



ORDINARY MINUTES

DATE: Tuesday, 3 March 2015

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution numbers: 24/15 to 54/15

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:19pm The Presiding Member declared the meeting open.

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

Members Present:

| | |
|------------------|--|
| Cr K Clements | Shire President |
| Cr B Bell | Councillor (Left the Chambers at 3:20pm, returned 3:21pm) (Left the meeting at 4:05pm) |
| Cr A Budrikis | Councillor |
| Cr S Etherington | Councillor (Left the Chambers at 6:00pm, returned at 6:02pm) |
| Cr L Handasyde | Councillor |
| Cr G Messmer | Councillor (Left the Chambers at 3:22pm, returned at 3:26pm) |
| Cr J Moir | Councillor |
| Cr J Oldfield | Councillor |
| Cr C Pavlovich | Councillor (Left the Chambers at 3:20pm, returned 3:21pm) (Left the Chambers at 4:07pm, returned 4:10pm) (Left the Chambers at 4:20pm, returned 4:36pm) (Left the Chambers at 5:38pm, returned 5:42pm) |

In Attendance:

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

There were two members of the public present.

Previously Approved Leave of Absence:

Cr G Messmer – 28 April 2015

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, visitors and staff present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 MR PETER THORN AND MR BILL HOLLINGWORTH – ROTARY CLUB OF MOUNT BARKER

Mr Thorn and Mr Hollingworth gave a presentation in support of Item No. 9.5.2 – Mount Barker Hill Lookout Project.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr B Bell

Item: 9.1.1
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)
Nature: Supply of tank
Extent: Not required

Cr K Clements

Item: 9.5.3
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct)
Nature: Perceived interests
Extent: Car usage as President

Cr L Handasyde

Item: 9.1.4
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct)
Nature: Finish lambs occasionally
Extent: Common interest with many in the agricultural community

Cr G Messmer

Item: 9.1.2
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA); Proximity (Section 5.60(B) LGA)
Nature: Own adjacent property
Extent: Not required

Cr J Moir

Item: 9.4.7
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)
Nature: Employee of Elders Mount Barker. Cattle Farmer
Extent: Not required

Cr J Oldfield

Item: 9.1.4
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct)
Nature: Perceived interest
Extent: Own a rotational outdoor piggery which is a form of feedlot.

Cr C Pavlovich

Item: 9.1.1
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct)
Nature: Disclosure of interest
Extent: President of Mt Barker Speedway

Item: 9.2.1
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Perceived Financial Interest
Extent: Hire of Civil Plant

Item: 9.2.2
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Perceived financial Interest
Extent: Hire of Civil Plant

Item: 9.3.3
Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct)
Nature: Code of Conduct – Sounness Park Signage
Extent: Chairman of Mt Barker Football Club, Sounness Park Sub Committee.

Item: 9.5.1
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Associated Person
Extent: Partner in Carbon IQ works as CEO in our organisation which I am Chairman and Director.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr S Etherington, seconded Cr G Messmer:

That the Minutes of the Ordinary meeting of the Shire of Plantagenet, held on 3 February 2015 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 24/15

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF OFFICERS AND COMMITTEES

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 RESERVE 16271 PORONGURUP ROAD, MOUNT BARKER - WATER TANK FOR MOUNT BARKER SPEEDWAY CLUB

Cr B Bell

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)
Nature: Supply of tank
Extent: Not required

Cr C Pavlovich

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct)
Nature: Disclosure of Interest
Extent: President of Mt Barker Speedway

3:20pm Cr Bell and Cr Pavlovich withdrew from the meeting.

File Ref: N33322

Attachments: [Reserve 16271 - Location Plan](#)
[Reserve 16271 - Site Plan](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 3 March 2015

Applicant Mt Barker Tanks on behalf of the Mount Barker
Speedway Club Inc

PURPOSE

The purpose of this report is to consider a request from the Mount Barker Speedway Club (MBSC) for approval to construct a new water tank on Reserve 16271 Porongurup Road, Mount Barker.

BACKGROUND

The Council at its meeting held on 19 August 2014 when considering support for the MBSC's application to the Department of Sport and Recreation's 2014/2015 Community Sport and Recreation Facilities Fund resolved at Resolution No. 184/14:

'That:

- 1. The proposal by the Mount Barker Speedway Club (Inc) for the upgrading of water storage facilities, security lighting, track and infield surfaces at Location 504 Reserve 16271 (Mount Barker Speedway Porongurup Road Mount Barker) be endorsed; and*
 - 2. The application be supported with a rating of 'B' and submitted to the 2014/2015 Small Grants Round of the Community Sport and Recreation Facilities Fund for a total project cost of \$149,899.00 (GST exclusive).'*
-

The MBSC's grant application included funding to upgrade water management infrastructure through additional water tanks, security car park lighting and track improvements. The Minister for Sport and Recreation, the Hon Terry Waldron, in a letter dated 23 November 2014 confirmed the MBSC's grant application was successful.

The MBSC now requests permission to construct a new water tank at Reserve 16271.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960 – A building permit is required to be issued by the Principal Building Surveyor under delegated authority.

FINANCIAL IMPLICATIONS

A building permit fee of \$132.50 will be required to be paid by Mt Barker Tanks. The purchase of the water tank and its erection will be by the MBSC at no cost to the Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.5 (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.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The water tank will be a Colorbond® tank with a holding capacity of 220,000 litres. The tank will be a classic cream colour, 2.18m in height with an 11.36m diameter. The water tank will be setback 70.0m from the property boundary with Porongurup Road to the north and 140m from the property boundary with Lot 4816 Porongurup to the east.

As the structure is to be erected on a Council reserve, the structure will become the property of the Council. However, the Speedway Club will be responsible for the ongoing maintenance of the water tank. No objection is seen to the erection of the new water tank.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That no objections be raised to the proposed water tank on Reserve 16271 Porongurup Road, Mount Barker subject to:

1. The development being in accordance with the plans dated 17 February 2015.
2. The Mount Barker Speedway Club Inc acknowledging the water tank will become the property of the Council.
3. The Mount Barker Speedway Club Inc retaining all maintenance responsibilities for the water tank.
4. The Mount Barker Speedway Club Inc being responsible for any insurance excess in the event that an insurance claim, relating solely to the water tank, is necessary.
5. The Mount Barker Speedway Club Inc acknowledging the Council may at its discretion require the water tank to be removed and disposed of at no cost to the Council to the satisfaction of the Manager Works and Services.

CARRIED (7/0)

NO. 25/15

3:21pm Cr B Bell and Cr C Pavlovich returned to the meeting.

**9.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 66 – LOT 151
LOWOOD ROAD AND LOT 152 MCDONALD AVENUE, MOUNT BARKER
– SUBMISSIONS RECEIVED**

| | |
|-------------------------------|---|
| File Ref: | N33220 |
| Attachments: | Amd 66 - Location Plan Amd 66 - summary of submissions |
| Responsible Officer: | Peter Duncan Manager Development Services |
| Author: | Peter Duncan Manager Development Services |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to consider submissions received on a proposed Amendment to Town Planning Scheme No. 3 to amend the Scheme Maps to correct boundary anomalies in terms of the Sounness Park recreation site and the Mount Barker Community Resource Centre (CRC).

BACKGROUND

Over the past several years the lot boundaries between the current Lot 151 Lowood Road and Lot 152 McDonald Avenue, Mount Barker have been rationalised to remove boundary encroachments by the CRC building and the tennis club.

This Amendment seeks to make alterations to the Scheme Maps to correct anomalies following recent lot boundary adjustments.

The final step in the lot boundary rationalisation process was the endorsement by the Western Australian Planning Commission of Deposited Plan 404188. That Deposited Plan created lot 152 which contains the newly constructed Sounness Park sporting complex and the Mount Barker Tennis Club building and courts.

The present zoning shows the eastern part of Lot 151 Lowood Road (the CRC site) as a Recreation Local Scheme Reserve and the majority of Lot 152 McDonald Avenue as a Public Purpose Local Scheme Reserve.

Councillors were provided with a full copy of the Amendment with the Agenda papers for the meeting held on 11 November 2014. At that meeting the Council resolved:

‘That:

- 1. Amendment No. 66 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 31 March 2015.'*

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 4 December 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.

EXTERNAL CONSULTATION

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

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

FINANCIAL IMPLICATIONS

The mapping for the Amendment has been prepared by the Department of Planning at a cost of \$81.00.

The Amendment document has been prepared in-house. The advertising cost was met by the Town Planning Advertising budget.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.5 (Council buildings and facilities that meet community needs) the following strategies:

Strategy 2.5.1:

'Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard,' and

Strategy 2.5.2:

'Develop new buildings and facilities in accordance with asset management principles and based on a planned and prioritised approach.'

Accordingly, the recommended outcome of this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The intention of this Amendment is to place the 'Recreation' Local Scheme Reserve status over the Sounness Park/tennis club (Lot 152 McDonald Avenue) and to place the 'Public Purpose' Local Scheme Reserve status over the CRC site (Lot 151 Lowood Road).

The seven submissions received do not require modifications to the Amendment document.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That:

- 1. That submissions lodged on Amendment No. 66 to Town Planning Scheme No. 3 be noted.**
- 2. Amendment No. 66 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. 66 once approved by the Honourable Minister.**

CARRIED (9/0)

NO. 26/15

9.1.3 TOWN PLANNING SCHEME NO 3 - AMENDMENT NO 67 - FORMER DEPOT SITE - SUBMISSIONS RECEIVEDCr G Messmer

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA); Proximity (Section 5.60(B) LGA)

Nature: Own adjacent property

Extent: Not required

3:22pm Cr G Messmer withdrew from the meeting.

File Ref: N33230**Attachments:** [Location Plan - Aerial Photo](#)
[Summary of Submissions](#)**Responsible Officer:** Peter Duncan
Manager Development Services**Author:** Peter Duncan
Manager Development Services**Proposed Meeting Date:** 3 March 2015

PURPOSE

The purpose of this report is to consider submissions received on a proposed Amendment to Town Planning Scheme No. 3 to rezone Lots 411, 412, 413 and 414 Menston Street and Lots 500 and 93 Marion Street from Public Purpose Reserve to Residential (R17.5) and to recode Lot 40 Langton Road from R12.5/20 to R17.5.

BACKGROUND

The former use of the site as a Council depot from approximately 1951 through to the late 1990s led to the then Department of Environment and Conservation in 2007 imposing Memorials on the Titles of the affected lots and classifying the site as 'Possibly Contaminated – Investigation Required'. Since that classification the Council has engaged environmental consultants to prepare a Voluntary Audit Report (VAR). The process of that VAR was to determine works needed to remove any possible areas of contamination. The VAR was commenced in September 2008. Extensive works have been carried out on site to firstly investigate possible contamination and secondly to remove any threats of contamination. The VAR was submitted to the Department of Environment Regulation (DER) in April 2014.

In July 2014 the Shire conducted additional works on site to remove any possible doubt of contamination for the future aim of residential land use. The additional works involved removing the top 150mm layer from the entire site and replacement with a cover of clean imported material.

The Council's environmental consultant (a DER Accredited Contaminated Sites Auditor) submitted details of additional works carried out to the DER in September 2014. The DER on 16 October 2014 advised the site had been reclassified to 'decontaminated'.

The DER gave notice to Landgate to withdraw the Memorials referring to the possible contamination from the Titles of the affected lots (Lots 411, 412, 413, 414,

500 and 93). The DER in a letter received on 18 December 2014 advised the memorials had been removed from the Certificates of Title.

Lot 40 Langton Road was not identified as a possible contaminated site as it was not used as part of the former depot operation.

Councillors were provided with a full copy of the Amendment with the Agenda papers for the meeting held on 11 November 2014. At that meeting the Council resolved:

'That:

- 1. Amendment No. 67 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 31 March 2015.'*

The Amendment was forwarded to the Environmental Protection Authority (EPA) and that agency authorised the Amendment to proceed to advertising in a letter received 4 December 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 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.

EXTERNAL CONSULTATION

The Amendment will need to be advertised for 42 days with letters to affected landowners and various government agencies, newspaper notices and a notice on site and on the Council's notice board.

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

FINANCIAL IMPLICATIONS

The mapping for the Amendment has been prepared by the Department of Planning at a cost of \$81.00.

The Amendment document has been prepared in-house. The advertising cost was met by the Town Planning Advertising budget.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 2.2.1:

'Provide supportive planning and development guidance and liaison on major land developments;' and

Strategy 2.2.5:

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

At Outcome 3.6 (Sustainable population growth) the following strategy:

Strategy 3.6.2:

'Investigate and promote housing development'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The total land area of all seven lots involved is 12,233m². The larger Lot 500 (5,878m²) was owned by the Crown until the Council purchased that lot in 2009 for \$1.10. The decision to purchase Lot 500 was on the basis that even though it was Crown land, the Council was still responsible for the decontamination of the site. Some \$200,000.00 has been expended on the consultants' reports, investigations and remedial clean up works.

The intention now is to prepare the total site for residential development. A residential use was considered the most appropriate as the site is surrounded by existing residential development. The first step of that process is to ensure the site is zoned Residential (R17.5) which will be the case once this Amendment receives the Hon. Minister for Planning's final approval.

The R17.5 density coding has been chosen as that is the coding recommended in the Council's Local Planning Strategy (2013) and its Planning Vision (TPS Policy No. 18.1 2014). The R17.5 density coding allows for an average lot size of 571m² and a minimum of 500m² per single house or grouped dwelling. This site has potential for 21 residential houses.

The nine submissions received do not require modifications to the Amendment documents.

Councillors have previously been advised that some neighbouring properties had erected structures that encroached onto this Council land. The Manager

Development Services and the Chief Executive Officer (CEO) undertook a site inspection on 12 January 2015 and found that all encroachments were removed except for that adjacent to Lot 39 Marion Street.

Although the Council has indicated previously (Council meeting 30 September 2011) that it was happy to negotiate a sale of the affected land to the landholder, subsequent investigation has highlighted the location of sewer infrastructure. The infrastructure would prevent an excision of the land and subsequent amalgamation with Lot 39.

Accordingly the CEO wrote to the owner on 27 January 2015 requesting the encroachments to be removed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That:

- 1. That submissions lodged on Amendment No. 67 to Town Planning Scheme No. 3 be noted.**
- 1. Amendment No. 67 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.**
- 2. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to Amendment No. 67 once approved by the Honourable Minister.**

CARRIED (8/0)

NO. 27/15

3:26pm Cr G Messmer returned to the meeting.

9.1.4 TOWN PLANNING SCHEME POLICY NO. 13 - FEEDLOTS - ALTERATION TO POLICY – SUBMISSIONSCr L Handasyde

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct)
Nature: Finish lambs occasionally
Extent: Common interest with many in the agricultural community

Cr J Oldfield

Type: Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct)
Nature: Perceived interest
Extent: Own a rotational outdoor piggery which is a form of feedlot.

File Ref: **N33290**

Attachments: [Draft Town Planning Scheme Policy 13.1 with changes marked](#)

Responsible Officer: **Peter Duncan**
Manager Development Services

Author: **Peter Duncan**
Manager Development Services

Proposed Meeting Date: **3 March 2015**

PURPOSE

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

BACKGROUND

At its meeting held on 14 November 2006 the Council adopted Town Planning Scheme No. 13 – Feedlots following required public advertising.

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

At its meeting held on 9 December 2014 the Council resolved:

'That:

1. *Draft Town Planning Scheme Policy No 13.1 – Feedlots as follows:*
'Town Planning Scheme No. 3

Town Planning Scheme Policy No. 13.1.

FEEDLOTS

Definition

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

Objectives

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

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

Policy Criteria:

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

| <i>Description</i> | <i>Separation Distances</i> |
|--------------------|-----------------------------|
|--------------------|-----------------------------|

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

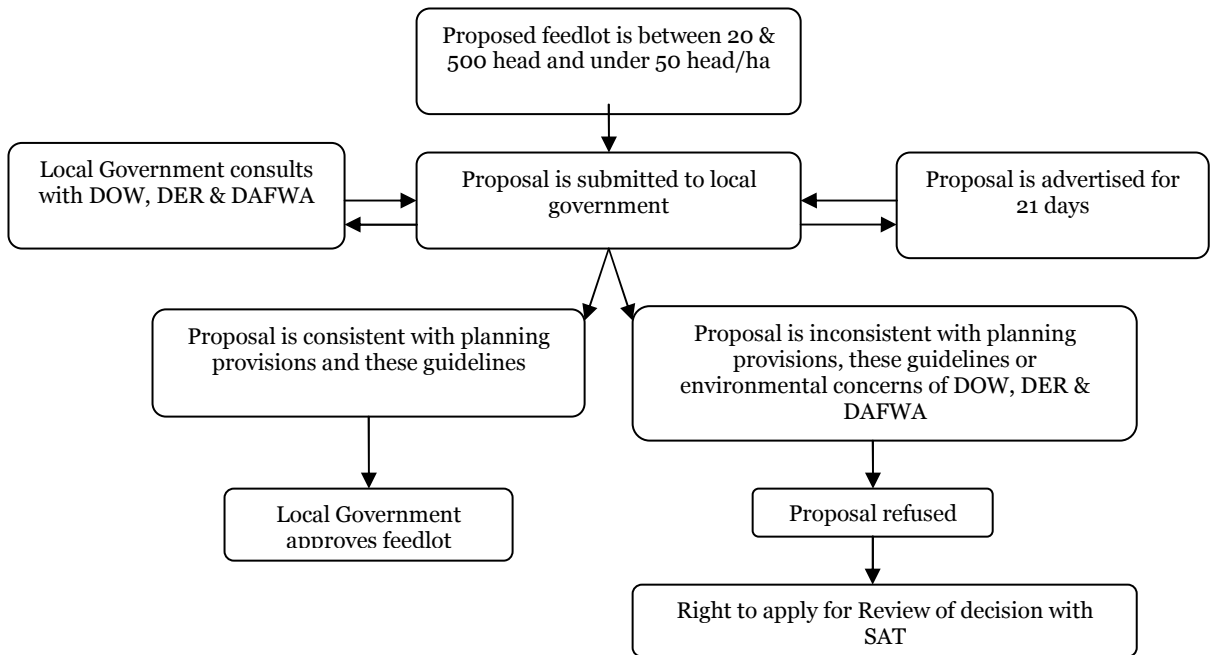
- 5) *Feedlots to be sited in an area where the land slope is no greater than 1:20 but no less than 1:100.*
- 6) *Feedlots should be sited on sandy loam soils rather than coarse sand.*
- 7) *Stock numbers per pen are to ensure adequate management of dust and effluvia occurs and does not become a nuisance.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

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

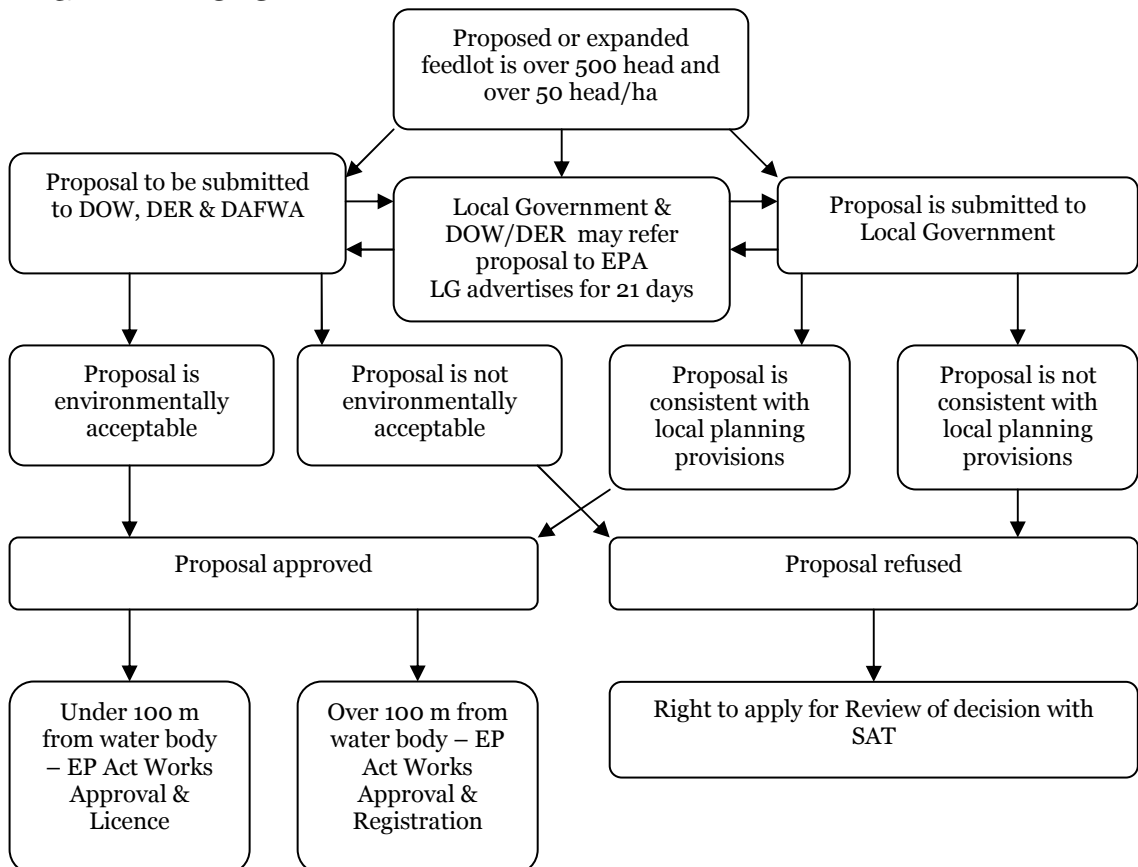
*This TPS Policy No. 13.1 supersedes TPS Policy No. 13.
Adopted on in accordance with clause 7.6 of Town Planning Scheme No. 3.*

APPENDIX ONE - APPROVALS PROCESS

SMALL FEEDLOTS



LARGE FEEDLOTS



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

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

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

The Council when it considered this policy following the public advertising at its meeting held on 3 February 2015 resolved:

'That the question be adjourned to allow the officer to obtain information on shelter in feedlots with a further report being presented to the Council on the 3 March 2015.'

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

'7.6 POWER TO MAKE POLICIES

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

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

(a) the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;

(b) the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;

(c) following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.

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

(a) preparation and final adoption of a new policy pursuant to this clause, specifically worded to supercede an existing policy;

(b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

7.6.4 *A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.'*

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

EXTERNAL CONSULTATION

In accordance with TPS3 Clause 7.6.2, the draft policy was advertised once a week for two consecutive weeks in a newspaper circulating in the area. The advertisement contained details of where the draft policy could be inspected and in what form submissions could be made during a period of 21 days.

At the close of the advertising period no submissions had been received.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 3.2.3:

'Develop and review policy to facilitate and support business development and economic growth'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

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

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

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

At the close of the advertising period no submissions had been received.

When the Council considered this matter on 3 February 2015 there were two issues discussed which required staff to further investigate before reporting back to the Council.

The first issue was that of ensuring there was adequate shelter provided for animals whilst still allowing sun penetration to ensure manure had the chance to dry. Policy criteria 9) refers to screening vegetation but it does need to be adjusted to make specific reference to shelter. What is proposed is to insert the words 'and shelter' after the word 'screening' in the first sentence and to add 'whilst still providing shade for animals' to the end of the second sentence.

The second issue raised on 3 February 2015 was in relation to cattle stock density of 0-25m² per head at policy criteria 7) and the standards for small and large feedlots at Appendix One. The uncertainty occurred with cattle stocking rate and the trigger for the approval process in the appendix. Appendix One demonstrates the process and is not to be confused with the DAFWA stocking rate. It is proposed to do two things to clarify the matter. The first is to delete the cattle stocking rate from policy criteria 7) by the deletion of the second sentence. The third sentence does refer to consulting with DAFWA for relevant stocking rates.

The second alteration is to adjust the first box in Appendix One for small feedlots and also for large feedlots. In respect to small feedlots the first box is to be altered to introduce '/or' before 'under 50 head/ha' and to add '(this equates to greater than 200m² per head)'. The and/or wording is needed as that will be the trigger for the small feedlot process. In respect to large feedlots the first box is to be amended to introduce the '/or' before 'over 50 head/ha' and to add '(this equates to less than 200m² per head)'. Again, this change is needed as it will be the trigger for the large feedlot process. Appendix One is the process based on the number and/or the density of animals. It is not the recommended stocking rate.

The wording changes have been included in the recommendation. Attached to this report is a copy of the policy with the wording changes in italics and the deletions crossed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr G Messmer, seconded Cr C Pavlovich:

That:

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

‘Town Planning Scheme No. 3

Town Planning Scheme Policy No. 13.1.

FEEDLOTS**Definition**

Feedlots are a confined yard area with watering and feeding facilities where animals are hand or mechanically fed for the purpose of production.

Animals include cattle, sheep, goats, deer and the like.

Objectives

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

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

Policy Criteria:

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

- A detailed plan of pens noting the number of animals per pen, size of each pen, extent of vegetation to be planted and soil type information.
 - Details of the ultimate number of animals.
 - A Waste Management Plan (Detailed methods for the collection, storage and disposal of solid and liquid waste).
 - Water supply.
- 4) The feedlot should comply with minimum separation distances from sensitive areas:

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

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

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

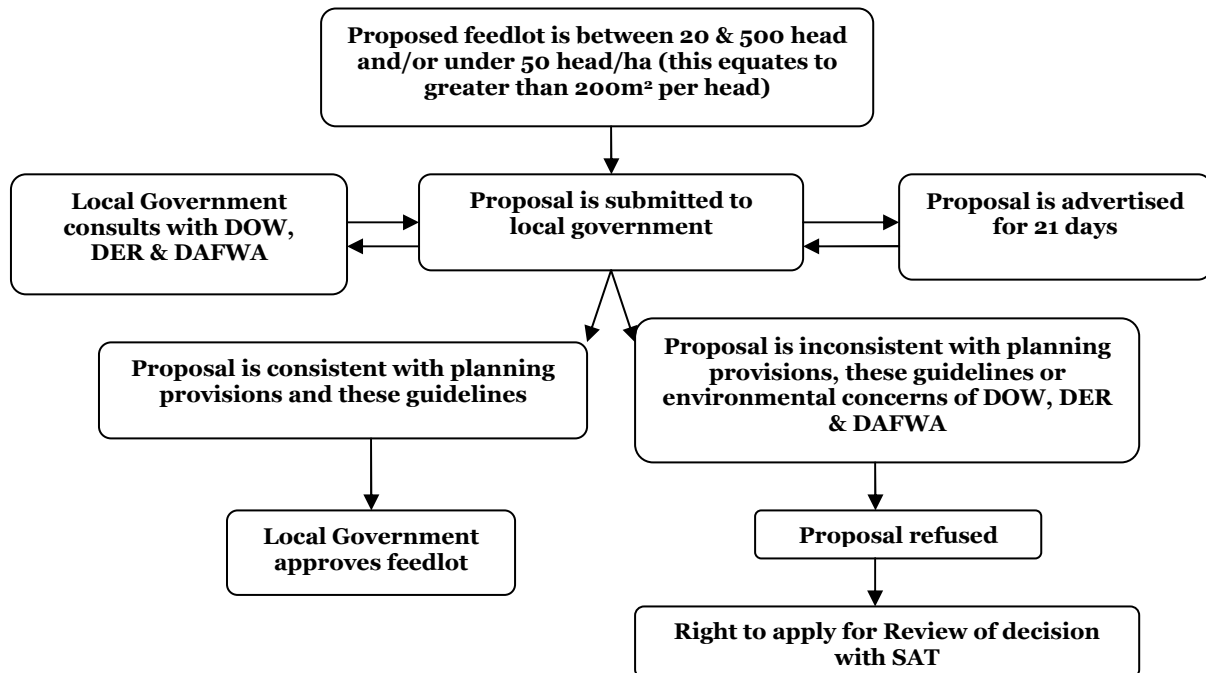
For further information on Cattle Feedlots refer to ‘Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia’.

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

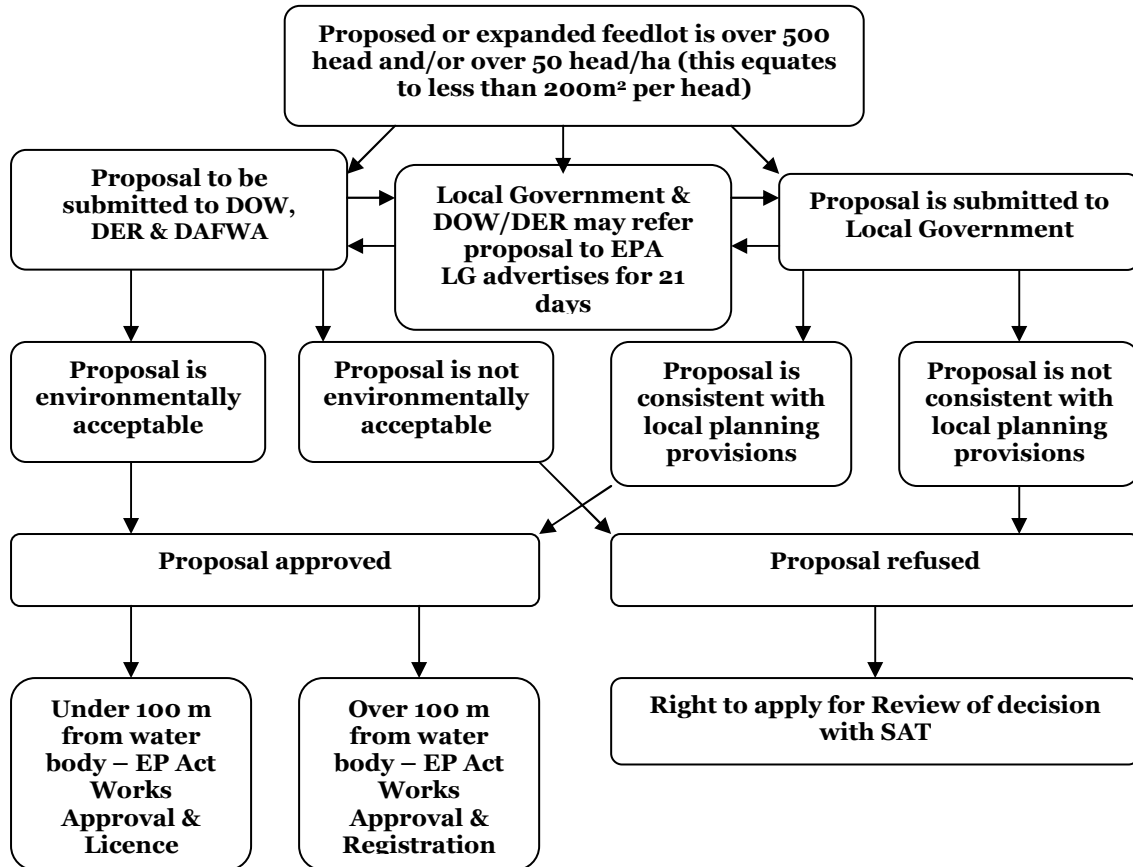
Adopted on in accordance with clause 7.6 of Town Planning Scheme No. 3.

APPENDIX ONE - APPROVALS PROCESS

SMALL FEEDLOTS



LARGE FEEDLOTS



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

be adopted in accordance with clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

MOTION TO ADJOURN THE QUESTION

Moved Cr J Moir, seconded Cr B Bell:

That the question be adjourned to enable a further report to be prepared relating to animal shelter requirements for the meeting of the Council to be held on 31 March 2015.

CARRIED (5/4)
NO. 28/15

9.2 WORKS AND SERVICES REPORTS

9.2.1 POLICY REVIEW - PRIVATE WORKS - EXTERNAL

| | |
|-------------------------------|---|
| File Ref: | N33203 |
| Attachments: | I PW 1 Private Works External |
| Responsible Officer: | Dominic Le Cerf Manager Works and Services |
| Author: | Kaye Skinner Works Administration Officer |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to review Council Policy No. I/PW/1 – Private Works – External.

BACKGROUND

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

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 3.59 – ‘Commercial enterprises by local governments’ excludes the Shire of Plantagenet as private works undertaken by the Council fall below the legislated amount.

FINANCIAL IMPLICATIONS

Since the previous review of this policy the Council has completed 25 private works agreements for businesses, farmers and individuals.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.3:

‘Ensure the Council’s decision making process is effective and transparent.’

And further at Outcome 4.2 (Effective engagement with the community and stakeholders), the following:

Strategy 4.2.1:

‘Have a well-informed community’.

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

This policy was amended in 2013, works well and is considered relevant however minor editorial changes have been made as shown on the attachment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr J Moir:

That amended Council Policy No. I/PW/1 – Private Works – External as follows:

OBJECTIVE

- To outline the procedures for undertaking private works requests by residents, organisations and others (client).
- To ensure that any private work complies with the Western Australian Policy on Competition Neutrality. The objective of the Competitive Neutrality Policy is ‘the elimination of resource allocation distortions arising out of the public ownership of entities engaged in significant business activities: Government business should not enjoy any net competitive advantage simply as a result of their public sector ownership.’
- To ensure the Shire does not directly compete with local businesses or contractors.
- To ensure a mechanism is in place to supply a project estimate and receive payment for any private work.

POLICY

1. The Chief Executive Officer (or nominated officer) will determine whether work constitutes ‘private works’ or ‘minor works’. Minor works encompasses works such as driveway grading, tree removal, drainage maintenance and the like and is charged on an hourly rate in accordance with the Council’s adopted schedule of fees and charges.
2. All private works jobs will be costed independently to the client.
3. All works will be costed in accordance with the Council’s schedule of fees and charges.
4. A project estimate shall be provided to the client, in writing, outlining the costs, the timeframe, clearly stating ‘Estimate Only’, and shall include provision for recouping additional payment should the cost of the project exceed the estimate, or refund if applicable.

5. A timeframe shall be provided to the client as to when the works can be undertaken. No private works shall take precedent over the completion of the Council's annual works program.
6. All private works jobs will be performed, supervised and timesheets checked and the account issued independently to the client. Any variations will be authorised by the client in writing before they are performed.
7. Standard practice is that fees and charges are paid in advance of the service or work being undertaken, excluding Government agencies. When delaying commencement of work until the client has paid the necessary fee is impractical due to the necessary machinery being on or adjacent to the site where minor works are proposed, the Chief Executive Officer (or nominated officer) is authorised to proceed with minor works jobs prior to payment being received.
8. No plant or equipment will be hired on a 'dry hire' basis.'

be endorsed.

4:05pm Cr B Bell withdrew from the meeting.

MOTION TO ADJOURN THE QUESTION

Moved Cr J Moir, seconded Cr C Pavlovich:

That the question be adjourned so that the policy can be re-written to reflect private works only being undertaken for Local and other Government organisations.

DISCLOSURE OF INTEREST

Cr C Pavlovich

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

Nature: Perceived Financial Interest

Extent: Hire of Civil Plant

4:07pm Cr C Pavlovich withdrew from the meeting.

MOTION TO PUT THE QUESTION

Moved Cr S Etherington, seconded Cr L Handasyde:

That the motion to adjourn the question be put.

CARRIED (6/1)

NO. 29/15

The question was then put.

LOST (1/6)

MOTION TO PUT THE QUESTION

Moved Cr S Etherington, seconded Cr J Moir:

That the substantive motion be now put.

CARRIED (5/2)

NO. 30/15

The substantive motion was then put.

CARRIED (6/1)

NO. 31/15

9.2.2 POLICY REVIEW - PRIVATE WORKS – INTERNALCr C Pavlovich

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

Nature: Perceived financial Interest

Extent: Hire of Civil Plant

4:07pm Cr Pavlovich withdrew from the meeting.

File Ref: N33204
Attachments: [I-PW-2 - Private Works - Internal](#)
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Kaye Skinner
Works Administration Officer
Proposed Meeting Date: 3 March 2015

PURPOSE

The purpose of this report is to review Council Policy No. I/PW/2 – Private Works – Internal.

BACKGROUND

This policy was first adopted on 14 December 2010, to recognise the differences between private works undertaken for internal and external stakeholders, and was last reviewed by the Council at its meeting held on 29 January 2013.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 3.59 – ‘Commercial enterprises by local governments’ excludes the Shire of Plantagenet as private works undertaken by the Council fall below the legislated amount.

FINANCIAL IMPLICATIONS

Since the previous review of the policy the Council has completed five internal works agreements for staff.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.3:

‘Ensure the Council’s decision making process is effective and transparent.’

And further at Outcome 4.2 (Effective engagement with the community and stakeholders), the following:

Strategy 4.2.1:

'Have a well-informed community'.

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

Guidelines were created to ensure equity to all staff / Councillors for the use of Council plant and equipment and to ensure staff obtain the appropriate approvals before private works occur. These guidelines ensure that the policy is transparent to the wider community.

One minor change has occurred in the objective. The word 'in relation to' has been replaced with the word 'when'.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That amended Council Policy I/PW/2 – Private Works – Internal as follows:

OBJECTIVE

- **To give direction to Councillors and Shire employees when accessing the Shire service of private works.**
- **To ensure there is a mechanism in place to adequately address and manage the issue of accountability where Councillors and Shire employees are engaging the Shire to perform works.**
- **To ensure the Council's adopted Code of Conduct is recognised as integral to the process of internal private works.**

POLICY

- 1. Any Councillor or employee wishing to engage the Shire to perform private works (including occasional 'wet hire' of plant or equipment), shall in the first instance forward a written request to their supervisor who will then refer the matter with the relevant employees responsible for preparing the quote. The Chief Executive Officer and Councillors would refer their request to the Shire President.**
- 2. All private works jobs will be costed and quoted independently to the Councillor or employee.**

3. All private works will be costed and quoted in accordance with the Council's schedule of fees and charges approved annually.
4. No work will be performed until and unless the quoted amount is paid and received by the Shire in advance of the works being commenced. Any variations will be authorised by the Councillor or employee in writing before they are performed.
5. After payment of the quoted amount (where it is acknowledged that if made on estimates of time, further payment or reimbursements will be made once all costs have been finalised), the Councillor or employee will take no further action in any way other than from the perspective of the client and this shall be made known whenever dealings are being undertaken. All private works jobs will be performed, supervised and timesheets checked and the account issued independently of the Councillor or employee.
6. Those Councillors or employees involved in the process coming into contact with the client will treat the Councillor or employee (who is the client) in the same manner as any other client in accordance with the Council's Customer Service Charter.
7. This policy also applies to clients who are closely associated persons (as defined in the Local Government Act 1995) to Councillors or employees.
8. No plant or equipment will be hired on a 'dry hire' basis.
9. No private works shall take precedence over the completion of the Council's annual works program'.

be endorsed.

CARRIED (7/0)

NO. 32/15

4:10pm Cr C Pavlovich returned to the meeting.

9.2.3 RESERVE 27607 WOOGENELLUP ROAD KAMBALLUP AND RESERVE 10003 O'NEILL ROAD MOUNT BARKER - EXCHANGE OF LAND

| | |
|-------------------------------|--|
| File Ref: | N33350 |
| Attachments: | Land Encroachment Land Swap – Option A Proposed New Reserve Boundary Land Swap – Option B |
| Responsible Officer: | Dominic Le Cerf Manager Works and Services |
| Author: | Amy Chadbourne Senior Administration/Project Officer Works and Services |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to recommend the transfer of the management of a portion of Reserve 27607 Woogenellup Road Kamballup to the Department of Parks and Wildlife (DPaW), in exchange for the transfer of a 24ha portion of Reserve 10003 O'Neill Road Mount Barker from DPaW to the Shire of Plantagenet.

These transfers will facilitate an increase of land at O'Neill Road for reserve purposes. It would also release land with rare flora to a more appropriate Authority.

BACKGROUND

Reserve 10003 O'Neill Road is adjacent to the O'Neill Road Waste Management Facility (WMF). Shire officers have determined that the WMF encroaches onto a portion of Reserve 10003 O'Neill Road and landfill has been occurring in this area for many years (refer to the attached map titled 'O'Neill Road WMF Land Encroachment').

The management order for Reserve 10003 O'Neill Road is with the Department of Conservation and Land Management (now DPaW). The Reserve is a nature reserve, for the purpose of nature conservation.

Discussions with DPaW to rectify the encroachment have highlighted the possibility of exchanging the western portion of Reserve 27607 Woogenellup Road for a 24ha portion of Reserve 10003 O'Neill Road. Reserve 27607 Woogenellup Road adjoins the Kamballup tip site on Reserve 40640 (rubbish disposal site) (refer to the attached map titled 'Land Swap Option A') and is located on both sides of Woogenellup Road. DPaW is interested in the portion of the Reserve located on the western side of Woogenellup Road due to the presence of a rare and endangered species of *Banksia*, *Banksia ionthocarpa*.

The vesting order for Reserve 27607 Woogenellup Road is with the Shire of Plantagenet for the purpose of recreation (golf course). Reserve 800 Woogenellup Road consists of four portions and is a public utility reserve not with the Council.

A memo dated 10 November 2014 updated Councillors on the proposed land exchange. At a Councillor workshop held on 9 December 2014 the land exchange proposal was discussed. Following this workshop a request was made to DPaW to consider increasing the amount of land to be exchanged to extend to the boundary in

Reserve 10003 O'Neill Road to provide long term future options for the O'Neill Road site.

DPaW did not support this request stating that nature reserves are established for the purpose of protecting flora and fauna values.

STATUTORY ENVIRONMENT

Land Administration Act 1997, Section 45(3) refers to the excision of land from a nature reserve.

Before the excision can proceed, the support of the Conservation Commission will be necessary. The Commission will expect an equal, or greater, portion of land to be exchanged in return for their approval to excise an area from a nature reserve.

After the Conservation Commission approval is achieved the Minister for Environment and the Minister for Lands need to consent to a Reserves Bill being drafted to enable an excision of land to occur. Both Houses of Parliament need to debate the Reserves Bill.

The DPaW Land Unit can incorporate the proposed land swap in the next Reserves Bill which will be presented to Parliament in early 2015. DPaW has advised that an outcome from the Reserves Bill process will take considerable time.

EXTERNAL CONSULTATION

Consultation has occurred with representatives from DPaW.

FINANCIAL IMPLICATIONS

If the land exchange is successful, the extended boundary of the O'Neill Road WMF will need to be surveyed. Surveying costs are estimated at \$6,000.00. However other costs may be incurred should the Department of Lands require any additional work.

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 2.7.1:

'Provide effective environmental management and maintenance of the Council's land and reserves.'

Further at Outcome 2.9 (Integrated waste management) the following:

Strategy 2.9.2:

'Manage existing waste disposal sites and transfer stations in accordance with legislative requirements.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The encroachment of the WMF into Reserve 10003 O'Neill Road has been a long standing issue. The cost to rectify the encroachment would be considerable as landfill (including asbestos) has been deposited in the area for a number of years.

The change in management of an estimated 24ha portion of the O'Neill Road reserve from DPaW to the Shire would resolve the landfill encroachment. It may also provide future landfill opportunities for the WMF, provided all necessary approvals are obtained. Refer to the attached map titled 'Proposed New Reserve Boundary'.

The exchange of the western portion of Reserve 27607 Woogenellup Road from the Shire to DPaW is an appropriate trade. The reserve is not used by the Shire. A golf course formerly existed on a portion of Reserve 27607 and Reserve 800, however, the site is now revegetated and signs of the course are scarce. Due to the presence of the rare and endangered species of Banksia across the reserve, any future use would be limited.

DPaW is also seeking approval to obtain management rights for Reserve 800 Woogenellup Road which is adjacent to Reserve 27607. Reserve 800 (public utility) is controlled by the Department of Lands. This process would not involve the Shire of Plantagenet.

Other Reserve exchange options have been considered adjacent to the O'Neill Road WMF. These options include subdividing the southern half of Reserve 23969 (the reserve on which the WMF is located) and offering this land, along with Reserve 31092 O'Neill Road located to the east of the WMF to DPaW (refer to the attached map titled 'Land Swap Option B').

While this option has merit, Crown Reserve 31092 O'Neill Road is vested with the Shire for the purpose of scouting activities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That the Chief Executive Officer be authorised to:

- 1. Progress a land exchange process with the Department of Parks and Wildlife, comprising a 24 hectare portion of Reserve 10003 O'Neill Road Mount Barker, managed by the Department of Parks and Wildlife and identified on the attached map titled 'O'Neill Road WMF Proposed New Reserve Boundary' and with the management to be transferred to the Shire of Plantagenet pursuant to Section 45(3) of the Land Administration Act 1997; and**
- 2. Transfer the management of the western portion of Reserve 27607 Woogenellup Road from the Shire of Plantagenet and identified on the map attached titled 'Land Swap Option A', to the Department of Parks and Wildlife.**

CARRIED (8/0)

NO. 33/15

9.3 COMMUNITY SERVICES REPORTS

9.3.1 DISABILITY ACCESS AND INCLUSION PLAN - ADOPTION OF REVISED PLAN

| | |
|-------------------------------|--|
| File Ref: | N33218 |
| Attachments: | DAIP 2012 2017 Updated |
| Responsible Officer: | Fiona Saurin Manager Community Services |
| Author: | Isabelle Draffehn Community Development Officer |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to recommend the adoption of the revised Disability Access and Inclusion Plan 2012 – 2017 which now includes an Outcome 7 relating to employment for people with disability.

BACKGROUND

The Disability Services Act 1993 requires local and state government authorities to develop, implement and review a Disability Access and Inclusion Plan (DAIP) that will further the principles and objectives of the Act.

The Shire of Plantagenet adopted its first DAIP (2007 – 2012) on 24 July 2007. The plan was subsequently revised and the DAIP 2012 -2017 was adopted by the Council on 11 December 2012.

The Disability Services Act 1993 requires public authorities to provide an annual progress report to the Disability Services Commission which is reported to Parliament by the Minister for Mental Health; Disability Services; Child Protection.

In April 2013 the Disability Services Commission advised all public authorities that employment for people with disability must now be included in their Disability Access and Inclusion Plans as Outcome 7. Amended plans must be submitted to the Disability Services Commission prior to 1 July 2015.

STATUTORY ENVIRONMENT

Disability Services Act 1993. Section 28(1)
Disability Services Regulations 2004
Equal Opportunity Act 1984

EXTERNAL CONSULTATION

Consultation has occurred with members of the Disability Advisory Group via email and at the last meeting on 20 January 2015. Members of the group include Donna Blythe, Local Area Coordinator – Disability Services Commission, representatives from the Mount Barker Community College, community members and Shire staff.

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 1.7 (Quality of life for the disabled) the following Strategies:

Strategy 1.7.1:

‘Provide and promote services and facilities that meet the needs of disabled persons’; and

Strategy 1.7.2:

‘Implement the Shire’s Disability Access and Inclusion Plan’.

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The DAIP outlines a number of strategies and tasks that will assist the development of a community that is accessible and inclusive for people with disability, their families and carers. Each of the DAIP’s tasks is realistic and achievable.

On 11 June 2013, the Disability Services Regulations 2004 were amended to include an additional outcome, Outcome 7:

‘People with disability have the same opportunities to obtain and maintain employment within a public authority’.

The Shire of Plantagenet has made changes to its DAIP and included Outcome 7 relating to employment for people with disability.

The DAIP was linked to the Shire’s Strategic Community Plan 2012 – 2022 which has since been updated to the Strategic Community Plan 2013 – 2023. This has also been updated in the DAIP.

Further, the Disability Services Commission has amended the previous reference to ‘disabilities’ to ‘disability’ and correct terminology is now ‘people with disability’ which has been updated throughout the DAIP.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That the amended Shire of Plantagenet Disability Access and Inclusion Plan 2012 – 2017, be endorsed.

CARRIED (8/0)

NO. 34/15

9.3.2 POLICY ADOPTION – RELEASE OF IMPOUNDED ANIMALS

| | |
|-------------------------------|--|
| File Ref: | N33357 |
| Responsible Officer: | Fiona Saurin Manager Community Services |
| Author: | Isabelle Draffehn Community Development Officer |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to recommend adoption of a new policy 'Release of Impounded Animals' that provides clear guidelines for conditions that must be met prior to the release of impounded animals back into the custody of their owners.

BACKGROUND

The Shire of Plantagenet currently does not have any policies in place regarding animal control and has identified that clear guidelines are required addressing the release of impounded animals.

The Dog Act 1976 and the Cat Act 2011 determine the requirements that owners must meet in order to reclaim their pets. Impounded stock falls under the jurisdiction of the Local Government (Miscellaneous Provision) Act 1960 Part XX. The Council annually adopts fees and charges for the impounding of animals, daily sustenance fees and transport fees for livestock.

STATUTORY ENVIRONMENT

Dog Act 1976

Cat Act 2011

Local Government (Miscellaneous Provisions) Act 1960 Part XX

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This report will recommend the adoption of a new policy – 'Release of Impounded Animals'.

STRATEGIC IMPLICATIONS

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

Strategy 1.9.1:

'Provide animal control in accordance with legislative requirements'.

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The proposed policy will provide clear guidelines to staff and the public when releasing impounded animals back into the custody of their owners.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That new Council Policy RS/AC/1 'Release of Impounded Animals' as follows:

OBJECTIVE

The objective of this Policy is to provide clear guidelines for conditions that must be met prior to the release of impounded animals back into the custody of their owners.

POLICY

1. This policy relates to impounded livestock, dogs and cats.
2. Cats or dogs impounded under the Dog Act 1976 and Cat Act 2011 are only to be released to the custody of their owners if the animal/s is/are micro chipped and registered.
3. Livestock impounded under the Local Government (Miscellaneous Provisions) Act 1960 Part XX will be subject to impoundment and sustenance fees. Owners will also be charged costs incurred by the Shire of Plantagenet for impoundment of the animals.
4. All impoundment and sustenance fees as set under the adopted fees and charges, and fines levied under the appropriate acts are to be paid prior to release of any animal. Sustenance fees will accumulate on a daily basis until the day of release.'

be adopted.

CARRIED (8/0)

NO. 35/15

9.3.3 POLICY ADOPTION - ADVERTISING SIGNAGE AT SOUNNESS AND FROST PARKS

| | |
|-------------------------------|--|
| File Ref: | N33379 |
| Responsible Officer: | Fiona Saurin Manager Community Services |
| Author: | Isabelle Draffehn Community Development Officer |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to consider a draft 'Advertising Signage at Sounness and Frost Parks' Policy.

BACKGROUND

The Shire of Plantagenet has been approached by the Mount Barker Football Club enquiring about advertising at the newly developed Sounness Park Sporting Precinct.

In the past, signage has been erected at sporting facilities by several clubs on an *ad hoc* basis. With the completion of the new facility it is timely that a new signage policy is adopted.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This report will recommend the adoption of a new policy – 'Advertising signage at Sounness and Frost Parks'.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategies:

Strategy 1.5.3:

'Develop Sounness Park as the primary ball sports facility in the District'; and

Strategy 1.5.4:

'Promote the development of Frost Park as a major equine centre in the Great Southern Region.'

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

Strategy 2.2.3:
'Control advertising signage'.

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

This proposed policy provides clear guidelines regarding advertising at both precincts to ensure quality control of advertising and to specify the responsibilities of all parties involved.

The proposed policy also confirms previous practice that revenue derived from advertising signs goes to the club organising that signage. That is, although Council property, the Council derives no benefit. The policy is silent on any combined association involvement in advertising revenue.

Adoption of the draft policy should be deferred to enable external consultation with stakeholders, especially with regard to Sounness Park and any impact on a combined sporting association.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That the draft Council Policy CS/SC/1 - 'Advertising Signage at Sounness and Frost Parks' as follows:

'OBJECTIVE

To provide clear parameters for the display of advertising at the sporting facilities located at Sounness and Frost Parks in McDonald Avenue, Mount Barker.

POLICY

- 1. Sounness Park is on Lots 152 and 153 McDonald Avenue, Mount Barker which are owned freehold by the Council. It contains clubrooms, changerooms, tennis club building, public toilets, football oval, cricket oval/soccer pitch, hockey field and tennis courts. Both the football and cricket ovals have a driveway around the perimeter.**
- 2. Frost Park is on Crown land (Reserve 1790) McDonald Avenue, Mount Barker which, under management order, is managed by the Council. It contains a horse racing track and associated buildings and infrastructure. The centre of the race track is utilised on occasions for football and cricket. Numerous equestrian activities are carried out on the grounds.**

3. **Apart from entrance and directional signage erected or authorised by the Council, no permanent signage is allowed on the perimeter of both Parks bordering McDonald Avenue and Lowood Road.**
4. **Advertising signage will be allowed on the perimeter of the ovals and race track at both Parks.**
5. **Advertising signage at the tennis club and the hockey field can only be erected on the inside of the perimeter fence and such signage is to be facing the tennis courts and/or hockey playing surface whichever is relevant.**
6. **Advertising signage by sponsors of sporting clubs may only be erected by or on behalf of a sporting club/community organisation that has a current agreement for the use of the facility with the Council.**
7. **The football, cricket, soccer, hockey, tennis and members of the Frost Park User Group are able to place sponsor advertising and to charge an annual fee of their choice for that placement.**
8. **No advertising signage is permitted on the exterior of any buildings or retaining walls or electronic score board without the approval of the Chief Executive Officer of the Council.**
9. **The relevant clubs will be fully responsible for all costs associated with design, production and maintenance of approved advertising signage and be eligible to derive all revenues attributable to the advertising signage.**
10. **No advertising signage will be permitted that could be considered offensive, discriminatory, promoting smoke/tobacco or alcoholic products or contrary to the values of the Shire of Plantagenet. The design, wording, content, location, installation and ongoing maintenance condition of all advertising signage is to be to the satisfaction of the Manager Community Services.**
11. **All advertising signs shall be professionally produced and of a standard commensurate with the relevant facility. A copy of the layout (including colour scheme) and the wording of the proposed advertising sign is to be submitted to the Manager Community Services for approval.**
12. **No advertising signage shall be painted or erected on any of the playing surfaces without the prior approval of the Manager Community Services.**
13. **The installation and dismantling of signage must not result in any damage or defacement of any underground services, Council property or fixtures. All signage must be designed, constructed, installed and maintained to minimise the likelihood of risk of injury to any person. Fences that advertising signs are affixed to, are assets of the Council and the advertising signs must be maintained and inspected by the club on a regular basis to ensure that they are fit for a public area. If advertising signs are considered unsafe by Council staff, they will be removed at the club's cost and the Council will advise the club of its**

action. The Manager Community Services will enter into discussions with the relevant club to be satisfied of safety issues prior to allowing re-installation of the signs.

14. Advertising signs erected on fencing and/or between pine poles to the ovals may be oriented to display inward and/or outward (not including the tennis courts and hockey field) to the oval users with the rights to any income derived from both sides being retained by the same club to avoid disputes over maintenance of the signs.
15. The Manager Community Services will maintain a register of all approved advertising signage listing the 'approved' Club that owns and has responsibility for the particular signage.
16. Clubs erecting advertising signage pursuant to the Policy do so on the understanding that the Council reserves the right to request removal of the advertising signs for any reason.'

be noted and a further report be presented to the Council at its meeting to be held on the 31 March 2015, to enable consultation to occur with the Mount Barker Football Club, Mount Barker Cricket Club, Mount Barker Soccer Club and Mount Barker Hockey Club.

AMENDMENT

Moved J Moir,

That at part 8 the words 'without the approval of the Chief Executive Officer of the Council' be removed.

The motion lapsed for want of a seconder.

DISCLOSURE OF INTEREST

Cr C Pavlovich

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

Nature: Code of Conduct – Sounness Park Signage

Extent: Chairman of Mt Barker Football Club, Sounness Park Sub Committee.

4:20pm Cr C Pavlovich withdrew from the meeting.

The motion was then put.

CARRIED (7/0)

NO. 36/15

FURTHER MOTION

Moved Cr A Budrikis, seconded Cr L Handasyde:

That:

- 1. A draft thematic document be prepared to identify various suitable examples of signage and placement;**
- 2. A further report be prepared addressing the commercial issues relating to such advertising signage.**

CARRIED (7/0)

NO. 37/15

4:36pm Cr C Pavlovich returned to the meeting.

9.4 CORPORATE SERVICES REPORTS

9.4.1 BUDGET REVIEW – JANUARY 2015

| | |
|-------------------------------|--|
| File Ref: | N33353 |
| Responsible Officer: | Rob Stewart Chief Executive Officer |
| Author: | John Fathers Deputy Chief Executive Officer |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to review and adjust the adopted 2014/2015 Annual Budget to recognise variations in actual income and expenditure.

BACKGROUND

The 2014/2015 annual budget was adopted by the Council at its meeting held on 8 July 2014. This review is the second quarterly review of the 2014/2015 Annual Budget. The Local Government (Financial Management) Regulations 1996 require that local governments conduct a budget review between 1 January and 31 March in each financial year.

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 states:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must -*
- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government's financial position as at the date of the review; and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- *Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review*
-

and determination is to be provided to the Department.'

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 net cash effect on the budget is nil.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 4.6 (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.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

This is the main budget review of the year. In terms of operating result, operating income is currently 1.2% above (year to date) budget and operating expenditure is 1.8% below (year to date) budget.

The capital works program is currently 35.9% under (year to date) budget. Sounness Park (Stages 2 and 3) is continuing. The majority of sealing works associated with the road program will be carried out in March 2015. Heavy plant purchases are scheduled for late in the financial year.

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

- The actual surplus carried forward at 30 June 2014, as detailed in the draft audited 2013/2014 annual financial report, was \$445,223.00. The budgeted surplus carried forward was \$566,840.00. A variance of \$121,617.00 exists between the budgeted and actual balance carried forward, which resulted mainly from a higher value in the pre 30 June invoices being received after 1 July 2014 than expected. The October 2014 Budget Review adopted budget amendments, as detailed below:

| Reserve Fund | Budgeted Transfer to Reserve | Adjusted Transfer to Reserve |
|---|------------------------------|------------------------------|
| Plant Replacement Reserve | \$15,000 | \$0 |
| Computer Software/Hardware Upgrade Reserve | \$10,000 | \$0 |
| Shire Development and Building Improvements Reserve | \$475,000 | \$421,115 |
| Outstanding Land Resumptions Reserve | \$10,000 | \$0 |
| Totals | \$510,000 | \$421,115 |

-
- A sum of \$30,000.00 has been budgeted for rates recovery costs. It is expected that a further \$10,000.00 will be required in order to take the necessary actions to the end of the financial year. These costs are fully recoverable and adjustments have been made to the expenditure and income accounts accordingly.
 - A sum of \$5,362.00 has been required to fund a former staff member's leave entitlements paid to Shire of Morawa. This can be accommodated from Employee Reserve fund.
 - An underestimate has been made in regard to administration superannuation contributions. A further \$7,138.00 is sought which can be accommodated from savings in this review.
 - An amount of \$7,500.00 is required for the preparation a GIS data repository and valuation of the Shire's urban drainage assets in Mount Barker. This involves inspection of approximately 160 pits. This is required to complete the valuation of the Shire's roads, drainage and footpath and other infrastructure prior to 30 June 2015. This amount can be accommodated from savings in Administration Salaries due to a recent lengthy staff absence.
 - At its meeting held on 11 November 2014, the Council resolved that the preferred location for the erection of a Fire Shed for the Denbarker Bush Fire Brigade be Reserve 12266 Pile Road Denbarker. A sum of \$7,000.00 is sought which will enable this project to be progressed in 2014/2015. The funds will be directed towards the costs of subdivision fees, Western Power quotation and survey fees. This amount can be funded from the Hazard Reduction budget.
 - Adjustments are sought to several Bush Fire Brigade expenditure accounts, to rectify over and under expenditures. The majority of the annual expenditure is now complete. An additional \$10,000.00 is included for vehicle repairs and maintenance required by DFES and which will be funded by that authority. This is a nil cash impact.
 - An adjustment is sought to reflect actual income and expenditures on the purchase of the Ranger's vehicle which achieved a saving of \$936.00. This amount will be transferred to the Plant Replacement Reserve and is therefore a nil cash impact.
 - An excess over budget of \$6,000.00 has been received in dog registration fees due to increases in the statutory fee amounts. This sum is available for reallocation.
 - Unexpected expenditure has been incurred at the Medical Centre with repairs to the hot water service and down lights. An additional \$3,500.00 is sought.
 - A sum of \$32,000.00 has recently been received for the sale of scrap metal. This is \$12,000.00 above the budget figure and is available for reallocation.
 - There has been more funerals at Plantagenet cemeteries this year than predicted and a sum of \$10,000.00 is sought to 'top up' the cemetery maintenance account. A corresponding figure will be added to the cemetery fees account.
 - A grant of \$30,000.00 has been received from the Department of Sport and Recreation under the Community Pools Revitalisation Program (CPRP). This is a new initiative that can assist local governments to maintain, upgrade or

improve regional aquatic centres. The grant is to be used for a range of equipment and activities.

- At the Rec.Centre, gymnastics is now being run as an external program, resulting in reduced income and reduced salaries. The relevant income and expenditure accounts are being adjusted by a sum of \$10,000.00.
- The Minister for Planning has been requested to approve an application to utilise a sum of \$50,000.00 from the developer contributions held (in Trust) in lieu of public open space towards a children's playground at Sounness Park. Subject to receiving this approval, it is proposed to purchase some generic pre-fabricated playground equipment and softfall for installation at Sounness Park.
- In 2009, the Minister for Planning's approval was obtained to utilise a sum of \$52,000.00 from the developer contributions held (in Trust) in lieu of public open space towards upgrading public open space in Mount Barker. A total of \$20,000.00 of that money remains unspent. A recent audit of playgrounds indicates that the playground equipment next to Frost Pavilion is dangerous and needs to be removed. Subject to liaison with the Frost Park User Group, it is proposed to replace that playground equipment with some new pre-fabricated equipment. It is important to note that these funds cannot be spent on projects other than public open space.
- A sum of \$2,440,000.00 has been allocated to budget item Sounness Park - Implement Recreation Plan (PC) (Stages 2 & 3). It is proposed to split this item into the two component parts of hockey and cricket in order to more effectively track expenditure and correctly allocate costs to the asset register.
- A grant of \$37,500.00 has been secured from Lotterywest towards the cost of installation of story boards and interpretive signage associated with the 'We will Remember Them Memorial Park' in Centenary Park. The Minister for Veteran's Affairs has also approved a grant of \$9,970.00 towards this project. Income and expenditure accounts have been created for this project.
- Some additional expenditure has been incurred at various buildings such as a new hot water system at the Kendenup Recreation Ground, resurfacing of bench tops in the Taylor Dennis Pavilion and new swing doors for the bar at Frost Pavilion. An additional \$6,000.00 is sought for the work.
- An unbudgeted amount of approximately \$2,500.00 has been received for various programs being run at the Mount Barker Library (children's book week, Summer Discovery and visioning workshop). The relevant income and expenditure accounts have been amended.
- A number of depreciation accounts are subject to over-expenditures. These relate to increases in the fair value of land / buildings and infrastructure. This is a nil cash impact.
- The Club Development Officer Program budget items were not established entirely correctly in the 2014/2015 budget. The necessary corrections have been made at a reduction in anticipated revenue of \$5,700.00.
- Two plant operation cost accounts are subject to over-expenditure, namely the air-conditioning account and apprentice wages. The air conditioner unit in the water truck needed to be replaced at a cost of approximately \$5,000.00 and the apprentice has been covering due to the absence of the mechanic due to injury.

A corresponding adjustment to the edges and teeth account is recommended resulting in a nil cash impact.

- Overall, savings of \$30,000.00 have been identified in this budget review, which can be transferred to the Shire Development and Building Improvements Reserve.

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 S Etherington, seconded Cr J Oldfield:

That the budget review for the period 1 July 2014 to 31 January 2015 be adopted and the 2014/2015 Annual Budget be amended as follows:

| Account | Description | Original / Amended Budget | New Budget | Net Cash Amount |
|------------|---|---------------------------|---------------|-----------------|
| 20009.0071 | Other Expenses - Rate Recovery / Legal Costs | (\$30,000) | (\$40,000) | (\$10,000) |
| 10004.0069 | Rates Penalties & Fees - Legal Costs Reimbursed | \$20,000 | \$35,000 | \$15,000 |
| 50301.0398 | Transfers to Reserve Funds | (\$627,113) | (\$658,711) | (\$31,598) |
| 40415.0486 | Transfers from Reserve Funds | \$0 | \$5,362 | \$5,362 |
| 20047.0138 | Employee Costs - Salaries | (\$1,011,968) | (\$1,004,468) | \$7,500 |
| 20047.0311 | Employee Costs - Long Service Leave Disbursements | \$0 | (\$5,362) | (\$5,362) |
| 20047.0141 | Employee Costs - Superannuation | (\$128,882) | (\$136,020) | (\$7,138) |
| 20049.0273 | Other Expenses - Professional Services | (\$50,000) | (\$57,500) | (\$7,500) |
| 20051.0035 | Administration - Depreciation - Land & Buildings | (\$116,781) | (\$130,402) | \$0 |
| 20051.0035 | Administration - Depreciation - Infrastructure | \$0 | (\$2,578) | \$0 |
| 50529.0252 | Fire Shed - Denbarker | \$0 | (\$7,000) | (\$7,000) |
| 20077.0276 | Fire Control & Hazard Reduction - Hazard Reduction | (\$30,000) | (\$23,000) | \$7,000 |
| 20076.0035 | Fire Control - Depreciation - Land & Buildings | (\$18,691) | (\$31,051) | \$0 |
| 20076.0036 | Fire Control - Depreciation - Plant, Machinery & Equip | (\$281,618) | (\$428,614) | \$0 |
| 20513.0064 | BFBs - Insurances | (\$60,875) | (\$67,938) | (\$7,063) |
| 20513.0278 | BFBs - Maintenance of Plant & Equipment | (\$1,325) | (\$142) | \$1,183 |
| 20513.0085 | BFBs - Minor Furniture & Equipment Purchases | (\$1,550) | (\$379) | \$1,171 |
| 20513.0312 | BFBs - Other Operating Costs | (\$6,250) | (\$8,086) | (\$1,836) |
| 20513.0266 | BFBs - Uniforms, Clothing & Accessories | (\$16,650) | (\$12,402) | \$4,248 |
| 20511.0010 | BFBs - Building Maintenance | (\$3,300) | (\$1,901) | \$1,399 |
| 20512.0171 | BFBs - Vehicle Running Costs | (\$30,742) | (\$39,843) | (\$9,101) |
| 10515.0201 | Grant Income - FESA Grant | \$120,692 | \$130,692 | \$10,000 |
| 50511.0006 | Purchase Vehicle - Ranger | (\$50,000) | (\$41,924) | \$8,076 |
| 40511.0105 | Trade In Vehicle - Ranger | \$26,000 | \$18,860 | (\$7,140) |
| 10047.0041 | Other Revenue - Dog Registrations | \$10,000 | \$16,000 | \$6,000 |
| 20088.0035 | Other Law, Order & Public Safety Dep'n - Land & Buildings | \$0 | (\$19,800) | \$0 |
| 20122.0011 | Medical Centre - Building Operating | (\$6,500) | (\$10,000) | (\$3,500) |

| | | | | |
|------------|--|---------------|---------------|---------------|
| 20125.0188 | Preventive Services - Depreciation - Infrastructure | \$0 | (\$1,853) | \$0 |
| 20136.0035 | Other Education - Depreciation - Land & Buildings | (\$1,115) | (\$9,859) | \$0 |
| 20136.0188 | Other Education - Depreciation - Infrastructure | \$0 | (\$2,709) | \$0 |
| 10094.0406 | Other Revenue - Sale of Surplus Materials & Scrap | \$20,000 | \$32,000 | \$12,000 |
| 20181.0052 | Cemeteries Maintenance | (\$70,000) | (\$80,000) | (\$10,000) |
| 11013.0237 | Other Income - Cemetery Fees & Charges | \$40,000 | \$50,000 | \$10,000 |
| 21018.0035 | Other Community Amenities – Dep'n - Land & Buildings | (\$2,797) | (\$5,179) | \$0 |
| 20192.0035 | Halls - Depreciation - Land & Buildings | (\$182,507) | (\$200,647) | \$0 |
| 20198.0188 | Swimming Pool - Depreciation - Infrastructure | \$0 | (\$112,281) | \$0 |
| 11100.0089 | Swimming Pool - Operating Grant | \$0 | \$30,000 | \$30,000 |
| 21100.0296 | Employee Costs - Reimbursable Salaries | (\$92,566) | (\$82,566) | \$10,000 |
| 11101.0477 | Other Income - Other Programs and Courses | \$28,465 | \$18,465 | (\$10,000) |
| 51498.0251 | Sounness Parks - Implement Recreation Plan | (\$90,000) | (\$140,000) | (\$50,000) |
| 41122.0243 | Transfer from Trust - Public open Space | \$0 | \$70,000 | \$70,000 |
| 51579.0251 | Frost Park - New Playground Equipment | \$0 | (\$20,000) | (\$20,000) |
| 51576.0251 | Sounness Park - Implement Recreation Plan | (\$2,440,000) | (\$630,910) | \$1,809,090 |
| 51608.0251 | Sounness Park - Implement Recreation Plan - Hockey | \$0 | (\$1,809,090) | (\$1,809,090) |
| 51511.0251 | Centenary Park - We will Remember Them Memorial Park | \$0 | (\$47,470) | (\$47,470) |
| 41120.0489 | Grants - We Will Remember Them Memorial | \$0 | \$47,470 | \$47,470 |
| 20211.0010 | Parks and Rec Grounds - Building Maintenance | (\$22,000) | (\$28,000) | (\$6,000) |
| 20210.0035 | Parks and Rec Grounds - Depreciation - Land & Buildings | (\$242,533) | (\$264,667) | \$0 |
| 20210.0188 | Parks and Rec Grounds - Depreciation - Infrastructure | (\$80,745) | (\$106,471) | \$0 |
| 20215.0298 | Library - Programs | (\$3,000) | (\$5,500) | (\$2,500) |
| 10123.0200 | Library - Other Contributions | \$0 | \$2,500 | \$2,500 |
| 20223.0035 | Other Rec'n & Culture - Depreciation - Land & Buildings | (\$222,491) | (\$278,969) | \$0 |
| 20223.0188 | Other Rec'n & Culture - Depreciation - Infrastructure | \$0 | (\$24,883) | \$0 |
| 10126.0272 | Grant Income – Dep't of Sport & Recreation | \$21,000 | \$0 | (\$21,000) |
| 11109.0354 | Reimbursements - Club Development Officer Program | \$9,700 | \$25,000 | \$15,300 |
| 21313.0188 | Tourism & Area Promotion - Depreciation - Infrastructure | \$0 | (\$2,595) | \$0 |
| 21324.0034 | Saleyards - Depreciation - Furniture & Fittings | (\$14,487) | (\$29,357) | \$0 |
| 21324.0035 | Saleyards - Depreciation - Land & Buildings | (\$444,961) | (\$455,761) | \$0 |
| 21324.0188 | Saleyards - Depreciation - Infrastructure | \$0 | (\$17,765) | \$0 |
| 20266.0351 | Employee Costs - Apprentice / Trainee | (\$43,697) | (\$53,697) | (\$10,000) |
| 20281.0346 | Operating Costs - Air Conditioning | (\$3,500) | (\$6,000) | (\$2,500) |
| 20281.0347 | Operating Costs - Edges & Teeth | (\$25,000) | (\$12,500) | \$12,500 |
| Total | | (\$6,157,787) | (\$6,674,501) | (\$0) |

CARRIED (8/0)

NO. 38/15

Absolute Majority

9.4.2 FINANCIAL STATEMENTS - JANUARY 2015

| | |
|-------------------------------|--|
| File Ref: | N33352 |
| Attachment: | Financial Statements (separate attachment) |
| Responsible Officer: | John Fathers Deputy Chief Executive Officer |
| Author: | Brendan Webb Accountant |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 January 2015.

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.

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 4.6 (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.’

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr C Pavlovich:

That the Financial Statement for the period ending 31 January 2015 be received.

CARRIED (8/0)

NO. 39/15

9.4.3 LIST OF ACCOUNTS - JANUARY 2015

| | |
|-------------------------------|--|
| File Ref: | N33413 |
| Attachments: | List of Accounts |
| Responsible Officer: | John Fathers Deputy Chief Executive Officer |
| Author: | Emma Gardner Accounts Officer |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of January 2015.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (27 May 2014). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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.’

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Oldfield:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month of January 2015 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$311,273.51;
2. Municipal Cheques 45055 – 45077 and 45079 - 45083 totalling \$202,601.03;
3. Cancelled Municipal Cheque 45078; and
4. Trust Cheque 365 totalling \$5,000.00.

CARRIED (8/0)
NO. 40/15

9.4.4 COMPLIANCE AUDIT RETURN 2014

| | |
|-------------------------------|---|
| File Ref: | N33210 |
| Attachment: | 2014 Compliance Audit Return |
| Responsible Officer: | John Fathers Deputy Chief Executive Officer |
| Author: | Donna McDonald Senior Administration/Human Resources Officer |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to recommend to the Council the adoption of the Compliance Audit Return for the calendar year 1 January 2014 to 31 December 2014 and to enable the Council to fulfil its statutory obligations with regard to the Compliance Audit.

BACKGROUND

A Compliance Audit is required to be completed each calendar year.

STATUTORY ENVIRONMENT

Local Government Act 1995

The Compliance Audit is required pursuant to Section 7.13 of Act. The Local Government (Audit) Regulations 1996 include the following sub regulations in Regulation 14:

'(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.'

- (3) *After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be –*
- (a) presented to the council at a meeting of the council; and*
 - (b) adopted by the council; and*
 - (c) recorded in the minutes of the meeting at which it is adopted.'*

After the Compliance Audit Return has been presented to the Council, a certified copy of the return together with:

- (a) A copy of the relevant section of the minutes referred to in the regulations; and
- (b) Any additional information explaining or qualifying the Compliance Audit is to be submitted to the Department of Local Government and Communities by 31 March 2015.

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 4.1.3:

'Ensure the Council's decision making process is effective and transparent.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The completed Compliance Audit Return is attached to the report. The 2014 Compliance Audit revealed one area of non-compliance, namely that one councillor was late in submitting their annual return.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr C Pavlovich:

That the Compliance Audit Return for the calendar year 1 January 2014 to 31 December 2014 be adopted and submitted to the Department of Local Government and Communities.

CARRIED (8/0)

NO. 41/15

9.4.5 ELECTIONS 2015 - LOCAL GOVERNMENT - METHOD OF VOTING

File Ref: N33276
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 3 March 2015

PURPOSE

The purpose of this report is to recommend the appointment of the Western Australian Electoral Commission (WAEC) to be responsible for the conduct of the October 2015 Ordinary Local Government Elections and to endorse those elections to be conducted as postal ballots.

BACKGROUND

The Council has used the WAEC to conduct postal voting elections for every election held since May 1988.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 4.61 (1) of the Act states:

'The election can be conducted as a -

"postal election" which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or

"voting in person election" which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.'

Section 4.61 (2) of the Act states:

'The Local Government may decide (absolute majority required) to conduct the election as a postal election.'

Section 4.20(4) of the Act states:

'A Local Government may, having first obtained the written agreement of the Electoral Commissioner, declare (absolute majority required) the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.'

FINANCIAL IMPLICATIONS

An amount of approximately \$20,000.00 would need to be allocated in the 2015/2016 budget for the conduct of the 2015 elections. Costs not included in this estimate include:

- Non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
 - Any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns; and
- Staff members within the polling place on election day and for the count.

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 4.1.7

‘Continue to support local government elections being conducted by an external body.’

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The Council has used the WAEC to conduct postal voting elections for every election held since May 1988. The conduct of the elections has been to a high standard. It is also preferable for the administration to be removed from the process.

It is therefore recommended that October 2015 elections be held as a postal ballot, to be conducted by the WAEC.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That:

1. In accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner of Western Australia be responsible for the conduct of the Shire of Plantagenet 2015 ordinary elections together with any other elections or polls which may also be required.
2. In accordance with Section 4.61(2) of the Local Government Act 1995, the method of conducting the election will be as a postal election.

CARRIED (8/0)

NO. 42/15

Absolute Majority

9.4.6 POLICY REVIEW - PENSIONER REBATES ON RURAL PROPERTIES

| | |
|-------------------------------|--|
| File Ref: | N33201 |
| Responsible Officer: | John Fathers Deputy Chief Executive Officer |
| Author: | Leanne Briggs Rates Officer |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to review Council Policy F/FM/8 – Pensioner Rebates on Rural Properties

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 29 January 2013. Prior to the current policy being adopted, the Council had traditionally granted pensioner rebates to owner occupiers based on certain categories of pensioner concession status, as evidenced by cards held by the applicant in accordance with the Rates and Charges (Rebates and Deferments) Act, 1992.

Under that Act, Senior Card Holders receive a 25% rebate. A 50% rebate is applicable for people who have:

- A Senior Card and a Commonwealth Senior Card; or
- A Pensioner Concession Card; or
- A State Concession Card.

STATUTORY ENVIRONMENT

The Rates and Charges (Rebates and Deferments) Act, 1992, defines the manner in and circumstances under which a local government is to apply pensioner concessions. State Revenue, as the statutory authority vested in administering the Act has issued procedural guidelines for interpreting section 28 (2) of the Act which provides for rebate apportionment where the applicant's land is used as the ordinary place of residence and it is not the sole use of that land.

The 'Concessions on Commercial and Farming Properties Occupied by Pensioners' section of the procedure manual provides five options to arrive at a solution for the granting of a pensioner concession in these circumstances:

1. Grant no concession.
2. Grant a proportionate rebate based on the area used for residential purposes against that used for commercial or farm (income generating) purposes.
3. Grant a proportionate rebate by applying an arbitrary curtilage of two hectares in respect of the residential component of the rated property.
4. Grant a concession based on a minimum rate or valuation based rate irrespective of property size.
5. Grant a concession based on the total rates levied against the property.

The Council's policy is based on option 4.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

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 4.6.3:

'Maintain, develop and monitor rating and property strategies'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

It is considered that the current policy, which is to apply the appropriate rebate based on the minimum and the rates and the Emergency Services Levy charges, is the fairest, most equitable and efficient method of applying the pensioner rebate on owner occupied commercial farming properties. Advantages of applying this method include:

1. All rebate-eligible farmers receive the same, thus avoiding dispute and perceived unfairness.
2. Minimum amount of work and rebate can be calculated easily and immediately.
3. No time lag from requesting Valuer Generals Office 'off rating role' valuations.
4. No need to split up group ratings. The rebate is granted on the minimum charge for the land parcel upon which the residence is situated.
5. If the claimant is not the 100% pensioner, they cannot defer their rates.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr J Oldfield:

That Council Policy F/FM/8 – Pensioner Rebates on Rural Properties, as follows:

OBJECTIVE

To adopt a consistent approach for granting pensioner rebates for owner occupiers of rural properties within the Shire of Plantagenet.

POLICY

Where an owner occupier of a rural property claims a pensioner concession, the applicable rebate will be based on applying the rebate (in accordance with the appropriate legislation) against the minimum charge for property rates and the Emergency Services Levy (ESL), irrespective of property size.'

be endorsed.

CARRIED (8/0)

NO. 43/15

9.4.7 PROPOSAL TO CONSTRUCT A ROOF OVER THE NORTHERN DIRT PENS - SALEYARDS

| | |
|-------------------------------|--|
| File Ref: | N33172 |
| Attachments: | Roof Design and Preliminary Costings |
| Responsible Officer: | Rob Stewart Chief Executive Officer |
| Author: | John Fathers Deputy Chief Executive Officer |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to consider a proposal to fund half of the costs associated with the construction of a roof over the northern dirt pens at the saleyards (\$300,000.00) by way of a loan from the Western Australian Treasury Corporation.

BACKGROUND

An application has been submitted for a grant of \$300,000.00 under the Great Southern Development Commission's 2014/2015 Royalties for Regions - Great Southern Regional Grants Scheme. The amount sought is approximately half the cost of the project.

A concept and preliminary costings from designer John Maxwell have been developed and are attached for information.

Advice in regard to the success or otherwise of the grant is expected in June 2015. If a grant is secured, a condition of the grant funding is that the Shire would need to have funding and detailed plans in place by 30 June 2015.

The Saleyards Advisory Committee has supported the application and is of the view that the Council should consider borrowing the whole sum to take advantage of the current low interest rates, thereby leaving some capital in reserve in case it is required for other purposes.

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Functions and General) Regulations 2006.

All contracts above \$100,000.00 (ex GST) must be tendered for.

The Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 control borrowing by local governments.

Section 6.20 of the Act relates to borrowings by local authorities. This section requires one month's local public notice and a submission period if the proposal to borrow was not included in the annual budget. Advertising for the loan for the Saleyards Roof would need to be undertaken in this instance as the proposal was not included in the 2014/2015 budget.

EXTERNAL CONSULTATION

Consultation has occurred with designer John Maxwell and Mark Weller from Core Business Australia in regard to the grant application.

FINANCIAL IMPLICATIONS

The Council's 2014/2015 budget does not include this loan.

The reserve funds established for the Saleyards act as a repository for surplus funds from that business unit, so that it can operate as a self funding entity, with no impact on rates. A loan for Saleyards purposes could be seen as a self supporting loan to that business unit.

A loan of \$300,000.00 would currently attract an interest rate of approximately 3.86%. This would require annual repayments of 36,446.00 over 10 years.

A number of savings are likely to be achieved as a result of the new roof, as summarised below:

- Cleaning out dirt pens - This currently needs to be done every six months. When covered, would only need to be done once every two years. Cost savings are expected to be around \$6,300.00 per year.
- Cleaning out water troughs in dirt pens This currently needs to be done every month for 19 troughs. When covered, would only need to be done once every two months. Cost savings are expected to be around \$1,444.00 per year.
- Collection of storm water – A new roof area of 1,936m² is expected to collect water valued at \$10,389.00 per annum.
- An increase in throughput is likely which would likely achieve an increase in weigh and pen fees. If a 2.5% increase in throughput is achieved, everything else remaining equal, the increase in income of approximately \$12,000.00.

The Saleyards Advisory Committee is expected to consider a range of options to fund the roof repayments, depending on actual savings achieved, which may include fee adjustments and adjustments to the priority of capital works at the facility.

The costs associated with detailed design plans and tender documentation for this project will be around \$7,000.00 and can be accommodated from within the Shire's Saleyards Budget.

POLICY IMPLICATIONS

Purchasing and Tender Guide Policy No F/FM/7 applies.

In addition, the Council's Borrowing and Asset Financing Policy is relevant to the proposed loan. It states as follows (in part):

4. *The Council may consider borrowing proposals on their merits from time to time and give favourable consideration to borrowing money for the acquisition or construction of an asset under the following circumstances:*
 - a) *Where the asset to be acquired is a new addition to the Council's asset base and the project contributes to the achievement of an identified strategic objective; or*
 - b) *Where the asset replaces an existing asset and has a useful life of greater than 10 years; or*

- c) *Where the asset is required urgently and unexpectedly or a significant community need for the asset has been identified; and*
- d) *One of the following funding conditions exists:*
- i) *The project will reduce operating costs to an extent sufficient to cover the cost of the project and generate further savings to the Shire;*
 - ii) *The borrowing cost could be supported by additional revenue over the effective life of the project;*
 - iii) *All alternative options for undertaking the project without borrowing have been investigated and proven less advantageous to the Council;*
 - iv) *The income stream from the asset to be acquired or constructed exceeds the cost of borrowing over the life of that asset;*
 - v) *Repayments will be met by a third party such as self supporting loans and the financial stability of that party meets the criteria as set out in the Self Supporting Loans Policy;*
 - vi) *To save for the acquisition or construction will result in the actual cost being greater than the cost of borrowing the money and acquiring it today; or*
 - vii) *To delay a project would jeopardise it due to grant funding restrictions or opportunities.'*

It is considered that this loan funding proposal meets the policy guidelines.

In addition, the Council's Policy on Borrowings (F/FM/6) recommends that the following financial ratios to be maintained:

| | Council Policy | 2013/14 Actual | 2013/14 plus \$300K |
|--|-----------------------|-----------------------|----------------------------|
| Debt Service Cover Ratio | >3 | 4.25 | 4.0 |
| This ratio means: | | | |
| <u>Annual operating surplus before interest and depreciation</u> | | | |
| <u>principal and interest</u> | | | |
| Net Debt Ratio | <50% | 16.6% | 19.7% |
| This ratio means: | | | |
| <u>Gross debt less cash and cash equivalents</u> | | | |
| <u>Available operating revenue'</u> | | | |

These ratios are currently being met and will continue to be met, with a loan of \$300,000.00.

ASSET MANAGEMENT IMPLICATIONS

The design and materials specification of the new roof (combined with the local climate zone) is such that the facility additions will require minimal maintenance. Once constructed the expected asset life is over 60 years.

Consideration has been given to the predicted financial effect on operations once the project is complete. An allowance for preventative minor annual maintenance of \$3,000.00 per annum is expected. These costs are offset by predicted increased income.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 - 2023 provides at Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) the following Strategy:

Strategy 3.5.5:

'Manage and maintain the Saleyards to ensure that the facility is successful and self-sustaining'

The Shire's Mount Barker Regional Saleyards Strategic Plan 2014 – 2023 states that *'The Shire has proposed major improvements to the Saleyards that consist of expansion to receivals areas and roofing over an area of dirt floored pens'*.

The Shire's Mount Barker Regional Saleyards Business Plan 2014 – 2023 states that *'There has been a long term aim to provide a roof over the northern dirt pens of the Saleyards. This project is seen as the main priority to develop and source grant funding.'*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The Shire has identified in its Business Plan (2014-2023) for the Saleyards that it is a strategic aim of the Council to ensure that animal welfare is a high priority. It was also noted that current rainfall and other (non-scheme) water sources are usually insufficient for requirements over summer. From 2007 to 2013 the average annual cost of scheme water was around \$20,000.00.

Consideration has been given to investigative work on alternative water strategies for the Saleyards and this project provides a method of water catchment and re-use.

By continually improving and upgrading the Saleyards' facilities in line with development priorities, the Saleyards can maintain its status as a state-of-the-art facility that values animal welfare and environmental best practices.

A survey was completed in November 2014 to determine the level of support from key stakeholders for the proposal to construct (subject to funding) a steel structured roof over the northern dirt pens with the following intended benefits:

- To improve the shelter and conditions of stock awaiting transport;
- To reduce stock pen waterlogging which would lead to efficiencies in Saleyard operations and water usage; and
- To increase water supply by harvesting the new roof's stormwater runoff. The additional retained water will reduce dependence on scheme supply and have two main uses:
 - a. stock drinking water; and
 - b. wash down water.

Surveys were distributed as widely as possible throughout the key stakeholders and users of the Saleyards with a total of 39 individual responses received. Of the 39 respondents, 13.33% use the MBRS just to buy cattle, 23.33% use the MBRS just to sell cattle and 63.34% use the MBRS for both buying and selling cattle.

Results of the survey indicate that there is a large portion of the key stakeholders and users of the facility that believe the importance of constructing the roof over the northern dirt pens is high or very high.

Key outcomes of the survey indicate a significant portion of key stakeholders and users of the facility believe that undertaking this project would:

- Increase the presentation of cattle leaving the saleyards;
- Increase the capacity to deliver operational efficiencies and quality services at the Mount Barker Regional Saleyards;
- Result in better conditions for animals which would influence their business positively; and
- Result in a sustainable approach to water catchment and re-use which would positively influence their decision to utilise the facility.

The local stock agents have also been consulted and have provided their support for the developments at the Saleyards.

The Council's support for the construction of a roof over the northern dirt pens at the saleyards is sought. Detailed design plans and tender documentation for this project can then be progressed on the understanding that, if a grant is secured, the Shire would need to have funding, detailed plans and tender documentation in place by 30 June 2015 and effectively be 'shovel ready' by then.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr J Oldfield:

That:

- 1. The construction of a roof over the northern dirt pens at the saleyards be supported.**
- 2. Detailed design plans and tender documentation for this project be progressed.**
- 3. Subject to no submissions being received during a public consultation process, authority be granted to the Chief Executive Officer to enter into a Debenture Agreement between the Shire of Plantagenet and the Western Australian Treasury Corporation relating to a loan of \$300,000.00 for the construction of a roof over the northern dirt pen at the Saleyards**

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr J Moir, seconded Cr J Oldfield:

5:15pm That the meeting be closed to members of the public pursuant to Section 5.23 (c) of the Local Government Act as the matter to be considered relates to a contract entered into, or which may be entered into, by the local government.

CARRIED (8/0)

NO. 44/15

DISCLOSURE OF INTEREST**Cr J Moir**

Type: Financial/Indirect Financial Interest (Section 5.60(a) and Section 5.61 LGA)
Nature: employee of Elders Mount Barker. Cattle Farmer
Extent: Not required.

5:27pm Cr J Moir withdrew from the meeting.

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr C Pavlovich:

5:36pm That the meeting proceed in public.

CARRIED (7/0)

NO. 45/15

AMENDMENT

Moved Cr L Handasyde, seconded Cr J Oldfield:

That Part 3 of the motion be deleted.

CARRIED (7/0)

NO. 46/15

COUNCIL DECISION

That:

1. The construction of a roof over the northern dirt pens at the saleyards be supported.
2. Detailed design plans and tender documentation for this project be progressed.

CARRIED (7/0)

NO. 47/15

5:38pm Cr J Moir returned to the meeting.

9.4.8 37 WESTFIELD STREET, ROCKY GULLY - SALE OF LAND FOR NON-PAYMENT OF RATES

File Ref: N33436
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Leanne Briggs
Rates Officer
Proposed Meeting Date: 3 March 2015

PURPOSE

The purpose of this report is to recommend that authority be given for the sale of land of Lot 137 (37) Westfield Street, Rocky Gully for non-payment of rates in accordance with Section 6.64(1)(b) of the Local Government Act 1995.

BACKGROUND

The property owner has failed to pay rates for three years and other debt collection procedures have proved fruitless. At its meeting held on 11 November 2014, the Council noted the action of the Chief Executive Officer in commencing the sale of land actions against the landowner (among others) in accordance with Section 6.64(1)(b) of the Local Government Act 1995 and pursuant to delegation LG020.

Proceedings have been commenced under delegated authority, however the owner is currently believed to be in New Zealand and cannot be contacted or served with legal proceedings.

Due to the fact that a general procedures claim cannot be issued against the owner, Section 6.68 of the Act requires a formal decision of the Council to proceed with the sale of land.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Sections 6.63 to 6.75 of the Act and Regulations 72 to 78 govern the actions to be taken against landowners of rateable land to which rates have remain unpaid for more than three (3) years.

'6.64.Actions to be taken:

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
- (a) *from time to time lease the land;*
 - (b) *sell the land;*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself.*

- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification, as is prescribed and then to affix on a conspicuous part of the land a notice on the form or substantially in the form prescribed.'*

Section 6.68 of the Act restricts a local government from proceeding to sale unless one of the following has been satisfied:

1. Local government has at least once attempted to recover money via court proceedings within the last 3 years; or
2. Local government has a reasonable belief the cost of proceedings will equal or exceed value of the land; or
3. Having made reasonable efforts to do so the local government is unable to locate the owner of the property.

Any decision regarding points 2 or 3 must be recorded in a minutes of a meeting of the Council. In view of this, the matter is presented to the Council for a decision under point 3.

State-wide public notice of sale of land for non-payment of rates or service charges is to be given and sale must be in the way of a public auction as prescribed in form 5 of the Local Government (Financial Management) Regulations 1996 (Regulation 75).

FINANCIAL IMPLICATIONS

As at 24 February 2015, the total amount outstanding on the property (Assessment No. 137190) is \$7,428.17 including penalties.

POLICY IMPLICATIONS

Clause 1.5(c) of Council Policy F/FM/15 – Debt Collection indicates that other courses of action may be taken to collect debt which include sale of land under S6.64 of the Local Government Act 1995 in accordance with Delegation LG020.

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 4.6.3:

'Maintain, develop and monitor rating and property strategies'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

A general procedure claims (summons) was issued in 2013, however it has not been served as the owner is believed to reside in New Zealand. All notices and correspondence has been sent to the last known New Zealand address and nothing has been returned. The last verbal contact was in April 2014, when the owner was then in New Zealand.

The property is a vacant lot with an area of 2,024m². The sale of this property is the only realistic way of recovering moneys owed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr L Handasyde:

That:

1. Having made reasonable efforts to do so, the owner of the property at 37 Westfield Street, Rocky Gully, is unable to be located; and
2. Authority be given for the sale of land at Lot 137 (37) Westfield Street, Rocky Gully (Assessment No. 137190) in accordance with Section 6.64 (1) (b) of the Local Government Act 1995, for non-payment of rates.

CARRIED (8/0)

NO. 48/15

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 CARBON EMISSIONS OFFSET PROJECT

Cr C Pavlovich

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Associated Person
Extent: Partner in Carbon IQ works as CEO in our organisation which I am Chairman and director.

5:38pm Cr C Pavlovich withdrew from the meeting.

File Ref: N33414

Attachments: [Carbon IQ - Shire of Plantagenet Project Plan](#)
[Shire of Plantagenet-Energy Management Project](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Rob Stewart
Chief Executive Officer

Proposed Meeting Date: 3 March 2015

PURPOSE

The purpose of this report is to recommend to the Council that the Carbon Emissions and Energy Assessment Project undertaken by Carbon IQ be noted.

BACKGROUND

In January 2013 Carbon IQ was commissioned to undertake a Carbon Emissions and Energy Assessment Project on behalf of the Shire of Plantagenet. The Project plan for this undertaking is attached.

The original terms of reference for the project were amended when Councillors expressed concern as to the cost of the project and as a result of changing Federal Government Legislation.

The project was originally mooted due to the Council's ongoing wish to undertake energy reduction projects (such as the addition of photovoltaic cells) but to ensure that specific reduction targets and offsets were in place.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

The Principal of Carbon IQ was the former CEO of South Coast NRM, Mr Rob Edkins. Mr Edkins addressed the Council on 16 October 2012 and general agreement for the project to proceed was communicated to the CEO, as the CEO wasn't in attendance at that meeting.

FINANCIAL IMPLICATIONS

The original project was costed at \$50,000.00. As mentioned above, Councillors expressed concern regarding the cost of this project and consequently the project was not fully completed in the terms of the original project plan. In an environment of changing legislation, this is understandable. The cost of the project was \$25,000.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides under Goal 2 (Enhancing Natural and Built Environment) Outcome 2.8 (Awareness of an appropriate response to effects of climate variation) the following Strategy:

Strategy 2.8.2:

'Investigate and adopt energy efficiency practices in Council operations'

and

Strategy 2.8.3:

'Investigate green energy initiatives.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

REGIONAL IMPLICATIONS

The draft Southern Link VROC Strategic Plan provides under Goal 'Environment' (Value and protect the environment) the following strategies:

Strategy 1 – *'Plan for the potential impact of climate variability;* and

Strategy 2 – *'Encourage natural resource management.'*

OFFICER COMMENT

The Carbon IQ report dated June 2014 is attached for the information of Councillors.

The report represents a good base for the Council to embark on alternative energy practices.

For example, the new Sounness Park Complex involves the use of non-potable water for irrigation, re-use of that water for irrigation and the use of movement sensor lights. Such practices are designed to not only minimise the use of energy and thereby save tariff costs but to also minimise environmental impact.

In the past the Council has baulked at the cost of photovoltaic cells on Council buildings and therefore the administration is investigating the lease of photovoltaic cells for the Administration Building, the cost of which should be offset by savings in electricity.

The Carbon IQ report provides a good base to measure the effectiveness of such initiatives.

It is recommended that the Report be noted.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That:

- 1. The Shire of Plantagenet Carbon Emissions and Energy Assessment Project dated June 2014 be noted; and**
- 2. The Chief Executive Officer continue to advise the Council of practical initiatives that the Council may adopt with regard to the more efficient use of energy.**

CARRIED (7/0)

NO. 49/15

5:42pm Cr C Pavlovich returned to the meeting.

9.5.2 MOUNT BARKER HILL LOOKOUT PROJECT

| | |
|-------------------------------|--|
| File Ref: | N33435 |
| Attachments: | Mount Barker Hill Lookout Proposal |
| Responsible Officer: | Rob Stewart Chief Executive Officer |
| Author: | Rob Stewart Chief Executive Officer |
| Proposed Meeting Date: | 3 March 2015 |

PURPOSE

The purpose of this report is to seek the endorsement of the Council regarding the construction of a Lookout at the peak of Mount Barker Hill.

BACKGROUND

Councillors will recall that proposals have been made in the past for the construction of a Lookout on Mount Barker Hill. These projects have failed primarily due to the lack of funding.

The most recent proposal that gained endorsement from the Council was in 2011. However the Council was unable to put in any of its own funds and was unsuccessful in seeking external funding.

The Council did however reseal the road leading to the peak of Mount Barker Hill.

Resolution 322/06 also refers.

STATUTORY ENVIRONMENT

Local Government Act 1995

Land Administration Act 1997 – Reserve 15162 vested in the Council for the purpose of parkland.

Shire of Plantagenet Town Planning Scheme No. 3 – Reserve 15162 is within a Scheme Parks and Recreation Reserve.

EXTERNAL CONSULTATION

The Shire President and Chief Executive Officer met with Mr Peter Thorn representing Mount Barker Rotary on Friday 13 February 2015.

FINANCIAL IMPLICATIONS

Previous iterations of lookouts on Mount Barker Hill have been costed as much as \$560,000.00. This proposal from Rotary is presented as a no cost option to the Council.

POLICY IMPLICATIONS

Policy No CE/ED/1 Tourism applies.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 3.4 (A strong tourism region) the following Strategies:

Strategy 3.4.1:

'Promote and support local and regional tourism initiatives'; and

Strategy 3.4.2:

'Provide infrastructure and services to support tourism.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

REGIONAL IMPLICATIONS

A well-used lookout on Mount Barker Hill would enhance visitor experiences in line with improving tourism infrastructure within our region.

OFFICER COMMENT

The attachment shows a wooden octagonal structure which is very similar to that constructed at Ocean Beach in Denmark.

It is understood that the total cost of construction will be less than \$20,000.00 and will meet all engineering specifications for structures for this type.

There is little doubt that a purpose built viewing platform on Mount Barker Hill would be a welcome addition to the Mount Barker Hill. The Lookout would become the property of the Shire of Plantagenet and therefore future maintenance costs would accrue to the Council.

The opportunity to address worn out infrastructure on the Hill would also present itself, although this is not the subject of this report.

It is understood that Mr Peter Thorn and Mr Bill Hollingworth will address the Council prior to the Council meeting.

Plans that have been submitted will need to be amended for site specific construction prior to a building permit being issued. This is likely to require provision for disabled access.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Rotary of Mount Barker be advised that no objections are raised for the construction of a wooden lookout on Mount Barker Hill (Reserve 15162) shown on the attached plan subject to the structure being built to the satisfaction of the Principal Building Surveyor.

ALTERNATIVE RECOMMENDATION

Moved Cr G Messmer, seconded Cr L Handasyde:

That Rotary of Mount Barker be advised that no objections are raised for the construction of a wooden lookout on Mount Barker Hill (Reserve 15162) shown on the attached plan subject to:

- a) The structure being built to the satisfaction of the Manager of Works and Services; and
- b) Design and siting to be approved by the Council.

Reason for Change

Siting was believed to be essential and therefore required Council input.

AMENDMENT

Moved Cr J Moir, seconded Cr L Handasyde,

That a second part be added to the motion as follows:

‘Rotary of Mount Barker be thanked for their generous proposal to construct and maintain, at no cost to the Council, the wooden lookout on Mount Barker Hill’ and the motion be recast accordingly.’

CARRIED (8/0)

NO. 50/15

COUNCIL DECISION

That:

1. Rotary of Mount Barker be advised that no objections are raised for the construction of a wooden lookout on Mount Barker Hill (Reserve 15162) shown on the attached plan subject to:
 - a) The structure being built to the satisfaction of the Manager of Works and Services; and
 - b) Design and siting to be approved by the Council.
2. Rotary of Mount Barker be thanked for their generous proposal to construct and maintain, at no cost to the Council, the wooden lookout on Mount Barker Hill.

CARRIED (8/0)

NO. 51/15

9.5.3 POLICY REVIEW - CE/CS/2 MOTOR VEHICLE USE - SHIRE PRESIDENTCr K Clements

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

Nature: Perceived interests

Extent: Car usage as President

File Ref: N33332

Attachments: [Policy with Amendments](#)

**Responsible Officer: Rob Stewart
Chief Executive Officer**

**Author: Linda Sounness
Executive Secretary**

Proposed Meeting Date: 3 March 2015

PURPOSE

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

BACKGROUND

This Policy was last reviewed at the Council meeting held on 5 July 2011.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 2.7 defines the role of the Council.

Local Government Act 1995, Section 2.8 defines the role of the Mayor or President.

Local Government (Administration) Regulations 1996 refers to the use of vehicles by elected members.

FINANCIAL IMPLICATIONS

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

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

The Shire President is required to reimburse the Council for all private use of the motor vehicle. The Department acknowledges that where a vehicle is made available for civic/ceremonial purposes, private use will no doubt occur.

POLICY IMPLICATIONS

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

Policy No. I/FM/3 – Vehicle Usage, also applies.

STRATEGIC IMPLICATIONS

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

Strategy 4.1.5:

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

Strategy 4.1.6:

'Provide administrative support to Shire for Governance functions.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

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

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

The Shire President is required to meet the costs of all private use and this is facilitated through the submission of odometer readings.

This vehicle may be made available to other councillors by written request to the CEO to use the vehicle and written authority by the CEO.

This policy has been amended to correctly reflect the current award and per kilometre rate.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

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

OBJECTIVE

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

POLICY

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

DEFINITIONS

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

‘Restricted Private Use’ is defined as private use within the geographical area of Western Australia in accordance with this policy and subject to the total cost of running the vehicle for private use being the responsibility of the primary user, based on the Local Government Industry Award 2010 rate of \$0.78c per kilometre from time to time amended.

MOTOR VEHICLE USAGE

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

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

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

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

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

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

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

General Conditions of Vehicle Usage

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

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

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

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

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

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

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

A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the primary user, when appropriate.

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

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

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

be endorsed.

6:00pm Cr S Etherington withdrew from the meeting.

6:02pm Cr S Etherington returned to the meeting.

AMENDMENT

Moved Cr J Moir, seconded Cr G Messmer:

That in the fourth paragraph of the motion under the heading 'Motor Vehicle Usage' the words 'be responsible for all costs associated with such vehicle usage' be deleted and replaced with the words:

'advise the CEO of such use and the CEO will then invoice the Shire President for all private use based on the Local Government Industry Award 2010 rate of 0.78c per kilometre from time to time amended.'

CARRIED (8/0)

NO. 52/15

COUNCIL DECISION

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

'OBJECTIVE

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

POLICY

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

DEFINITIONS

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

'Restricted Private Use' is defined as private use within the geographical area of Western Australia in accordance with this policy and subject to the total cost of running the vehicle for private use being the responsibility of the primary user, based on the Local Government Industry Award 2010 rate of \$0.78c per kilometre from time to time amended.

MOTOR VEHICLE USAGE

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

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

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

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

When the motor vehicle is used for private purposes, the Shire President will advise the CEO of such use and the CEO will then invoice the Shire President

for all private use based on the Local Government Industry Award 2010 rate of 0.78c per kilometre from time to time amended

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

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

General Conditions of Vehicle Usage

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

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

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

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

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

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

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

A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the primary user, when appropriate.

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

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

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

be endorsed.

CARRIED (8/0)

NO. 53/15

**9.5.4 POLICY REVIEW - COMMITTEE MEETINGS AND WORKSHOPS -
ATTENDANCE BY MEMBERS OF THE PUBLIC**

File Ref: N33331
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 3 March 2015

PURPOSE

The purpose of this report is to review Policy No. CE/CS/3 – Committee Meetings and Workshops – Attendance by Members of the Public.

BACKGROUND

This Policy was adopted on 27 November 2012 at which time Council's Policy CE/CS/3 Committee Meetings Attendance by the Public was combined with Policy CE/CS/5 Workshops – Attendance by the Public (and then revoked) to make the current policy under review.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 5.23 (1) states:

'the following are to be open to members of the public:

- (a) all council meetings;*
- (b) all meetings of any committee to which a local government power or duty has been delegated.'*

Section 5.23 (2) states:

'If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) a matter that if disclosed, would reveal –*
 - (i) a trade secret;*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*

Where the trade secret or information is held by, or is about, a person other than the local government.
- (f) a matter that if disclosed, could be reasonably expected to –*

- (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
- (ii) *endanger the security of the local government's property; or*
- (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23 (a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.'*

As Council committees and workshops held do not enjoy any delegation of a power or duty, they need not be open to members of the public.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This review is part of Council's Policy review cycle.

STRATEGIC IMPLICATIONS

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

Strategy 4.1.3:

'Ensure the council's decision making process is effective and transparent'; and

Strategy 4.1.4:

'Support strategic alliances, stakeholder forums and advisory committees that assist Shire if Policy development and service planning.'

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

OFFICER COMMENT

The Policy is considered adequate and no changes are required.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council Policy CE/CS/3 – Committee Meetings and Workshops – Attendance by the Public, as follows:

OBJECTIVE

To give direction as to when members of the public may attend Council Committee meetings and workshops.

POLICY

The Council acknowledges that:

1. Members of the public may be permitted to attend Council appointed Committee meetings and workshops.
2. Although members of the public have no specific right to be in attendance at Committee meetings and workshops, the Council may allow such attendance unless the matters to be discussed could have been classified as confidential pursuant to the Local Government Act 1995 Section 5.23 (2).’
be endorsed.

ALTERNATIVE RECOMMENDATION

Moved Cr J Moir, seconded Cr S Etherington:

That Council Policy CE/CS/3 – Committee Meetings and Workshops – Attendance by the Public, as follows:

OBJECTIVE

To give direction as to when members of the public may attend Council Committee meetings and workshops.

POLICY

The Council acknowledges that:

1. **Members of the public may be permitted to attend Council appointed Committee meetings and workshops.**
2. **Although members of the public have no specific right to be in attendance at Committee meetings and workshops, the Council may allow such attendance unless the matters to be discussed could have been classified as confidential pursuant to the Local Government Act 1995 Section 5.23 (2).’**
be revoked.

LOST (2/6)

Reason for Change

That although Councillors acknowledge that the Council is already open and transparent the option to allow the public to committee meetings and workshops is not critical.

FURTHER MOTION

Moved Cr A Budrikis, seconded Cr L Handasyde:

That Council Policy CE/CS/3 – Committee Meetings and Workshops – Attendance by the Public, as follows:

‘OBJECTIVE

To give direction as to when members of the public may attend Council Committee meetings and workshops.

POLICY

The Council acknowledges that:

1. Members of the public may be permitted to attend Council appointed Committee meetings and workshops.
2. Although members of the public have no specific right to be in attendance at Committee meetings and workshops, the Council may allow such attendance unless the matters to be discussed could have been classified as confidential pursuant to the Local Government Act 1995 Section 5.23 (2).’

be endorsed.

CARRIED (8/0)

NO. 54/15

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

6:15pm The Presiding Member declared the meeting closed.

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