs are stored at the Council depot. There will be the cost of Council workers to install the signs and remove the no camping signs south of Hicks Close.

POLICY IMPLICATIONS

Policy No. CE/ED/1 Tourism applies.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Community Plan 2013-2023 at Outcome 2.4 (Safe and reliable transport infrastructure) provides the following:

Strategy 2.4.3 - *'Provide appropriate on-road and off-street car parking as well as parking control activities'*

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

Strategy 3.3.1 - *'Develop, maintain and strengthen relationships with local businesses'*

Outcome 3.4 (A strong tourism region) provides the following:

Strategy 3.4.1 - *'Promote and support local and regional tourism initiatives.'*

Strategy 3.4.2 - *'Provide infrastructure and services to support tourism.'*

Strategy 3.4.3 - *'Collaborate with tourism peak bodies to promote the region.'*

OFFICER COMMENT

The issues with regard to the parking of recreational vehicles commenced with the classification of Mount Barker as an 'RV Friendly' town by the CMCA. In November 2011 administrative staff sought approval for Mount Barker to become an RV friendly town and forwarded an application form to CMCA. To achieve RV friendly town status certain minimum facilities are necessary and the Council has been working towards these minimum facilities for a number of years including visitor information, signage, rest facilities and a dump point near the Visitor Centre. This list is not exhaustive. When a town is classified as RV Friendly, this fact is advertised through

an industry website (www.cmca.net.au) and travellers can therefore expect a minimum level of facility when visiting. This is seen as a means of attracting visitors.

As noted in the Council's Tourism Policy, the Council will provide infrastructure for the visiting public.

The RV Friendly Town status no longer applies to Mount Barker and there have been requests to have the status reinstated. The CMCA is holding an annual rally in Albany when up to 1,000 local and interstate recreational vehicles will visit the district for a weeklong event. The national rally will be held in October 2015 and will be based at Centennial Oval in Albany. Mr Calleja is the Albany rally coordinator and he has stressed the need for overflow caravan and motorhome facilities in the surrounding towns.

With the ANZAC events planned for later this year, there is also expected to be an influx of caravans and motorhomes to Albany where again there will be the need for overflow camping areas.

An area which could be considered for overflow parking of caravans and motorhomes for these two large events could be the grassed area at Frost Park. The sheep pavilion toilet and shower amenities could be used by the campers. The CEO has held discussions with the caravan park owners and offered them the chance of managing this overflow area.

Of importance is the need for Mount Barker to be prepared for the potential influx of visitors and to have its RV Friendly Town status reinstated by the CMCA. The overnight parking area for fully self-contained caravans and motorhomes will be Lot 624 to the south of Hicks Close where they will be off the main street, but yet close enough to support the local shops in the CBD.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. Staff approach the Campervan and Motorhome Club of Australia Ltd and request that the RV Friendly Town status for Mount Barker be reinstated.
2. The overnight stay area will be on the bitumen surfaced portion of Lot 624 (Reserve 6454) south of Hicks Close, Mount Barker.

COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That:

1. The Shire advise the Campervan and Motorhome Club of Australia what facilities for example camping grounds, dump site, tourist Bureau, toilets, the Shire has.
2. The Shire advise the Campervan and Motorhome Club of Australia that Frost Park would be made available for large club rallies and special occasions as now happens with Camp Drafting and other equine groups.
3. A workshop is to be held prior to the next Council meeting to discuss where the Council does not want overnight camping within the Shire.
4. The Campervan and Motorhome Club of Australia be advised once the decisions have been endorsed they will be notified.

CARRIED (6/0)

NO. 92/14

Reason for Change

Councillors felt that there was a need to provide the Campervan and Motorhome Club with information regarding the facilities available within the Shire and that there was also a need for more discussion at a workshop.

3:39pm Cr B Bell returned to the meeting.

9.1.2 LOT 151 MUIR HIGHWAY, MOUNT BARKER – SIX LOT SUBDIVISION - INDUSTRIAL ZONE

File No:	N30421
Attachments:	<u>Location Plan</u> <u>Subdivision Plan</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	27 May 2014
Applicant:	Whelans on behalf of Landcorp

PURPOSE

The purpose of this report is to consider a proposal for a six lot subdivision at Lot 151 Muir Highway and Langton Road, Mount Barker and respond to the Western Australian Planning Commission (WAPC).

BACKGROUND

Lot 151 Muir Highway and Langton Road is owned by the Shire of Plantagenet, is occupied by the Council depot and Muir Highway divides the lot into two portions. The lot was divided due to the construction of the Northern Bypass.

The Council at its meeting held on 26 February 2013 considered development options for Lot 151. The Council at that meeting resolved:

‘That:

1. *In order to effect the development of Lot 151 Muir Highway, Mount Barker for multiple industrial lots, the Council will:*
 - a. *Agree to cede up to six lots as marked on the possible subdivision layout plan (attached) to LandCorp on the undertaking that LandCorp will fund the necessary work to enable the subdivision and sale of those industrial lots.*
 - b. *In the event that LandCorp is not agreeable to the proposal to undertake the first stage of the subdivision, the Council will not cede the subject land to LandCorp.*
2. *Authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Shire of Plantagenet to any paperwork relevant to this matter to enable the land transfer to occur once LandCorp has agreed to fund the work needed.’*

This land was zoned to Industrial through Amendment No. 59 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3). Amendment 59 was finalised on 19 July 2013.

This subdivision proposal involves the parcel of Lot 151 located north of Muir Highway that is 12.17ha in area. This subdivision proposes to stage the overall subdivision of Lot 151 creating six lots ranging from 2,925m² to 5,339m² in area as the first stage. In addition, one drainage reserve and two visual buffer and drainage reserves will be created along Muir Highway and the access road to Muir Highway.

These six lots will be ceded to Landcorp pursuant to the agreement between the Shire of Plantagenet and Landcorp.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

WAPC - Development Control Policy 4.1 - Industrial Subdivision. This policy provides guidance on matters to be considered when determining industrial subdivision applications.

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

STRATEGIC IMPLICATIONS

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

Strategy 2.2.5 - 'Encourage industry, business and residential development that is consistent with the individual character of towns.'

OFFICER COMMENT

The land is ideally suited for the kind of industries that need buffering and has excellent road access to Muir Highway. The proposed Subdivision Plan (copy attached) conforms to the minimum site area and lot frontage requirements set out in TPS3 for the Industrial zone.

20m wide roads will provide access to the lots and all internal roads will be constructed in accordance with the Shire of Plantagenet Engineering Development Guidelines/Standards. Lots abutting Muir Highway will not have direct access to Muir Highway and access to the subdivision will be to the satisfaction of the Main Roads WA.

A 2,069m² reserve has been provided for drainage purposes on the northern boundary of the site. In addition, two reserves have been provided for visual buffer and drainage purposes along Muir Highway and the access road to Muir Highway.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That:

1. **The Western Australian Planning Commission be advised that the proposed six lot subdivision of Lot 151 Muir Highway, Mount Barker be supported subject to:**
 - a) **Engineering drawings and specifications being submitted, approved and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:**
 - i) **lots can accommodate their intended use; and**
 - ii) **finished ground levels at the boundaries of the lots the subject the subject of this approval match or otherwise coordinate with the existing and/or proposed ground levels of the land abutting.**
 - b) **Prior to the commencement of subdivisional work, an urban water management plan is to be prepared and approved, in consultation with the Department of Water to the satisfaction of the Manager Works and Services.**
 - c) **Engineering drawings and specifications being submitted, approved and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for the filling and or draining of the land, including ensuring that stormwater is contained on site, or appropriately treated and connected to the local drainage system to the satisfaction of the Manager Works and Services. Engineering drawings and specifications are to be in accordance with an approved urban water management plan for the site.**
 - d) **Engineering drawings and specifications being submitted, approved and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road connected by a constructed road to the local road system and such road is constructed, drained and sealed at the landowner/applicant's cost to the satisfaction of the Manager Works and Services.**
 - e) **A landscaping plan being submitted detailing the appropriate planting and timing of planting of the vegetated buffer for the two reserves abutting Muir Highway to the satisfaction of the Manager Development Services; and**

- f) **Street trees being provided on internal road verges in accordance with the Mount Barker Townscape Review 2002 species list to the satisfaction of the Manager Works and Services.**
2. **If required as a result of the 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.**

CARRIED (7/0)

NO. 93/14

9.1.3 LOT 305 LOWOOD ROAD, MOUNT BARKER - AUTOMOTIVE PANEL BEATING SPRAY-PAINTINGCr B Bell

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Close association with two parties involved
Extent: Not required

Cr K Clements

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA), Closely Associated Person (Section 5.62 LGA)
Nature: Wife works for Plantagenet Sheds and Steel. Relationship with owners.
Extent: Not required

Cr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Proponent rents part of shed
Extent: Not required

3:40pm Cr B Bell, Cr K Clements and Cr C Pavlovich withdrew from the meeting.

File No: N30177
Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan](#)
[Elevations](#)
[Landscape Plan](#)
[Summary of Submissions](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 27 May 2014
Applicant: Marcus Coleman

PURPOSE

The purpose of this report is to consider an application for automotive panel beating spray-painting at Lot 305 Lowood Road, Mount Barker.

BACKGROUND

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

There are currently two Planning Consent (PC) approvals operative on Lot 305 Lowood Road. The Council in August 2009 granted PC for a motor repair station at

the rear of the lot. The building permit for the motor repair station building was issued in September 2009 and construction of this building was completed in May 2010. Plantagenet Agg Repairs, a business mainly repairing agricultural machinery and equipment operated from this building up to February 2014.

The Council in July 2012 also granted PC for a warehouse and showroom building with reduced setbacks and landscaping at the front of the Lot 305 Lowood Road. A building permit for a retaining wall for the warehouse building footing was issued in September 2012 and construction of the retaining wall was completed in November 2013. The proposed warehouse and showroom building has not been constructed as yet.

On 17 February 2014, the Council received this current PC application for automotive panel beating spray-painting at Lot 305 Lowood Road. The proposed panel beating spray-painting business intends to operate from the building previously occupied by Plantagenet Agg Repairs. By letter dated 24 February 2014, the Council advised the proponent the PC application received was incomplete. The Council on 17 March 2014 received new information on the application for PC, the subject of this report.

This PC application was advertised for public comment from 27 March 2014 to 18 April 2014.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

Automotive Panel Beating Spray-painting is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Clause 6.3.2 of TPS3 states:

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

Shire of Plantagenet Health Local Law 2008, Part 4 Waste Food and Refuse – Division 1 Liquid Refuse

Clause 4.2.4 reads:

'An owner or occupier of premises shall—

- (a) not deposit or permit to be deposited in a receptacle—*
 - (iii) oil, motor spirit or other flammable liquid;*
 - (iv) liquid paint or other solvent;*
 - (ix) cytotoxic, radioactive substances and dangerous chemicals;*
 - (xiii) hazardous products including ammunition and flares;*
- (d) take all reasonable steps to prevent—*
 - (ii) the emission of offensive and noxious odours from the receptacle; and*

- (e) *ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.'*

Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005 (EPA 2005).

This document provides generic buffer (separation) distances referred to in the State Buffer Policy 1997 (Government of Western Australia). These generic distances set out in Appendix 1 are based on the experience of the Department of Environment Regulation and other regulatory authorities for industries that historically have been associated with amenity impacts from gaseous, dust, noise and odorous emissions as well as with elevated levels of off-site risk to the public.

Appendix 1

<i>Industry</i>	<i>Description of industry</i>	<i>Buffer distance in metres and qualifying notes</i>
<i>Automotive spray painting</i>	<i>liquid paint is directed onto automotive surfaces by airless, compression, electrostatic or other methods.</i>	<i>200</i>

The key issue of concern for automotive spray-painting industries is not to give rise to odour, noise and dust nuisances with the recommended buffer distance to sensitive land uses being 200m.

Building Code of Australia

Part A3.2 – Classifications reads:

'Class 8: a laboratory, or a building in which handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods and produce is carried on for trade, sale or gain.'

The Council on 23 September 2009 issued a Building Permit for the construction of a Class 8 building at Lot 305 Lowood Road (previously Lot 86).

Local Government (Miscellaneous Provisions) Act 1960 - The Council on 5 May 2010 issued a Certificate of Classification confirming the whole of the building at Lot 305 Lowood Road was constructed to Class 8 standard.

The proposed automotive panel beating spray-painting use conforms to the Class 8 building classification.

The Dangerous Goods Safety Act 2004 – regulates to the manufacture, storage, possession, handling, transport and use of explosives and dangerous goods, including the operation of major hazard facilities.

Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007 – introduce modern safety standards for the manufacture, processing, storage, use and disposal of dangerous goods.

The storage, use and disposal of dangerous goods are required to conform to the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007.

Occupational Safety and Health Act 1984 – in accordance with section 57 of the Act the 'Code of Practice Spray Painting Amended June 2009' (Code of Practice) was approved by the Minister for Labour Relations in June 2000.

Spray-painting operations are required to conform with this Code of Practice. In addition to the Code of Practice, all spray-painting applications will need to be carried out inside the sealed spray booth.

Environmental Protection (Noise) Regulations 1997 – set prescribed standards for noise emissions and set out clear methods for noise assessment and control, providing certainty to industry as to the standard expected.

Noise emissions emanating from panel beating and spray-painting operations are required to conform with the Environmental Protection (Noise) Regulations 1997. These regulations are regulated by the Council's Environmental Health Officer.

EXTERNAL CONSULTATION

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 18 April 2014. Advertising included letters to 47 adjoining and nearby landowners, Department of Environment Regulation (DER), Department of Parks and Wildlife (DPAW), Department of Health (DOH) Department of Water (DOW), Department of Mines and Petroleum (DMP) and the Water Corporation (WC). Notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

At the close of the advertising period, 15 submissions had been received and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The application fee of \$147.00 and the \$500.00 advertising bond have been paid.

POLICY IMPLICATIONS

The Shire of Plantagenet Local Planning Strategy (LPS 2013) and the Shire of Plantagenet Town Planning Scheme Policy No. 18.1 (Planning Vision) (TPS Policy No. 18.1) show the subject lots as future Commercial.

Amendment 64 to TPS3 initiated by the Council on 29 April 2014 proposes to rezone various lots identified in LPS 2013 and TPS Policy No. 18.1 from Service Industrial to Commercial. However, the land west of Lowood Road between Montem Street and Mondurup Street that includes Lot 305 will remain zoned Service Industrial in the short to medium term. Should this land in the future be zoned Commercial, TPS Policy No. 18.1 notes that the existing service industrial uses could remain subject to the normal non-conforming use Scheme requirements.

STRATEGIC IMPLICATIONS

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

Strategy 2.2.5 - *'Encourage industry, business and residential development that is consistent with the individual character of towns.'*

OFFICER COMMENT

Lot 305 Lowood Road is 2,734m² in area and is located in the Service Industrial Zone. This proposal involves an automotive panel beating spray-painting business at the existing 500m² workshop.

Panel beating and spray-painting operations will largely be carried out within the existing workshop. The storage of car wrecks, stripped and damaged cars, car parts, scrap metal container and vehicle wash bay will be located outside, at the rear and south of the workshop.

Gaseous emissions

The proponent advised that all automotive refinishing will be undertaken in the sealed spray booth. To ensure gaseous emissions from spray-painting operations do not adversely impact on the location all spray-painting applications will need to be carried out inside the sealed spray booth.

Visual impact

The side and rear property boundaries abutting the workshop will be screened with a 1.8m high Colorbond® fence as shown on the site plan (copy attached). Colorbond® gates 1.8m in height will be located between the workshop and the south property boundary and will provide access to the screened area. This area will be used for the storage of car wrecks, stripped and damaged cars, car parts, scrap metal container and the vehicle wash bay.

Noise emissions

The proponent intends to operate Monday to Friday between 9:00am and 5:00pm and Saturday between 9:00am and 1:00pm.

The air compressor will be located in a purpose built outbuilding located outside the workshop. To reduce noise emissions from this outbuilding the proponent proposes to insulate the outbuilding with cool room panels.

To ensure noise emissions from panel beating and spray-painting operations do not adversely impact on the location, all panel beating and spray-painting operations, excluding storage and vehicle wash bay areas, will need to be carried out inside the workshop.

Noise emissions emanating from panel beating and spray-painting operations are required to conform to the Environmental Protection (Noise) Regulations 1997. These regulations are regulated by the Council's Environmental Health Officer.

Landscaping

The Council in July 2012 granted PC for a warehouse and showroom building at the front of Lot 305 Lowood Road. This PC approval included a condition for landscaping to be planted for the total lot in accordance with the Landscape Plan dated 10 July 2012 (copy attached). Vegetation will need to be planted for the existing building in accordance with the 10 July 2012 Landscape Plan to the satisfaction of the Manager Development Services.

The proposed storage and vehicle wash bay areas are currently partly concrete sealed. The remaining unsealed gravel area will need to be sealed to the satisfaction of the Manager Development Services to ensure wastewater runoff will

be collected and disposed off into the existing gully traps. In addition, grease traps will need to be fitted to all gully traps.

Fifteen submissions (five anonymous) have been received from government agencies, adjoining and nearby landowners and the greater community. Nine adjoining or nearby landowners object to the proposed automotive panel beating spray-painting operation. Concerns raised by these landowners included adverse odour, dust noise and visual impacts, threat of dangerous goods being kept at the property and possible devaluation of properties. Further concerns include the proposed business not conforming to the LPS 2013, TPS Policy No. 18.1 and the aims and objectives of Amendment 64 to TPS3. Various matters involving these concerns are discussed in the summary of submissions (copy attached).

Given the proposal conforms to the development provisions of the Service Industrial zone in TPS3 and subject to appropriate conditions the proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, planning consent be granted for automotive panel beating spray-painting at Lot 305 Lowood Road, Mount Barker be approved subject to:

1. Development being in accordance with the plans dated 10 July 2012 and 17 March 2014.
2. All automotive panel beating and spray-painting operations being operated Monday to Friday between 8:00am and 6:00pm and Saturday between 9:00am and 1:00pm.
3. The spray booth and mixing room being located inside the workshop building.
4. All spray-painting being carried out inside the sealed spray booth.
5. The outbuilding covering the air compressor being located and insulated to the satisfaction of the Manager Development Services.
6. All car wrecks, stripped and damaged cars, car parts dump, scrap metal container being stored behind the 2.1m Colorbond® screen fence to the satisfaction of the Manager Development Services.
7. The vehicle-washing bay and storage areas being located, sealed and drained to the satisfaction of the Manager Development Services.
8. All gully traps being fitted with grease traps to the satisfaction of the Manager Development Services.
9. Landscaping being planted in accordance with the Landscape Plan dated 10 July 2012 to the satisfaction of the Manager Development Services.
10. Compliance with the relevant requirements of the Shire of Plantagenet Health Local Law 2008.
11. Compliance with the relevant requirements of the Environmental Protection (Noise) Regulations 1997.
12. Compliance with the relevant requirements of the Occupational Safety and Health Act 1984.

13. Compliance with the relevant requirements of the Code of Practice Spray Painting Amended June 2009
14. Compliance with the relevant requirements of the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007.

LOSS OF QUORUM

The Chief Executive Officer advised the Members that as a quorum was no longer present the meeting stood adjourned until a quorum was present.

Councillors present were:

Cr A Budrikis
Cr S Etherington
Cr L Handasyde
Cr J Oldfield

RESUMPTION

3:42pm Cr C Pavlovich, Cr B Bell and Cr K Clements returned to the meeting.

3:42pm The Presiding Member reconvened the adjourned meeting.

Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr C Pavlovich	Councillor
Cr J Oldfield	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mrs Fiona Saurin	Manager Community Services
Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer

There were nine members of the public present.

9.1.4 LOT 517 FOURTH AVENUE, KENDENUP - OVERSIZE OUTBUILDING

File No:	N30403
Attachments:	Location Plan Site Plan Floor Plan and Elevations
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	27 May 2014
Applicant:	Tectonics Construction Group

PURPOSE

The purpose of this report is to recommend approval for a proposal for an oversize outbuilding at Lot 517 Fourth Avenue, Kendenup.

BACKGROUND

Council records show the registered owners of Lot 517 Fourth Avenue are AK and DM Williams.

This proposal is for an oversize outbuilding of 97.1m² (8.06m x 12.05m) with a wall height of 4.2m. The floor area of 97.1m² exceeds the 80m² area set by Council policy for this residential area. In addition, the wall height of 4.2m exceeds the 3.0m wall height set by the Council's outbuilding policy.

The reason given by the proponent for the oversize outbuilding was for storage of their Winnebago motor home. It is the owners intention to build a new home on the property in the near future.

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R5).

Clause 6.3.2 of TPS3 states:

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

Residential Design Codes (R-Codes).

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

'In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgement, having regard to the following:

- a) *any relevant purpose, objectives and provisions of the scheme;*
- b) *any relevant objectives and provisions of the R-Codes;*
- c) *a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and*
- d) *orderly and proper planning.'*

The variation required here relates to 2.5.2(b) above as outbuilding requirements are in part 5 of the R-Codes.

EXTERNAL CONSULTATION

The proponents as part of lodging this application sought comment from the landowners of adjoining Lots 516 and 6353 Fourth Avenue and Lot 580 Fifth Avenue, Kendenup. The owners of Lot 516 Fourth Avenue and Lot 580 Fifth Avenue have raised no objections. No response has been received from the owner of Lot 6353 Fourth Avenue.

FINANCIAL IMPLICATIONS

The application fee of \$147.00 has been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16.1 (Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 80m² for Residential zones. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The property is located within the Kendenup Townsite where the boundary setbacks for buildings are to be in accordance with the R10 standards in the RCodes. Lot 517 is 1,012m² in area and is currently undeveloped.

The outbuilding is setback 6.0m from the rear property boundary and 4.0m from the southern side property boundary. The proposal meets the outbuilding setback requirements of the R-Codes.

The proposed outbuilding will be 97.1m² (12.05m x 8.06m) in area with a 4.2m wall height. The roof will be sand (Surfmist Colorbond®) in colour and external walls will be mid grey (Wallaby Colorbond®) in colour.

No difficulties are seen with the maximum floor area of the outbuilding being 97.1m² and the wall height of 4.2m given the size of the lot being 1,012m².

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr A Budrikis:

That in accordance with Clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the proposed outbuilding at Lot 517 Fourth Avenue, Kendenup be approved which will mean a maximum floor area for the outbuilding being 97.2m² and a wall height of 4.2m which is in excess of the 80m² and 3.0m wall height stated in Town Planning Scheme Policy 16.1 (Outbuildings), subject to:

1. The development being in accordance with plans dated 2 May 2014.
2. The outbuilding not being used for human habitation.

CARRIED (7/0)

NO. 94/14

**9.1.5 LOT 974 SIXTH AVENUE CORNER SIMMONS STREET, KENDENUP –
OVERSIZE OUTBUILDING**

File No:	N30447
Attachments:	Location Plan Site Plan Outbuilding Plans
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	27 May 2014
Applicant:	Andrew McGarry

PURPOSE

The purpose of this report is to consider a proposal for an outbuilding extension at Lot 974 Sixth Avenue corner Simmons Street, Kendenup. This outbuilding extension, combined with the existing outbuilding, means the cumulative floor area set by Council policy is exceeded.

BACKGROUND

Council records show the registered owner of Lot 974 is A.D. McGarry.

This proposal is for an outbuilding extension of 27.3m² (3.5m x 7.8m) with a wall height of 2.5m. The existing outbuilding has a floor area of 124.8m². The cumulative floor area of all outbuildings (including the outbuilding extension) will total 152.1m². The 152.1m² cumulative floor area exceeds the 80m² floor area set by Council policy for the Residential zone.

The reason provided by the proponent for the outbuilding extension is to protect his vehicles from the weather and damage from the adjoining neighbours to the south.

STATUTORY ENVIRONMENT

Shire of Plantagenet Town Planning Scheme No 3 (TPS3) - Zoned Residential (R5).

Clause 6.3.2 of TPS3 states:

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

Residential Design Codes (R-Codes).

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

'In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgement, having regard to the following:

- a) any relevant purpose, objectives and provisions of the scheme;*
- b) any relevant objectives and provisions of the R-Codes;*
- c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and*
- d) orderly and proper planning.'*

The variation required here relates to 2.5.2(b) above as outbuilding requirements are in part 5 of the R-Codes.

EXTERNAL CONSULTATION

The proponent, as part of lodging this application, sought comment from the landowner of adjoining Lot 975 Fifth Avenue corner Simmons Street to the east. This landowner raised no objection to the proposed outbuilding extension.

The proponent did not seek comment from the landowner of adjoining Lot 973 as he is currently locked in legal proceedings with this neighbour concerning damage to his vehicles.

FINANCIAL IMPLICATIONS

The application fee of \$147.00 has been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16.1(Outbuildings) limits outbuildings to a maximum wall height of 3.0m and a maximum cumulative floor area of 80m² for Residential zones. The cumulative floor area of all outbuildings on site including the outbuilding extension will total 152.1m². The wall height of the proposed outbuilding extension is 2.5m. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The property is located within the Kendenup Townsite where the boundary setbacks for buildings are to be in accordance with the R10 standards in the R-Codes. Lot 974 is 2,012m² in area.

The proposed extension to the existing outbuilding will be 27.3m² (3.5m x 7.8m) with a wall height of 2.5m. The outbuilding extension is setback 6.3m from the side property boundary with Lot 973 to the south. The proposal meets the outbuilding setback requirements of the R-Codes.

The existing outbuilding is a zincalume structure. The proposed extension will also be constructed in zincalume to match the existing outbuilding. The existing outbuilding location is well screened by vegetation on the adjoining property (Lot 973) to the south.

No difficulties are seen with the maximum cumulative floor area of the outbuilding being 152.1m² given the size of the lot being 2,012m².

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and the plans dated 28 April 2014 and 12 May 2014, the proposed outbuilding extension at Lot 974 Sixth Avenue corner Simmons Street, Kendenup be approved which will mean a cumulative area of all outbuildings being 152.1m² which is in excess of the 80m² in Town Planning Scheme Policy No. 16.1 (Outbuildings).

CARRIED (7/0)

NO. 95/14

**9.1.6 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 62 - LOT 1
ALBANY HIGHWAY, MOUNT BARKER - SCHEDULE 2 - ADDITIONAL
USES - SUBMISSIONS RECEIVED**Cr B Bell

Type: Proximity (section 5.60 (B) LGA)

Nature: Adjoining properties

Extent: Not required

3:44pm Cr B Bell withdrew from the meeting.

File No: N30319

Attachments: [Summary of Submissions](#)

Attachments: Summary of Submissions

Responsible Officer: Peter Duncan
Manager Development Services

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to consider submissions received on a proposed Amendment to Town Planning Scheme No. 3 to alter Schedule 2 (Additional Uses) for Site A3 at Lot 1 Albany Highway, Mount Barker. The Amendment will allow a solar energy facility to be established on site.

BACKGROUND

Council records show the owners of Lot 1 Albany Highway, Mount Barker are Gerard and Gweneth Wright.

In August 2007, Amendment No. 40 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) created Lot 1 Albany Highway as Additional Use Site A3 in Schedule 2. The Additional Use permitted with that Amendment was a 'wind farm or wind energy facility'. A three turbine windfarm was established and commenced operations in 2011. The windfarm is operated by the Mount Barker Community Windfarm Inc which leases portion of Lot 1 from the land owners.

The proponents now propose to establish an area of the site for a series of solar panels to generate electricity particularly during times when wind is not operating the three turbines at their maximum efficiency.

The Council when it considered this proposed Amendment No. 62 at its meeting held on 4 February 2014 resolved:

'That:

- 1. Amendment No. 62 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 24 June 2014.'*

The Amendment was forwarded to the Environmental Protection Authority (EPA) and that agency authorised the Amendment to proceed to advertising in a letter received on 27 February 2014.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

TPS3 – Additional Uses Schedule 2 – Site A3 lists the permitted uses as 'Windfarm or wind energy facility' and the relevant development standards/conditions are:

- '(i) Public Health and Aircraft, Socio-Economic Benefits, Construction, Infrastructure and Utilities, Landscape and Visual Impact, Noise, Other possible amenity impact to be to the satisfaction of the Council.*
- (ii) Maximum number of turbines is three, the maximum rotor diameter is 55m.*
- (iii) Noise generated shall not exceed 5dB(A) above the background sound level or 35dB(A) using a 10 minute Laeq, whichever is the greater, at surrounding nearby noise-sensitive premises.*
- (iv) Building licenses shall be required prior to construction*
- (v) Vehicular access routes shall be sited to minimise the visual impact.*
- (vi) Preparation of a decommissioning and rehabilitation plan detailing how the site will be rehabilitated at the end of the use.*
- (vii) Preparation and implementation of a drainage management plan and an erosion control plan for both wind and water.'*

EXTERNAL CONSULTATION

The Amendment was advertised for 42 days with letter to affected landowners and government agencies, newspaper notices and a notice on site and on the Council's notice board.

At the close of the advertising period six submissions had been received (Summary of Submissions attached).

FINANCIAL IMPLICATIONS

The fee of \$2,750.00 (inc GST) for this level of a basic amendment has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides 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

Councillors were provided with a full copy of the Amendment with the Agenda for its meeting on 4 February 2014.

The proposal to introduce solar panels onto this site has necessitated this Amendment to TPS3 as the present permitted uses only refer to a windfarm or wind energy facility.

The Amendment alters the definition in Schedule 1 of TPS3 to refer to solar energy and alters Schedule 2 to introduce conditions relative to the solar component.

The solar facility will be developed on a 1.2ha portion of Lot 1 south of wind turbine 1 near the existing 22 kV overhead powerline. This 1.2ha area is cleared pasture which is screened from view from Albany Highway by existing remnant vegetation.

The solar facility will be located adjacent to the existing switchroom for the wind turbines. Two additional 600kVA transformers will be installed to enable connection to the existing electrical switchroom.

The solar panels will be raised in the order of 1m to 1.8m above ground level to allow livestock to graze under the panels as part of ongoing fire fuel reduction management.

The six submissions received do not raise any issues that would require alteration of the Amendment document.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. The submissions lodged on Amendment No. 62 to Town Planning Scheme No. 3 be noted.
2. Amendment No. 62 to Town Planning Scheme No. 3 be adopted without modification and be forwarded to the Western Australian Planning Commission for the final approval of the Minister for Planning.
3. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to Amendment No. 62 once approved by the Honourable Minister.

CARRIED (6/0)

NO. 96/14

3:45pm Cr B Bell returned to the meeting.

9.1.7 LOT 155 CARBARUP ROAD, KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION

File No: N30351
Attachments: [Location Plan](#)
[Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to consider an application for temporary accommodation at Lot 155 Carbarup Road, Kendenup.

BACKGROUND

Shire records show the owner to be M L Skitt.

An application has been received from the owner of Lot 155 Carbarup Road, Kendenup seeking approval to occupy a caravan located on the lot for a period of 12 months during the construction of a Class 1a dwelling.

A building permit application (3698-2014) for the construction of a Class 1a dwelling has been received.

STATUTORY ENVIRONMENT

Caravan Parks and Camping Ground Regulations 1997-Section (11)(2) states as follows:

- '(2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
 - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

FINANCIAL IMPLICATIONS

The \$110.75 application fee has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 3.6 (Sustainable population growth) the following strategy:

Strategy 3.6.1 – *'Attract new residents through promoting and marketing the benefits of living in the area'*

OFFICER COMMENT

The applicant wishes to reside on site during the construction of a Class 1a dwelling to maintain site security and to expedite the building project. It is expected that the dwelling will be constructed to a habitable standard within 12 months and therefore temporary accommodation is sought for a 12 month period.

Ablution facilities are provided within a recently constructed outbuilding. An on-site sewage and wastewater treatment and disposal system has been approved for installation and connection to the outbuilding ablution facilities and the proposed dwelling's wastewater services when completed.

The Council may revoke the temporary accommodation approval at any time during this approval period.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr A Budrikis:

That the application for temporary accommodation at Lot 155 Carbarup Road, Kendenup be approved for a period of 12 months effective from 27 May 2014 subject to:

- 1. Inspection and certification by the Council's Environmental Health Officer that the temporary accommodation facility meets all relevant health and safety standards.**
- 2. Satisfactory progress being achieved with the construction of the Class 1a dwelling.**

ADVICE NOTE:

- i) The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.**

CARRIED (7/0)

NO. 97/14

9.2 WORKS AND SERVICES REPORTS

9.2.1 MOUNT BARKER WAR MEMORIAL – PLANS FOR UPGRADE

File No:	N30245
Attachments:	War Memorial landscape plan War Memorial entry plinth War Memorial seating wall War Memorial interpretation wall
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Amy Chadbourne Senior Project /Administration Officer Works and Services
Proposed Meeting Date:	27 May 2014

PURPOSE

The purpose of this report is to obtain endorsement from the Council for the draft concept plans detailing the upgrade to the Mount Barker War Memorial and for funds to be allocated in the 2014/15 budget to complete Stage 1.

BACKGROUND

Following the workshop held on 19 November 2013, Councillors requested concept plans be prepared to upgrade the War Memorial on Memorial Drive. Helen Leighton Gardens Designs was engaged to prepare draft plans.

The Council at its meeting held on 10 December 2013, resolved as follows:

‘That a working group be formed to make recommendations to the Council on the proposed redevelopment of our war memorial site. This committee be made up of members of our RSL, Councillors, Works and Services Manager and member of our community, with serious consideration to having representation from a student from the Mount Barker Community College.’

Since its inception, the working group has met on the following dates.

21 January 2014;
31 January 2014;
24 February 2014;
12 March 2014; and
18 March 2014.

EXTERNAL CONSULTATION

External consultation has occurred with the Mount Barker Sub Branch of the RSL and staff and students from the Mount Barker Community College.

FINANCIAL IMPLICATIONS

Helen Leighton Garden Designs has provided detailed concept plans for the War Memorial which involves two stages.

It is estimated that \$62,374.53 is required to upgrade the War Memorial to Stage 1. In 2013/2014 \$35,000.00 was reallocated for Stage 1 from the Wetlands Project.

To complete Stage 1 \$27,374.53 will be required from the 2014/2015 Council budget.

Stage 2 which features a 'We Remember Them Walk' is estimated to cost \$115,016.50. The Council has no funds allocated to Stage 2.

However, the RSL has accumulated funds of \$50,500.00 as follows:

Department Veteran Affairs (DVA)	\$34,500.00
Mount Barker Community Bendigo Bank	\$5,000.00
Mount Barker Co-operative	\$5,000.00
The Council's Financial Assistance Grants (2013/2014)	\$5,000.00
Mount Barker RSL	\$1,000.00

\$50,500.00

=====

To complete Stage 2 \$64,516.50 is required.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

Ongoing maintenance of the War Memorial will be the responsibility of the Council.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.3 (A cohesive and supportive community):

Strategy 1.3.1 – *'Promote and support community and cultural events; and*

Strategy 1.3.4 – *'Actively promote and assist community groups and clubs.'*

OFFICER COMMENT

The War Memorial is considered to look tired and is in need of a 'facelift'. In recent years the Council has adopted a landscaping plan designed to enhance the townscape of Mount Barker. Upgrading the War Memorial will continue this theme and contribute to the visual improvement to the town.

The upgrade to the War Memorial is designed to allow more access to the site for ANZAC and Remembrance Day ceremonies. With the 100 year commemorative events taking place in Albany in November and the 100th anniversary of Gallipoli

landings in April 2015, extra space is required for an expected increase in numbers visiting the memorial.

The seven large trees fronting Memorial Drive were creating a hazard to members of the public with their roots becoming exposed causing the pavement to lift and increasing the risk of tripping. The removal of these trees was discussed with the RSL and there was agreement for them to be removed. The only stipulation from the RSL was that the trees be replaced so the existing plaques at the base of each tree can be relocated. These trees were removed on Tuesday 28 April 2014.

The draft landscape designs include seating, pathways to provide better site access for all members of the community and tree/shrub planting to enhance and emphasise the memorial. This upgrade is predicted to have some benefits to Mount Barker and the surrounding district. It is expected that a large number of tourists will visit the region for the commemorative events beginning 1 November 2014 marking 100 years since the first convoy set sail from Albany carrying Australian and New Zealand troops to the First World War.

An attractive site and upgraded facility is in line with the Council's desire to provide appropriate infrastructure for visitors to Mount Barker.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr A Budrikis:

That:

- 1. The draft Concept Plans from Helen Leighton Garden Designs to upgrade the Mount Barker War Memorial (Stages 1 and 2) be endorsed.**
- 2. The sum of \$27,500.00 be allocated in the 2014/2015 budget to complete Stage 1 of the War Memorial upgrades in accordance with the endorsed plans.**
- 3. Works to complete Stage 2 of the War Memorial upgrade not be commenced until all funding is identified.**

CARRIED (7/0)

NO. 98/14

9.3 COMMUNITY SERVICES REPORTS

**9.3.1 ANNUAL FIREBREAK AND FIRE HAZARD REDUCTION NOTICE
2014/2015 (WITHDRAWN)**

THIS ITEM WAS WITHDRAWN FROM THE AGENDA

9.3.2 BUSH FIRE CONTROL OFFICER POSITIONS - APPOINTMENT FOR 2014/2015

File No: N30437
Responsible Officer: Fiona Saurin
Manager Community Services
Author: Isabelle Draffehn
Community Development Officer
Proposed Meeting Date: 27 May 2014

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 2014/2015.

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 7 May 2014, 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 2014/2015.

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.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013–2023 provides at Outcome 1.9 (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 2014/2015 are as follows:

Shire of Plantagenet Bush Fire Brigade	Bush Fire Control Officer Nominee
Denbarker	Neville Lindberg
	Warren Drage
	Norm Handasyde
	John Rodgers
Forest Hill	Len Handasyde
	Jason Scherell
	Craig Lynch
	Craig Moore
	Murray McLean
Kendenup	Robert Baines
	David Burcham
	Rob Webb
	Rod Stan-Bishop
	Stephen Beech
	Ken Frost
	Brian Appleby
	Phillip Webb
Middle Ward	Colin Taylor
	Ian Mackie
	Kim Stothard
	Greg Sounness
Narpyn	Mark Wallace
	Owen Sounness
	Stephen Morrow
	Michael Cave
Narrikup	Graeme Frusher
	Warren Forbes
	John Pugh
	Jye Duggan
	Reece Ravenhill
	David Fisher
Perillup	Robin Ditchburn
Porongurup	John Russell
	Brad Cluett

	Ray Willans
Rocky Gully	Murray Wills
	Andy Simmons
South Porongurup	Jim Bailey
	Wayne Mathews
Woogenellup	Grant Cooper
	Bryce Skinner
Kojaneerup (Dual FCO)	Craig Nelson
	Ashton Hood
South Stirlings (Dual FCO)	Graeme Pyle
	Luke Bennet
Mount Barker Volunteer Fire and Rescue Brigade	Andrew Buchanan
	Jamie Rutter
Shire of Plantagenet	Steve Player
	Mark Vitler
	Ray Parry
	Joanne Weekes

The Shire of Plantagenet BFAC has nominated the following to the Designated Positions for 2014/2015:

Designated Position	Officer
Chief Bush Fire Control Officer	Murray Wills
Deputy Chief Bush Fire Control Officer No. 1	Norm Handasyde
Deputy Chief Bush Fire Control Officer No. 2	John Russell
Base Radio Operator	Rosa Wright
Deputy Base Radio Operators	Sharon Lynch
	Carolyn Lindberg
Chief Fire Weather Reporting Officer	David Burcham
Deputy Fire Weather Reporting Officer	Craig Lynch

The Shire of Plantagenet BFAC has nominated the following BFAC Delegates and Proxies for 2014/2015:

BRIGADE	DELEGATE	PROXY
Forest Hill	Craig Lynch	Jason Scherell
Kendenup	Brian Appleby	Rob Webb
Narpyn	Don Steven	Steve Morrow
Porongurup	Paul Adams	John Russell
Rocky Gully	Andy Simmons	Ian Higgins
South Porongurup	Richard Stan-Bishop	Jim Baily
Woogenellup	Grant Couper	Mark Adams
Middle Ward	Iain Mackie	Greg Sounness
Mount Barker VFRS	Andrew Buchanan	
Perillup	Robin Ditchburn	

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 B Bell, seconded Cr J Oldfield:

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 2014.
2. The following be appointed as Bush Fire Control Officers within the designated Bush Fire Brigade areas for 2014/2015, taking effect from 1 July 2014:

Shire of Plantagenet Bush Fire Brigade	Bush Fire Control Officer Nominee
Denbarker	Neville Lindberg
	Warren Drage
	Norm Handasyde
	John Rodgers
Forest Hill	Len Handasyde
	Jason Scherell
	Craig Lynch
	Craig Moore
	Murray McLean
Kendenup	Robert Baines
	David Burcham
	Rob Webb
	Rod Stan-Bishop
	Stephen Beech
	Ken Frost
	Brian Appleby
	Phillip Webb
Middle Ward	Colin Taylor
	Ian Mackie
	Kim Stothard
	Greg Sounness
Narpyn	Mark Wallace
	Owen Sounness
	Stephen Morrow
	Michael Cave
Narrikup	Graeme Frusher

	Warren Forbes
	John Pugh
	Jye Duggan
	Reece Ravenhill
	David Fisher
Perillup	Robin Ditchburn
Porongurup	John Russell
	Brad Cluett
	Ray Willans
Rocky Gully	Murray Wills
	Andy Simmons
South Porongurup	Jim Bailey
	Wayne Mathews
Woogenellup	Grant Cooper
	Bryce Skinner
Kojaneerup (Dual FCO)	Craig Nelson
	Ashton Hood
South Stirlings (Dual FCO)	Graeme Pyle
	Luke Bennet
Mount Barker Volunteer Fire and Rescue Brigade	Andrew Buchanan
	Jamie Rutter
Shire of Plantagenet	Steve Player
	Mark Vitler
	Ray Parry
	Joanne Weekes

3. The following be appointed as Designated Bush Fire Service Positions for 2014/2015, taking effect from 1 July 2014:

Designated Position	Officer
Chief Bush Fire Control Officer	Murray Wills
Deputy Chief Bush Fire Control Officer No. 1	Norm Handasyde
Deputy Chief Bush Fire Control Officer No. 2	John Russell
Base Radio Operator	Rosa Wright
Deputy Base Radio Operators	Sharon Lynch
	Carolyn Lindberg
Chief Fire Weather Reporting Officer	David Burcham
Deputy Fire Weather Reporting Officer	Craig Lynch

4. The following be appointed as Bush Fire Advisory Council Delegates and Proxies for 2014/2015, taking effect from 1 July 2014:

BRIGADE	DELEGATE	PROXY
Forest Hill	Craig Lynch	Jason Scherell
Kendenup	Brian Appleby	Rob Webb
Narpyn	Don Steven	Steve Morrow
Porongurup	Paul Adams	John Russell
Rocky Gully	Andy Simmons	Ian Higgins
South Porongurup	Richard Stan-	Jim Baily
Woogenellup	Grant Couper	Mark Adams
Middle Ward	Iain Mackie	Greg Sounness
Mount Barker	Andrew Buchanan	
Perillup	Robin Ditchburn	
South Stirlings	Graeme Pyle	Luke Bennett
Narrakup	Graeme Frusher	Warren Forbes
Denbarker	John Rodgers	Geoff Mather

CARRIED (7/0)

NO. 99/14

9.4 CORPORATE SERVICES REPORTS

9.4.1 BUDGET REVIEW – APRIL 2014

File No: N30404
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to review and adjust the adopted 2013/2014 Annual Budget to recognise variations in actual income and expenditure.

BACKGROUND

The 2013/2014 annual budget was adopted by the Council at its meeting on 9 July 2013. This is the third quarterly review of the 2013/2014 Annual Budget.

STATUTORY ENVIRONMENT

There is no specific section of the Local Government Act 1995 that deals with the re-allocation of funds however Section 6.2(1) of the Local Government Act 1995 governs budget requirements for local governments.

Local Government (Financial Management) Regulations 1996 - Regulation 33A refers to the statutory mid year budget review.

FINANCIAL IMPLICATIONS

The purpose of a budget review is to ensure that the income and expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary. The overall recommended effect on the budget is \$nil.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

This is the main budget review of the year. In terms of operating result, operating income is currently 1.8% below (year to date) budget and operating expenditure is 5.0% below (year to date) budget which is a good result. The capital works program is currently 15.7% under (year to date) budget.

A number of issues are worthy of a budget amendment and the following action is recommended:

- Rate Recovery / Legal Costs are approximately \$10,000.00 over budget, however this is offset by similar income. Appropriate adjustments are recommended.
- Unimproved Value Rates is over budget by \$6,117.00. This amount is therefore available for reallocation.
- Interest paid on Trust funds is \$6,847.00 over budget due to a recent large refund of subdivisional bond from the trust fund.
- Budget Item 'Reimbursements Other' is approximately \$10,000.00 under the expected amount for this time of the year.
- Budget Item 'Administration – Superannuation' exceeds YTD budget by approximately \$12,000.00 due to increases in employee contributions. This amount can be accommodated from Budget Item 'Administration – Salaries'.
- Dog registrations is currently \$5,300.00 over budget and this amount is available for reallocation.
- Some works have been undertaken to clear mulch away from the medical centre in order to reduce the likelihood of further termite infestations within the building. Further works are also intended. An additional allocation of \$2,000.00 is sought for this work.
- Budget Item 'Waste Disposal Sites - Grounds Maintenance' is currently approximately \$30,000.00 over budget due to installation of safety barriers and maintenance to recycling shed. A reallocation to cover this is recommended.
- Budget Item 'Other Revenue - Tipping Fees' is currently \$12,500.00 over budget. This amount is therefore available for reallocation.
- Budget Item 'Sounness Park Boundary Adjustment' is currently \$23,000.00 under budget. This amount is therefore available for reallocation.
- The concrete plinth at the new Mount Barker cemetery was installed without colouring as had previously been requested. It is intended to remove the current plinth and re-construct it. A further allocation of \$3,100.00 is required for the relevant budget item.
- The swimming pool plant room wall repairs have come in \$5,500.00 under budget and the installation of a platform and ladder around the filter also has savings of \$3,000.00. These savings have been directed to the installation of security shutters at a cost of \$6,300.00 in order to thwart numerous break-ins at the pool.
- As at the end of the pool season, pool entry fees are approximately \$10,000.00 under budget. A reallocation to cover this is recommended.
- A number of budget items for the Rec.Centre are either over budget expenditure or under budget income. Budget Item 'Minor Furniture & Equipment Purchases' has been reduced by \$5,000.00, and Budget Item 'Recreation Centre - Building Renewal' has been reduced by \$10,000.00, however a reallocation to cover a further \$15,241.00 is recommended.

-
- A sum of \$120,000.00 was put into the 2013/2014 budget to demolish and replace the public toilets at the Kendenup Agricultural Grounds (partially funded from reserves). These funds may be required as a contribution towards a future development on the site by the Kendenup Community Grounds Committee. It is recommended that the appropriate transfers of this sum to the Shire Development Reserve be effected.
 - A sum of \$4,560.00 has been spent on the installation of a cricket wicket at Frost Park as part of the interim measures required for the redevelopment of Sounness Park. A reallocation to cover this is recommended.
 - Three budget items relating to parks and gardens maintenance (and building maintenance/operating) require some reallocation between them, with a \$nil impact.
 - Budget allocations for principal and interest repayments for a new loan associated with the Sounness Park development are not required, leaving a sum of \$19,398.00 available for reallocation.
 - A number of road construction projects are subject to minor cost overruns. New Budget Item 'Roadworks - Minor Renewal' is also currently over budget by \$32,443.00. All of these over-expenditures can be accommodated from savings in Budget Item 'Martin Street - Entire Length'. Savings have been made on this project as proposed kerbing and drainage works are not being done as the road is too narrow.
 - It is also proposed to allocate additional surplus funds of \$12,000.00 from Budget Item 'Martin Street - Entire Length' to a new project to install dams at the Frost Park training track and new Council property adjacent to Sounness Park (Demon Downs), in line with the hydrologist's plan for increased water supply to sporting precinct. This project has currently been allocated \$12,000.00 in the draft 2014/2015 budget. It is recommended that it be carried out as soon as possible in order to secure runoff from winter rains.
 - A number of Feral Pig Eradication Group accounts are subject to adjustment, with increased costs matched with additional income. The changes result in a \$nil impact.
 - Expenditure on standpipe water currently exceeds budget by around \$13,000.00. The over-expenditure is offset by an increase in income. The changes result in a \$nil impact.
 - A number of plant operating cost accounts are subject to over-expenditures. These either relate to depreciation on new items or increases in fair values. This is a \$nil cash impact.
 - A number of depreciation and amortisation accounts are subject to over-expenditures. These either relate to depreciation on new items or increases in fair values. This is a \$nil cash impact.

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The Council adopted a 10% and a \$5,000.00 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. The budget review for the period 1 July 2013 to 30 April 2014 be adopted and the 2013/2014 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
20009.0071	Other Expenses - Rate Recovery / Legal Costs	(\$20,000)	(\$30,000)	(\$10,000)
10004.0069	Rates Penalties & Fees - Legal Costs Reimbursed	\$15,000	\$25,000	\$10,000
10001.0414	General Rate UV - Rates	\$3,912,649	\$3,918,766	\$6,117
20022.0243	Interest Paid on Trust Funds	(\$500)	(\$7,347)	(\$6,847)
10016.0229	Reimbursements - Other	\$50,000	\$40,000	(\$10,000)
20047.0130	Employee Costs - Salaries	\$(1,000,951)	(\$988,951)	\$12,000
20047.0141	Employee Costs - Superannuation	(\$107,102)	(\$119,102)	(\$12,000)
10047.0041	Other Revenue - Dog Registrations	\$5,500	\$10,800	\$5,300
20088.0034	Law, Order & Public Safety – Dep'n - Furniture & Fittings	\$0	(\$8,900)	\$0
20122.0052	Medical Centre - Grounds Maintenance	(\$2,000)	(\$4,000)	(\$2,000)
20165.0052	Waste Disposal Sites - Grounds Maintenance	(\$285,000)	(\$315,000)	(\$30,000)
10098.0147	Other Revenue - Tipping Fees	\$45,000	\$57,500	\$12,500
20173.0019	Other Expenses - Sounness Park Boundary Adjustment	(\$30,000)	(\$7,000)	\$23,000
51459.0252	Cemetery - New Garden Beds / Establish Section E	(\$10,000)	(\$13,100)	(\$3,100)
51466.0252	Pool - Platform and Ladder Around Filter	(\$5,000)	(\$2,000)	\$3,000
51409.0252	Pool - Plant Room Wall Repairs	(\$10,000)	(\$4,500)	\$5,500
51566.0252	Pool - Security Shutters	\$0	(\$6,300)	(\$6,300)
20198.0034	Pool - Depreciation - Furniture & Fittings	(\$875)	(\$8,000)	\$0
10113.0044	Pool - Other Revenue - Entry Fees	\$32,000	\$22,000	(\$10,000)
51417.0252	Recreation Centre – Building Renewal	(\$13,500)	(\$3,500)	\$10,000
21100.0296	Rec.Centre - Reimbursable Salaries	(\$20,000)	(\$81,477)	(\$61,477)
21100.0130	Rec.Centre - Salaries	(\$163,432)	(\$114,696)	\$48,736
21102.0295	Rec.Centre - Kiosk Supplies	(\$10,000)	(\$7,500)	\$2,500
21102.0085	Rec.Centre - Minor Furniture & Equipment Purchases	(\$11,200)	(\$6,200)	\$5,000
11101.0238	Rec.Centre - Other Income - Kiosk Sales	\$15,000	\$10,000	(\$5,000)
11101.0232	Rec.Centre - Other Operating Income	\$45,000	\$30,000	(\$15,000)
21105.0034	Rec.Centre - Depreciation - Furniture & Fittings	(\$9,433)	(\$18,500)	\$0
51474.0251	Kendenup Ag Grounds – Demolish/Replace Public Toilets	(\$120,000)	\$0	\$120,000
51564.0251	Frost Park - Cricket Wicket	\$0	(\$4,560)	(\$4,560)
41127.0486	Parks and Reserves - Transfers from Reserve Funds	\$170,000	\$125,000	(\$45,000)
50301.0398	Transfers to Reserve Funds	(\$659,521)	(\$734,521)	(\$75,000)
20211.0011	Building Mtce (PC) - Building Operating	(\$38,000)	(\$55,000)	(\$17,000)
20212.0047	Parks Mtce (PC) - Facilities Maintenance	(\$360,000)	(\$330,000)	\$30,000
20212.0048	Parks Mtce (PC) - Facilities Operating	(\$8,000)	(\$17,000)	(\$9,000)
51152.0468	Principal Repayments - New Loan - Sounness Park	(\$27,348)	\$0	\$27,348
20207.0468	Financial Expenses - New Loan - Sounness Park	(\$11,448)	\$0	\$11,448
51503.0250	Mitchell Street - St Werburghs Road Intersection	(\$39,592)	(\$44,456)	(\$4,864)
51551.0250	Simmons Street - Entire Length	(\$83,000)	(\$81,499)	\$1,501
51552.0250	Healy Road - SLK 0.00 to 5.92	(\$65,000)	(\$70,996)	(\$5,996)
51553.0250	Jackson Road - SLK 0.00 to 3.10	(\$59,000)	(\$57,397)	\$1,603

51554.0250	Woodlands Road - SLK 5.38 to 5.70	(\$95,000)	(\$96,857)	(\$1,857)
51555.0250	Sturdee Road - SLK 6.00 to 9.00	(\$106,461)	(\$109,906)	(\$3,445)
51276.0250	Roadworks - Minor Renewal	(\$200,000)	(\$238,932)	(\$38,932)
51517.0250	Seymour Road - SLK 0.00 to 4.96	(\$22,787)	(\$24,513)	(\$1,726)
51559.0250	Martin Street - Entire Length	(\$99,000)	(\$43,449)	\$55,551
51567.0251	Frost Park and Demon Downs - Construct Dams	\$0	(\$12,000)	(\$12,000)
21307.0130	Feral Pig - Salaries	(\$50,000)	(\$60,000)	(\$10,000)
21310.0312	Feral Pig - Other Operating Costs	(\$44,000)	(\$56,700)	(\$12,700)
21308.0286	Feral Pig - Disbursement of Funds	(\$27,000)	(\$9,500)	\$17,500
11307.0242	Feral Pig - Contributions - State & Federal Gov't Cont	\$15,000	\$0	(\$15,000)
11308.0210	Feral Pig - Grant Income - Environmental Grant	\$9,800	\$0	(\$9,800)
11308.0212	Feral Pig - Grant Income - Direct Grants	\$60,000	\$90,000	\$30,000
21328.0319	Water Supply (Standpipes)	(\$32,000)	(\$45,000)	(\$13,000)
11320.0400	Other Income - Sale of Water	\$27,000	\$40,000	\$13,000
20266.0351	Plant Employee Costs - Apprentice / Trainee	(\$31,556)	(\$41,556)	(\$10,000)
20281.0172	Plant Operating Costs - Fuels	(\$300,000)	(\$275,000)	\$25,000
20281.0173	Plant Operating Costs - Tyres	(\$50,000)	(\$65,000)	(\$15,000)
Total		174,743	149,651	(0)

CARRIED (7/0)

NO. 100/14

Absolute Majority

9.4.2 FINANCIAL STATEMENTS – APRIL 2014

File No:	N30380
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	27 May 2014

PURPOSE

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

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

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

CARRIED (7/0)

NO. 101/14

9.4.3 LIST OF ACCOUNTS - APRIL 2014

File No: N30425
Attachment: [April 2014](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of April 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 (28 May 2013). 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

Moved Cr B Bell, seconded Cr S Etherington:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended April 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 \$860,349.49;
- b. Municipal Cheques 44468 - 44525 totalling \$45,151.09; and
- c. Trust Cheque 363 and 364 totalling \$123,555.12.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr B Bell, seconded Cr L Handasyde:

4:00pm That the meeting be closed to members of the public pursuant to Section 5.23 (d) of the Local Government Act 1995 as the matter to be considered relates to legal advice which may be obtained, by the Local Government and which relates to a matter to be discussed at the meeting.

CARRIED (7/0)

NO. 102/14

Those members of the public present were asked to leave the Chambers.

MOTION TO PROCEED IN PUBLIC

Moved Cr B Bell, seconded Cr L Handasyde:

4:16pm That the meeting proceed in public.

CARRIED (7/0)

NO. 103/14

Two members of the public returned to the Chambers.

The Motion was then put.

CARRIED (7/0)

NO. 104/14

9.4.4 MATERIAL VARIANCE AMOUNT – 2014/2015

File No: N30379
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to adopt reportable budget variance values for the 2014/2015 financial year.

BACKGROUND

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

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

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

For several years, the material variances have been set at:

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

STATUTORY ENVIRONMENT

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

'34. Financial activity statement report — s. 6.4

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

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

...

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Oldfield:

That material financial variances for the 2014/2015 financial year be set at:

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

CARRIED (7/0)

NO. 105/14

9.4.5 CREDIT CARD POLICY (F/FM/14) - ADOPTION

File No: N30391
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to adopt a new Credit Card Policy F/FM/14.

BACKGROUND

In March 2014, a Financial Management Review of the Shire was carried out by a representative of Lincolns Accountants and Business Advisors. The auditor found that the Council does not have a Credit Card Policy. It was recommended that a policy be adopted and cardholders acknowledge their responsibilities under the policy upon receipt of their card.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996.

The use of Corporate Credit Cards is not specifically mentioned in the Local Government Act 1995. However the impacts of the use and control of corporate credit cards are related to the following sections of the Local Government Act 1995:

1. Section 2.7(2)(a) and (b) requires the Council to oversee the allocation of the local government's finances and resources and determine the local government policies.
 2. Section 6.5(a) requires the CEO to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government.
- Local Government (Financial Management) Regulation 11(1)(a) requires local governments to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained.

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 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

Corporate credit cards are a routine aspect of the Council's accounts payable and procurement functions. When used appropriately, credit cards provide benefits in the form of streamlined purchasing processes and better utilisation of resources.

However, the use of credit cards involves the potential risk of fraud and misuse. This policy establishes guidelines in order to protect Council funds and to maintain public confidence in the Council's operations.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Oldfield:

That new Credit Card Policy F/FM/14, as follows:

'OBJECTIVE

To ensure that Council staff have access to efficient and alternative means of payment for approved expenses.

POLICY

- 1. The provision of a corporate credit card is a facility offered to officers occupying the positions of Chief Executive Officer and Deputy Chief Executive Officer.**
- 2. The maximum credit limit for a corporate credit card shall be \$10,000.00.**
- 3. Corporate credit cards must only be used for the payment of goods and services associated with Council business, in accordance with the Council's Purchasing and Tender Guide Policy - F/FM/7.**
- 4. A purchase order and credit card authorisation form is to be completed for every purchase and forwarded with the receipt or other evidence of purchase to the Accounts Officer within five business days of the purchase.**
- 5. Corporate Credit Card expenditures are to be reconciled on a monthly basis.**
- 6. All corporate credit card holders are to acknowledge receipt of the corporate card and acknowledge their responsibilities under this policy upon receipt of their card.'**

be adopted.

CARRIED (7/0)

NO. 106/14

9.4.6 INTERNAL CONTROL POLICY (C/IC/1) - ADOPTION

File No: N30394
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to adopt a new Internal Control Policy – C/IC/1.

BACKGROUND

In February 2013, a new regulation (Section 17) of the Local Government (Audit) Regulations was promulgated. This regulation requires a review of the appropriateness and effectiveness of systems and procedures in relation to risk management, internal control and legislative compliance at least once every two calendar years and to report to the Audit Committee the results of that review. This report deals with internal control.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996. Regulation 17 states as follows:

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
- (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.'*

Local Government (Financial Management) Regulations 1996. Regulation 5 states (in part) as follows:

- (1) *Efficient systems and procedures are to be established by the CEO of a local government —*
- (a) *for the proper collection of all money owing to the local government; and*
 - (b) *for the safe custody and security of all money collected or held by the local government; and*
 - (c) *for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);*
and
 - (d) *to ensure proper accounting for municipal or trust —*
-

- (i) *revenue received or receivable; and*
 - (ii) *expenses paid or payable; and*
 - (iii) *assets and liabilities;*
- and*
- (e) *to ensure proper authorisation for the incurring of liabilities and the making of payments; and*
 - (f) *for the maintenance of payroll, stock control and costing records; and*
 - (g) *to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*
- (2) *The CEO is to —*
- (a) *ensure that the resources of the local government are effectively and efficiently managed;'*

FINANCIAL IMPLICATIONS

There are no direct 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 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

It is important to note the following underlined words in the new regulation: *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures.*

In terms of appropriateness, the Chief Executive Officer is to decide what processes, systems and controls are appropriate in the context of risk appetite, the internal / external environment and what is suitable for the Shire's size and operations. Effectiveness is assessed through monitoring events and testing controls. For systems and procedures to be effective, they must exist.

Local governments are entrusted with a substantial amount of public assets. Ensuring these assets are safe from loss due to fraud and mismanagement is fundamental to good governance.

A number of systems and processes have been developed in order to fulfil the statutory obligations under the Local Government (Financial Management) Regulations 1996. In order to be able to review and assess internal control, adoption of a policy and additional internal procedures will be required.

The following are considered to be fundamental characteristics of a good internal control system:

Staffing and segregation of duties

Ideally, the following three basic functions should be undertaken by different individuals:

- authorisation of transactions;
- recording of transactions; and
- custody of assets (money and other property).

If these duties are not separated then errors are more likely to go undiscovered, fraud is also much easier to conceal and mistakes are more likely to occur.

In small local governments it is not always practical to maintain a strict separation of duties due to resource constraints. These circumstances require a greater degree of compensatory controls to be put in place.

The level of experience and qualification held by staff has a substantial impact on the effectiveness of internal controls. Experienced staff who know the processes and systems are more likely to identify errors and mistakes before they have a detrimental impact.

High levels of staff turnover leading to inexperienced staff will place additional pressure on internal controls and reduce their reliability. At these times increased staff training is vital to reduce the risk of failure in documented internal controls. High staff turnover can also lead to a fall in staff recruitment standards resulting in false qualifications and experience levels going undetected.

Information Technology (IT) Controls

As with other controls there are two types of controls which exist within the IT environment:

- General IT Controls - These are controls over the wider IT environment of the local government. They include such items as virus protection, backups, system password and access controls.
- Application IT Controls - These are controls within the specific IT applications and include such items as application password and access controls, data field validations, processing restrictions and reporting restrictions.

The extensive use of IT to record, validate, collate and report financial transactions makes it important to implement a number of financial process or application controls. However application controls may be significantly undermined by a lack of appropriate general controls.

Granting IT administrators administration rights to all applications, a lack of appropriate backups or the ability of someone to 'hack' into the IT system are all examples of general IT control risks which will undermine the effectiveness of the best application controls.

Documented procedures and processes covering the recording, reporting and authorisation of transactions

Documented procedures also support the rotation of duties which in turn reduces the potential for fraud. It is important the judgments made about appropriate internal controls are documented and evidenced in procedures. For example, if circumstances prevent the full segregation of duties then the alternate actions taken to lessen risk should be evidenced. If staff clearly understand what is expected of them and what they are required to do to maintain control, less errors are likely to occur.

Ideally, a risk analysis is undertaken by identifying each business activity and applying a risk matrix that identifies the risk rating of the events and the actions to be taken to reduce the chance of occurrence.

One important point to remember in developing controls and procedures is that the cost of the control should not exceed the expected benefit to be derived from it. The level of controls instigated by management is a matter of judgement with effective internal control providing a reasonable, not absolute, degree of assurance that assets will be safeguarded.

Monitoring performance and adherence

A fully documented system, experienced staff and full segregation of duties will not result in an effective internal control system unless there is ongoing monitoring of adherence. Management also needs to clearly demonstrate to staff that the control systems are important and must be followed.

While adoption of a policy is appropriate, the details are of an operational nature and should be determined by the Chief Executive Officer.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That new Internal Control Policy C/IC/1, as follows:

‘OBJECTIVE

To ensure that appropriate internal controls are implemented in order to:

- 1. Fulfil the statutory obligations under the Local Government (Financial Management) Regulations 1996 and Local Government (Audit) Regulations 1996; and**
- 2. Ensure that the Shire’s assets are safe from loss due to fraud and mismanagement.**

POLICY

The Council will, through the CEO, ensure that appropriate and efficient internal controls are in place covering:

- 1. Staffing and segregation of duties;**
- 2. Information technology;**
- 3. Documented procedures and processes covering the recording, reporting and authorisation of transactions; and**
- 4. Monitoring performance and adherence.’**

be adopted.

CARRIED (7/0)

NO. 107/14

9.4.7 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: 27 May 2014

PURPOSE

The purpose of this report is to review and recommend adoption of the elected member expenses and allowances for the 2014/2015 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) \$7,500.00
- Shire President's Annual Allowance \$6,100.00
- Deputy Shire President's Annual Allowance \$1,525.00

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.

In 2013, changes to legislation increased some of the minimum and maximum fees for annual attendance fees and annual allowances. The changes also provided for such fees to be determined by the State Government Salaries and Allowances Tribunal.

STATUTORY ENVIRONMENT

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

The Local Government Act 1995 (section 5.98 to 5.102), Local Government (Administration) Regulations 30 to 34 and determinations of the Salaries and Allowances Tribunal legislate the payment of expenses and allowances to elected members. This legislation defines minimum and maximum allowances for the Shire of Plantagenet, a Band 3 local government, as follows:

- Annual attendance fee (Shire President) – Minimum \$7,500.00; Maximum \$24,000.00.
- Annual attendance fees (Councillor) - Minimum \$7,500.00; Maximum \$15,500.00.
- Shire President's Annual Allowance - Minimum \$1,000; Maximum:
 - \$35,000.00; or
 - 0.002 of the local government's operating revenue, whichever is the lesser amount (this currently equates to \$21,358.00 for the Shire of Plantagenet).

- Deputy President's Annual Allowance - minimum \$250.00, 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 percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual 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 annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

Absolute majority required.'

FINANCIAL IMPLICATIONS

An allocation of \$81,625.00 has been made in the 2013/2014 annual budget for elected members' attendance fees and allowances. The outcome of this report will guide the formulation of the 2014/2015 draft budget.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

In 2013/2014, the annual attendance fees for councillors was increased from \$7,000.00 to \$7,500.00 to bring them up to the new minimum permissible amount. Other than that, elected member attendance fees have previously been set at the maximum permitted amount and have not been increased for some years.

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 all allowances for the forthcoming financial year in line with the annual Consumer Price Index (All Groups Perth) which is currently 3.0%, to ensure that they keep pace with rising costs. However with the 2013 changes to the legislation, there is some scope for greater than CPI increases to all of these fees.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr C Pavlovich:

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 2014/2015 financial year be set as follows:

1. Annual attendance fee (Shire President) \$14,420.00.
2. Annual attendance fees (Councillor) \$7,725.00.
3. Shire President's Annual Allowance \$6,283.00.
4. Deputy President's Annual Allowance \$1,570.75.

CARRIED (7/0)

NO. 108/14

Absolute Majority

9.4.8 FINANCIAL MANAGEMENT REVIEW

File No:	N30378
Attachments:	Financial Management Review Report – April 2014
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	27 May 2014

PURPOSE

The purpose of this report is to consider the report from the Council's auditors, Lincolns Accountants and Business Advisors, in relation to their investigation of the Council's financial management systems and procedures.

BACKGROUND

In March 2014, a Financial Management Review of the Shire was carried out by a representative of Lincolns Accountants and Business Advisors. This review is designed to test the financial management systems of the Shire and to report on the appropriateness and effectiveness of the control environment within as required by Local Government (Financial Management) Regulation 5(2)(c).

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

Section 5(2)(c) states:

'(2) The CEO is to –

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.'

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 Financial Management Review has been enclosed and overall the result is very good. Responses to the adverse findings made within the report are as follows:

Area of Financial Management	Summary Review Findings	Management Comment
Long Term Financial Plan	Long Term Financial Plan has been adopted by Council and reviewed by the Department of Local Government. With noted improving trends of debt service ratio, own source revenue coverage, although the current ratio and operating surplus ratios forecast fail to meet the target benchmarks.	<p>The Current Ratio target of greater than or equal to 1 is below benchmark throughout the plan but the LTFP estimates that this will generally improve over time to after 2017/2018. The relatively low ratio is a reflection of the degree of current liabilities associated with leave entitlements. The improvement mainly results from gradual reduction of current loan liabilities.</p> <p>The target of an Operating Surplus is not achieved throughout the period of the LTFP, indicating that surplus funds are not available for capital works over the longer term. However, this situation generally improves throughout the period of the plan. This ratio is largely dependent on accurate depreciation figures, in particular depreciation on major plant items.</p> <p>It is anticipated that future LTFPs will contain more accurate asset depreciation figures and confidence in the accuracy of these ratios will increase. LTFPs will also focus on what will be required to eventually meet the benchmark figures.</p>
Trust Fund	The Trust Fund includes unidentified receipts dating back several years. We recommend that, if the payer of this money cannot be identified, then the amounts be forwarded to the Registrar of Unclaimed Money.	The funds cannot be identified and therefore will be returned to the Registrar of Unclaimed Money.
Receipts and Receivables	Council has no debt collection procedures policy. We recommend that a Policy be adopted which outlines debt collection steps and procedures.	An appropriate policy will be prepared for consideration.
Rates	Rates have been raised in accordance with budget and resolution of Council. Council has a draft rates collection procedures policy. We recommend that a Policy be adopted which outlines rates debt collection steps and procedures.	An appropriate policy will be prepared for consideration.
Credit Card Procedures	Council does not have a Credit Card Procedures Policy. We recommend that a policy be adopted and cardholders acknowledge their responsibilities under the policy upon receipt of their card.	An appropriate policy has been prepared for consideration.

General Journal Entries	The register of journal entries posted to the general ledger is not kept up to date. Whilst password access restricts posting of journal entries to senior experienced staff, we recommend that the register of journals posted be sequenced in numerical/date order, signed by the journal originator, and counter signed by a reviewer.	The register of journals has been brought up to date, with two responsible officers signing them off.
-------------------------	---	---

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That the results of the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire of Plantagenet, pursuant to Section 5(2)(c) of the Local Government (Financial Management) Regulations 1996, be noted.

CARRIED (7/0)

NO. 109/14

9.4.9 POLICY REVIEW - COUNCIL OWNED BUILDINGS - CEILING INTERFERENCE

File No: N30405
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to review Council Policy A/PA/2 – Council Owned Buildings – Ceiling Interference.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 12 June 2012.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

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 2.5 (Council buildings and facilities that meet community needs) the following strategy:

‘Strategy 2.5.1 – Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard.’

OFFICER COMMENT

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr C Pavlovich, seconded Cr J Oldfield:

That Council Policy A/PA/2 – Council Owned Buildings – Ceiling Interference, as follows:

OBJECTIVE:

To clarify access restrictions to ceiling and roof spaces in Council owned buildings.

POLICY:

1. That access to the ceiling / roof space in any of the buildings under the Council's care and control be restricted to authorised repair contractors and staff only and that any entry by other persons is subject to:
 - a) The approval by the Chief Executive Officer; and
 - b) The parties having appropriate public liability insurance to cover any event, which indemnifies the Council against any claim.
2. All necessary documentation relating to the hire or use of Council buildings will be subject to the applicant having necessary public liability insurance to indemnify the Council against any claim from the set up and function, through to the clean up afterwards.'

be endorsed.

AMENDMENT

Moved Cr B Bell, seconded Cr J Oldfield:

That a part 1 (c) be added as follows:

'All power to the building being turned off prior to any internal access above ceiling height.'

MOTION TO ADJOURN THE QUESTION

Moved Cr S Etherington, seconded Cr A Budrikis:

That the question be adjourned to allow a further report to be presented at the meeting of the Council to be held on 24 June 2014 relating to safety in roof spaces.

CARRIED (7/0)

NO. 110/14

9.4.10 POLICY REVIEW - RATING OF COUNCIL OWNED LAND - SPORTING AND COMMUNITY ORGANISATIONS

File No: N30382
Attachment: [Sporting and Community Organisations Using Council and Vested Land – Rateability - Policy](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to review Council Policy No A/PA/14 – Sporting and Community Organisations Using Council and Vested Land – Rateability.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 30 April 2013. The Council adopted the current policy position to address anomalies regarding the rating status of sporting and community associations occupying Council land through leasing arrangements.

STATUTORY ENVIRONMENT

Section 6.26 of the Local Government Act 1995 refers to the rateability of land. Section 6.26(2)(b) is to the effect that land is not rateable where it is the property of the Crown and is being used or held for a public purpose.

The Shire received some legal advice recently when it renewed its standard lease for community groups, as follows:

‘The general position is that land occupied by a private club would not be described as being used for “public purpose”. See Swan Yacht Club Inc v Town of East Fremantle [2005] WASCA99 – which is a decision of the Court of Appeal of the WA Supreme Court.

As you would be aware, a local government Council is authorised under section 6.47 of the Act to waive a rate but that would be a decision taken by the Council from year to year.

Consequently, I think that it is appropriate for the lease to provide that the lessee must pay rates (if there are rates to be paid and they have not been waived).’

FINANCIAL IMPLICATIONS

In phasing in this policy, the Council will, for a number of years, raise rates on its leasehold properties, but pay those rates itself. This is a ‘zero sum game’, although the Council would have the right to impose rates on a number of these lessees. This cannot at present be quantified, as the rateable values are unknown.

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 2013 – 2023 provides at Outcome 1.3 (A cohesive and supportive community) the following strategy:

'Strategy 1.3.4 – Actively promote and assist community groups and clubs.'

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

'Strategy 4.6.3 - Maintain, develop and monitor rating and property strategies'

and

'Strategy 4.6.6 - Ensure the Shire's property, administration and records systems are managed effectively and efficiently'

OFFICER COMMENT

The following sporting and community groups have exclusive use of Council owned or vested land:

Facility	Lessee	Rateability
Mount Barker Speedway	Mount Barker Speedway	Rateable
West Plantagenet Pony Club	West Plantagenet Pony Club	Rateable
Mount Barker Men's Shed	Plantagenet Mens Shed	Rateable
Narpanup Golf Course	Narpanup Golf Club	Rateable
Mount Barker Communications	Bevan Lang	Rateable
Woogenellup Hall	Woogenellup Progress Association	Not Rateable pursuant to LG Act S6.26(b).
Kendenup Country Club	Kendenup Country Club	Rateable
Mount Barker Historic Museum	Plantagenet Historical	Rateable
Mount Barker Railway Station	Mount Barker Tourist Bureau	Rateable
Mount Barker District Hall (Lesser Hall)	WA Country Health Service	Non-rateable due to public purpose
Mount Barker Tennis Courts	Mount Barker Tennis Club	Rateable
Mount Barker Playgroup Centre	Mount Barker Playgroup	Rateable
Arts Centre (Mitchell House)	Plantagenet Arts Council	Rateable
Kendenup Tennis Courts	Kendenup Tennis Club	Rateable
Mount Barker Child Care Centre	Wanslea Early Learning and Development Inc	Non-rateable due to charitable status
Cattle Saleyards - Shed	Albany Cattle Association	Rateable
Cattle Saleyards - Cattle Yards	M & J Mitchell Pty Ltd	Rateable
Cattle Saleyards - Canteen	E Mitchell	Rateable
Kendenup First Responders	St John Ambulance	Non-rateable due to charitable status
Mount Barker Community Centre (excl Library)	Mount Barker Community Centre/Baptist Union of WA	Rateable

A workshop of councillors was held on 1 April 2014 to discuss the implementation of this policy. At that workshop, an amended policy was proposed in order to gradually

phase in the requirement for lessees to pay rates or make an application for a financial assistance grant.

The administration will arrange for all of its leasehold land to be valued by the Valuer General's Office, so that they can be rated from the 2014/2015 financial year (where they are rateable).

It is proposed that the Shire will be responsible for paying the applicable Shire rates on properties leased to the following sporting and community groups from 1 July 2014 until the expiry of the respective leases with those groups. Following the renewal of those leases, the lessees will become responsible for paying the applicable Shire rates on those properties. Lessees may then apply for an annual donation, in lieu of the rates, as a part of the Shire's annual Financial Assistance Grants process.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr B Bell:

That amended Council Policy A/PA/14 – Sporting and Community Organisations Using Council and Vested Land – Rateability, as follows:

‘OBJECTIVE:

To ensure that all sporting and community associations leasing property owned by or vested in the Council are treated equitably with regard to rating and other charges.

POLICY:

1. Any sporting or community organisation leasing or renting land and/or facilities from the Council shall be rateable, unless provisions of the Local Government Act 1995 provide for them to be non-rateable.
2. The Shire will be responsible for paying the applicable Shire rates on properties leased to the following sporting and community groups from 1 July 2014 until the expiry of the respective leases with those groups:

Facility	Lessee
Mount Barker Speedway	Mount Barker Speedway Club
West Plantagenet Pony Club Grounds	West Plantagenet Pony Club
Mount Barker Men's Shed	Plantagenet Men's Shed
Narpanup Golf Course	Narpanup Golf Club
Mount Barker Communications Tower	Bevan Lang
Kendenup Golf Course and Country Club	Kendenup Country Club
Mount Barker Historic Museum	Plantagenet Historical Society
Mount Barker Railway Station	Mount Barker Tourist Bureau
Mount Barker Tennis Courts	Mount Barker Tennis Club
Mount Barker Playgroup Centre	Mount Barker Playgroup
Arts Centre (Mitchell House)	Plantagenet Arts Council
Kendenup Tennis Courts	Kendenup Tennis Club

Cattle Saleyards - Shed	Albany Cattle Association
Cattle Saleyards - Cattle Yards	M & J Mitchell Pty Ltd
Cattle Saleyards - Canteen	E Mitchell
Mount Barker Community Centre (excl Library)	Mount Barker Community Centre/Baptist Union of WA

3. Following the expiry and renewal of the leases in Part 2 above, those lessees will become responsible for paying the applicable Shire rates.
4. Future leases with sporting and community groups or other persons / organisations will include provision for the lessee to be responsible for paying the applicable Shire rates.
5. Lessees responsible for paying Shire rates may apply for an annual donation, in lieu of the rates, as a part of the Shire's annual Financial Assistance Grants process, although applications will not necessarily be approved.'

be adopted.

MOTION TO ADJOURN THE QUESTION

Moved Cr S Etherington, seconded Cr A Budrikis:

That the question be adjourned so that a further report be presented to the meeting of the Council to be held on 22 July 2014 addressing:

- a) A broader definition of public purpose; and
- b) The concept of varying degrees of public purpose.

CARRIED (5/2)

NO. 111/14

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 CONFERENCE ATTENDANCE - COUNCILLOR L HANDASYDE - AUSTRALIAN LIVESTOCK MARKETS ASSOCIATION INC AGM AND CONFERENCE

File No: N30381
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to seek authority for Councillor Len Handasyde, to attend the 2014 Australian Livestock Markets Association Inc (ALMA) Annual General Meeting (AGM) and Conference.

BACKGROUND

The 2014 ALMA Inc AGM and Conference are to be held in Cairns on 23 and 24 July 2014. The Saleyards Manager, Stewart Smith has also registered his interest to attend, which has been authorised by the Chief Executive Officer.

At its meeting held on 29 April 2014, the Saleyards Advisory Committee agreed to nominate Councillor Len Handasyde to attend.

FINANCIAL IMPLICATIONS

The registration for the conference is \$450.00 and accommodation for five nights will be approximately \$895.00. Air fares to and from Cairns will be approximately \$500.00.

POLICY IMPLICATIONS

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

OFFICER COMMENT

The annual ALMA Conference is a key event on the livestock industry calendar. It provides a forum for the livestock industry across the nation to share ideas, knowledge and information.

A full conference program has not yet been released. However, previous attendees have benefitted and the knowledge gained from exposure to industry trends has resulted in improvements at Saleyards. Attendance by Councillor Handasyde is recommended.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr A Budrikis:

That:

- 1. Councillor Len Handasyde be authorised to attend the Australian Livestock Markets Association Inc AGM and Conference to be held in Cairns from 23 to 24 July 2014.**
- 2. The expenditure be charged to Budget Item Saleyards – Conferences and Training – 21320.0029.**

CARRIED (6/1)

NO. 112/14

9.5.2 COUNTRY REFORM POLICY FORUM - COUNCILLOR APPOINTMENT

File No: N30393

Attachments: [Terms of Reference](#)
[Country Reform Policy Forum Meeting Notes 17 February 2014](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Linda Sounness
Executive Secretary

Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to endorse the appointment of the Shire President to the Western Australian Local Government Association (WALGA) Country Reform Policy Forum.

BACKGROUND

On 18 November 2013 the Shire President was notified that his Expression of Interest in participating and contributing to the Country Reform Policy Forum had been successful. A copy of the appointment letter was circulated in the Councillor Information Bulletin dated 10 December 2013.

The Country Reform Policy Forum Terms of Reference (copy attached) states:

'The State Government has indicated that this term of government will focus on Metropolitan Local government reform, however has not stepped away from possible reform in non-metropolitan areas. Since the announcement of metropolitan Local Government reform in July 2013 the Premier has indicated that reform would move to country Local government following its implementation. This indication by the Premier gives an opportunity for the sector to determine a position on reform in advance. Local Governments have expressed a desire to self determine where the sector wants to position itself. This Policy Forum will scope the various options or opportunities available for reform to present to the Government.'

'WALGA's Corporate Governance Charter provides for the ability to create Policy Forums to assist in the development of Association policies.'

FINANCIAL IMPLICATIONS

Travel, accommodation and meal expenses in the vicinity of \$365.00 per meeting would apply. It is anticipated the Policy forum will meet quarterly or on an as needed basis.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.4 – *‘Support strategic alliances, stakeholder forums and advisory committees that assist shire in policy development and service planning’* and

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

Strategy 4.2.4 – *‘Promote the profile of the District at appropriate regional, State and Federal Forums.’*

OFFICER COMMENT

The inaugural meeting of the Country Reform Policy Forum as held on Monday 17 February 2014 (copy attached).

It is recommended that the Shire President’s appointment and continued attendance at the Country Reform Policy Forum Meeting be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr C Pavlovich:

That:

- 1. The appointment of the Shire President to the Western Australian Local Government Association Country Reform Policy Forum be endorsed.**
- 2. That the associated costs be charged to account 20026.0029 (Conferences, Training and Accommodation).**

CARRIED (7/0)

NO. 113/14

9.5.3 DELEGATIONS - ANNUAL REVIEW

File No:	N30400
Attachments:	Delegations 2014 (Separate Attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	27 May 2014

PURPOSE

The purpose of this report is to present the Delegations Register for endorsement and to seek an amendment to Delegation LG 035 relating to subdivisions.

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 28 May 2013 with amendments to revoke Delegation LG 004 and include Delegation LG 045 at the Council meeting held 25 June 2013.

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.

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’*

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

An amendment is sought to Delegation No. LG 035 Planning and Development Act 2005 Town Planning Scheme No. 3 (Clause 7.7) Implementation of Town Planning Scheme.

Clause 11 of Delegation LG 035 currently states:

‘Recommend support to the Western Australian Planning Commission and where delegated by the Commission determine applications for subdivisional proposals up to five (5) lots where these proposals comply with Town Planning Scheme No. 3 or relevant Town Planning Scheme Policy and ensure appropriate and relevant conditions are requested of the Western Australian Planning Commission.’

The change proposed is an increase in subdivisional proposals from ‘up to five (5)’ lots to ten (10) lots. The proposed increase does not impact on any legislative requirements other than those currently in place. The change will reduce administration time frames and improve response times back to the Western Australian Planning Commission

It is recommended that the Delegations as presented, including the amendment to Delegation LG 035 be endorsed.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr S Etherington, seconded Cr C Pavlovich:****That:**

1. Delegation LG 035 Clause (11) be amended to read:
‘Recommend support to the Western Australian Planning Commission and where delegated by the Commission determine applications for subdivisional proposals up to 10 lots where these proposals comply with Town Planning Scheme No. 3 or relevant Town Planning Scheme Policy and ensure appropriate and relevant conditions are requested of the Western Australian Planning Commission.’
2. Delegations LG 001 to LG 003, LG 005 to LG 006, LG 008 to LG 035 (inclusive), LG 037, LG 039 to LG 045 (inclusive) to the Chief Executive Officer be endorsed.
3. Delegation LG 036 to the Environmental Health Officer be endorsed.

CARRIED (7/0)**NO. 114/14****Absolute Majority**

9.5.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT CONVENTION AND TRADE EXHIBITION 2014 - COUNCILLOR ATTENDANCE

File No: N30399
Attachments: [WALGA Convention Registration Brochure](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 27 May 2014

PURPOSE

The purpose of this report is to consider Councillors' attendance at the Western Australian Local Government Association (WALGA) Convention and Trade Exhibition 2014 to be held Thursday 7 August to Friday 8 August 2014 and to endorse voting delegates for the WALGA Annual General Meeting to be held on Wednesday 6 August 2014.

BACKGROUND

The Council did not send delegates to the WALGA Convention and Trade Exhibition in 2013 however the Shire President Cr K Clements and Deputy Shire President Cr M Skinner attended the AGM held on Wednesday 7 August 2013.

FINANCIAL IMPLICATIONS

Full delegate convention fees per person - \$1,475.00
Convention Breakfast – \$88.00
Convention Gala Dinner - \$190.00
Accommodation - \$215.00 per room per night not including meals.
Daily parking - \$34.00

Approximate cost per delegate (Including 3 nights accommodation but not including meals) would be \$2,002.00.

Budget Item 20026-3250 (Local Government Convention) has a proposed allocation of \$15,000.00 in the draft 2014/2015 budget.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

OFFICER COMMENT

The theme for the 2014 WALGA Convention and Trade Exhibition is 'Illuminate 2014: Transparency, Trust and Transformation.'

'The conference sessions will reflect the ever present challenges facing the sector and the opportunities and changes these present. Keynote speaker former Australian Prime Minister John Howard OM AC will discuss the role of world leaders in a new century and the growing concerns of globalisation and global economics.'

A copy of the program is attached. Councillors may consider that the 2014 program on offer beneficial and worthy of attendance.

The WALGA Annual General Meeting (AGM) is held separately to the Convention on the afternoon of Wednesday 6 August 2014.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr S Etherington:

That:

- 1. Councillor B Bell be authorised to attend the WALGA Local Government Convention and Trade Exhibition from 8 August 2014 to 9 August 2014 and that the associated costs be charged to account 20026.3520 (Local Government Convention) and account 20026.0029 (Conferences, Training and Accommodation); and**
- 2. The Shire President Cr K Clements and the Deputy Shire President Cr L Handasyde 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 6 August 2014.**

CARRIED (7/0)

NO. 115/14

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 L Handasyde:

That new business of an urgent nature, namely:

Sounness Park Clubrooms Lease – Affix Common Seal

be introduced to the meeting.

CARRIED (7/0)

NO. 116/14

11.1 SOUNNESS PARK CLUBROOMS LEASE – AFFIX COMMON SEAL

Moved Cr B Bell, seconded Cr S Etherington:

That the Shire President and the Chief Executive Officer be authorised to affix the Common Seal of the Council to the lease between the Shire of Plantagenet and the Mount Barker Football Club Inc, for the Sounness Park Clubrooms, part Lot 150 McDonald Avenue, Mount Barker.

CARRIED (7/0)

NO. 117/14

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

5:10pm The Presiding Member declared the meeting closed.

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