



## ORDINARY MINUTES

**DATE:** Tuesday, 31 March 2015

**TIME:** 3:00pm

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

**Rob Stewart**  
CHIEF EXECUTIVE OFFICER

**Resolution numbers: 55/15 to 81/15**

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:05pm The Presiding Member declared the meeting open.

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

### Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor (Left the Chamber at 3:47pm, returned at 3:48pm)
Cr G Messmer	Councillor (Left the Chamber at 3:45pm, returned at 3:47pm)
Cr J Moir	Councillor
Cr J Oldfield	Councillor (Left the Chamber at 3:34pm, returned 3:36pm)
Cr C Pavlovich	Councillor (Left the Chamber at 3:51pm, returned 4:03pm) (Left the Meeting at 5.24pm)

### 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
Mr Vincent Jenkins	Planning Officer

### Apologies:

Nil

### Members of the Public Present:

There were 13 members of the public were 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, staff and members of the public present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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

Council / Committee meetings or during formal / informal conversations with staff.

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

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

### **3 PUBLIC QUESTION TIME**

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

Nil

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

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

#### **4.1.1 MOUNT BARKER YOUTHCARE – SUPPORT FOR FINANCIAL ASSISTANCE**

Mr David Williamson, Mrs Rose-Mary Woodward and Mr Brent Findlay spoke to Councillors regarding the operations of the Mount Barker YouthCare, especially in relation to the Chaplaincy program at the Mount Barker Community College and a Financial Assistance Grant which is being applied for.

#### **4.1.2 MOUNT BARKER RSL – SUPPORT FOR FINANCIAL ASSISTANCE**

Mr Brian Bunker gave an overview of the history of the local RSL which was formed in 1919. Mr Bunker informed Councillors of the RSL's current activities around its new premises in Booth Street with current regular users of the premises being Plantagenet News Paper Folders, Girl Guides, Wanslea and the Playgroup. The main objective of the RSL is to look after veterans and to provide the Community with ANZAC, Remembrance Day and Vietnam Veterans Day services. RSL also runs various projects in the community, especially at the schools and the College.

RSL receives funding from Headquarters and Department of Veterans Affairs, the Shire, Bendigo Bank and Mount Barker Coop. Mr Bunker thanked the Shire and Councillors for the upgrade to the war memorial. The RSL is about to embark on the 'We Remember Them Park Project': just need a little bit more funding. The RSL look forward to working with the Shire on this project.

Judy Lill also spoke about the RSL and thanked the Shire.

#### **4.1.3 MOUNT BARKER HOCKEY CLUB – FINANCIAL ASSISTANCE – GREAT SOUTHERN HOCKEY CARNIVAL**

Mrs Rachel Wright spoke on behalf of the Mount Barker Hockey Club which intend to host the Great Southern Hockey Carnival in July 2015 in Mount Barker.

The Great Southern Hockey Carnival (the 'Carnival') is an annual hockey carnival and will be held over the weekend 10,11 and 12 July. Although titled a Great Southern event, the Carnival attracts teams from as far as Geraldton, Esperance and Perth. The weekend is a flurry of activity with teams competing in fixtured matches throughout the weekend. To support teams, the weekend also includes dinner and entertainment on the Saturday evening, breakfast Sunday morning, lunch and snacks throughout the weekend.

As a part of the Carnival's seven year rotation, the Mount Barker Hockey Club is proudly hosting the event in 2015. The previous two years have attracted 21 and 23 teams and team numbers this year are expected to remain high, with over 250 players. With team staff, coaches and supporters in Mount Barker over the weekend, we are anticipating in excess of 300 people. We expect that wherever possible participating teams will be staying in local accommodation or using camp grounds, which will be promoted in registration material to each Western Australian based hockey club.

##### **Intent:**

This will be the first of hopefully many opportunities for the Mount Barker Hockey Club to showcase the shared facilities and new synthetic hockey surface at Sounness Park. Importantly, this is an opportunity for the Mount Barker Hockey Club to raise funds for the replacement of the synthetic surface in years to come. The Mount Barker Hockey Club is seeking the support of the Plantagenet Shire Council in bringing the Carnival to our Shire.

The Mount Barker Hockey Club intends to request the following via the upcoming Financial Assistance Grant process:

1. Financial underwriting to support the Mount Barker Hockey Club in hosting the Carnival event;
2. Support from Shire staff in set up, line marking and goal relocation both pre and post event;
3. Provision of skip bins and removal of rubbish during and post event

4. In kind support for any hire fees incurred in regard to Shire facilities required (eg hire of the Ram Pavilion and Frost oval for players to use as camping grounds as required, hire charges for Sounness facilities);
5. Financial support for the hire of portable toilet facilities at Frost oval, should the Frost toilet/shower facilities be unavailable;
6. Support in cleaning facilities, such as change rooms and toilet facilities pre and post event;
7. Financial support for the hire of security support for the Saturday evening event; and
8. Financial support for the purchase or hire of outdoor heaters for the event.

#### 4.1.4 HAZEL RUTTER –MARION STREET LOTS 39, 67 AND 93

Mrs Rutter referred to correspondence and previous Minutes of the Council and seeking clarification as to the Council's change of position regarding a proposed sale of land to her. Mrs Rutter also sought compensation due to the protracted nature of this matter.

## 5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

### Cr L Handasyde

Item: 9.2.1  
Type: Closely Associated Person (Section 5.62 LGA)  
Nature: Daughter works at Shire Offices  
Extent: Not required

### Cr G Messmer

Item: 9.1.3  
Type: Closely Associated Person (Section 5.62 LGA)  
Nature: Applicant works for my wife  
Extent: Not required.

### Cr J Oldfield

Item: 9.1.1  
Type: Proximity (Section 5.60(B) LGA)  
Nature: Owner of adjoining land  
Extent: Not required

### Cr C Pavlovich

Item: 9.3.2  
Type: Financial/Indirect Financial interest (Section 5.60(A) and Section 5.61 LGA)  
Nature: Indirect financial interest as employer may pay for sponsorship to Sounness Park users by way of advertising through signage.  
Extent: Not required.



Cr C Pavlovich

Item: 9.5.6

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

Nature: Member of the Mount Barker Football Club. Non smoker. Interest in common. Permission to participate.

Extent: Mount Barker Football club hire the clubhouse which is already non smoking. Agenda is for grounds which is an interest in common.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Nil

**7 CONFIRMATION OF MINUTES****Moved Cr L Handasyde, seconded Cr J Moir:****That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 3 March 2015 as circulated, be taken as read and adopted as a correct record.****CARRIED (9/0)****NO. 55/15****8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Shire President distributed notes separately.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 LOT 701 WARBURTON ROAD, MOUNT BARKER - PLACE OF PUBLIC WORSHIP

##### Cr J Oldfield

Type: Proximity (Section 5.60(B) LGA)

Nature: Owner of adjoining land

Extent: Not required

3:34pm Cr J Oldfield withdrew from the meeting.

**File Ref:** N33460

**Attachments:** [Location Plan](#)  
[Site Plan](#)  
[Floor Plan](#)  
[North and East Elevations](#)  
[South and West Elevations](#)  
[Landscaping Plan](#)  
[Information Sheet](#)

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

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 31 March 2015

**Applicant:** Jehovah's Witnesses – Mount Barker

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### PURPOSE

The purpose of this report is to consider an application for a place of public worship at Lot 701, Warburton Road, Mount Barker.

### BACKGROUND

Council records show the registered owner of the property is the Jehovah's Witnesses.

The Council at its meeting held on 6 September 2011 resolved at Resolution No. 204/11:

*'That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, planning consent be granted for a place of worship at Lot 701 Warburton Road, Mount Barker subject to:*

- 1. Development being generally in accordance with the plans dated 6 July 2011.*
  - 2. A crossover being constructed, drained and sealed to the satisfaction of the Manager Works and Services.*
-

3. *Stormwater being contained onsite, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.*
4. *All car parking being provided onsite. Car parking bays being a minimum of 2.7m x 5.5m with a 6.0m manoeuvring space and the car parking layout being approved by the Manager Works and Services.*
5. *A non permeable fence with a minimum height of 1.5m being constructed along the boundary with Lot 463 Warburton Road, Mount Barker to the satisfaction of the Manager Development Services.*
6. *Low intensity bollard lighting being provided to the satisfaction of the Manager Developments Services. No overhead lighting will be permitted.*
7. *The onsite effluent disposal system being an aerobic treatment unit to the satisfaction of the Council's Environmental Health Officer.*
8. *Landscaping shall consist of well advanced shrubs and trees to the satisfaction of Manager Works and Services.'*

That Planning Consent (PC) was valid for a period of two years and expired on 6 September 2013. The Council on 17 February 2015 received a fresh Planning Consent application, the subject of this report.

The proponent is also seeking approval for reduced side boundary setbacks for the Kingdom Hall building. The west side boundary setback will be 9.5m and the east side boundary setback will be 8.34m where side boundary setbacks of 10m are required by the Residential Design Codes.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Residential (R2) – Place of Public Worship is a discretionary 'AA' use under TPS3.

Clause 6.3.2 of TPS3 states:

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

Residential Design Codes (R-Codes).

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

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

- a) *any relevant purpose, objectives and provisions of the scheme;*
- b) *any relevant objectives and provisions of the R-Codes;*

- c) *a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and*
- d) *orderly and proper planning.'*

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

Western Australian Planning Commission (WAPC) conditions of subdivision approval (including this particular lot) of 27 July 2006 (WAPC 131143) include:

- '12. *The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are made aware of the following:*
  - a) *An approved alternative onsite effluent disposal system to the specifications of the Local Government and the Health Department will be required to service any new development on each lot; and*
  - b) *The approved alternative onsite effluent disposal system will need to be installed in combination with engineering controls to divert storm and ground water off the site through an approved method, subject to approval by Council in accordance with conventional engineering principles. (Local Government)'*

An aerobic treatment unit (ATU) onsite effluent disposal system will be a requirement of the planning consent. In addition, the control of storm and groundwater to the satisfaction of the Manager Works and Services will be a further requirement of planning consent.

Health Act 1911 -

Section 173 - defines a public building as a building or place where persons may assemble for civic, theatrical, social, political or religious purposes.

Section 176 - local government approval is required to construct, extend, or alter a public building. The Environmental Health Officer approves public buildings (religious purposes) under delegated authority.

Health (Public Buildings) Regulations 1992 – this regulation provides local government control of the construction and extension to public buildings.

Environmental Protection (Noise) Regulations 1997;

Regulation 15 – Bellringing and calls to worship – this regulation exempts religious groups from compliance with the provisions of the noise regulations for 'calls to worship' (means any call or invitation to worship - including the ringing of a single bell or sets of bells, which includes amplified or reproduced by the use of electronic amplification equipment). This regulation further prescribes the conditions upon the type of land, the times, days and frequency of events that the calls to worship may take place.

Regulation 16 – Community Activities – Exempt Noise – religious groups are exempt from complying with the noise regulations for both calls to worship and worship activities, however if they cause conflict or unreasonable noise the Chief Executive Officer may issue a noise control notice.

**EXTERNAL CONSULTATION**

Consultation included letters to five adjoining property owners for a 21-day period closing on 17 March 2015.

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

**FINANCIAL IMPLICATIONS**

The planning application fee of \$2,728.00 has been paid.

Further, religious institutions are non-rateable and therefore, once the Kingdom Hall development is completed the current rates of \$1,097 will not be paid in future. However the church's previous site in Oatlands Road is now rateable.

**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 protects local heritage) the following Strategy:

Strategy 2.2.2:

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

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

**OFFICER COMMENT**

The Mount Barker congregation of Jehovah's Witnesses original Kingdom Hall was located at the corner of Oatlands Road and Hassell Street in Mount Barker. That Kingdom Hall was sold in April 2012 and has since been converted into a dwelling. This proposal involves the construction of a new Kingdom Hall at Lot 701 Warburton Road.

The proponent included an 'Information Sheet' (copy attached) with their PC application which included advice on the use of the Kingdom Hall. The Kingdom Hall may be used during the day and in the evenings up to 9:30pm on weekdays and on weekends. The Kingdom Hall will not be used for social events, such as wedding receptions, fund raising activities such as bingo, or gatherings for social entertainment, youth group activities, or any activities unrelated to worship.

Lot 701 is 5,003m<sup>2</sup> in area and is currently undeveloped. The Kingdom Hall building (13.67m x 23.87m) will be a single storey face brick building with a Colorbond® roof. The final brick style and roof colour is still to be decided. A 2.2m wide verandah is attached to the south and east elevations of the building. The building faces Warburton Road and is designed to blend in with the residential character in the location. The proposed development is consistent with the R2 density code boundary setback requirements set by R-Codes except for the proposed two reduced side boundary setbacks.

Access to Lot 701 and the car parking area will be by way of a 6m crossover and 6m driveway allowing two-way motor vehicle movement. A total of 26 onsite car parking bays are provided. Two car parking bays for disabled persons are provided at the front of the building. The car parking area is located approximately 57.5m off the rear boundary with adjoining Lot 703 to the north. The number of car parking bays provided satisfies the demand requirements of the facility. The property and car parking area is easily and safely accessible. The location of the car parking area at the rear of the building will minimise its visual impact and preserve the residential amenity of the location.

This proposal includes a 1.5m high Colorbond® fence along the full length (65.7m) of the shared property boundary between the application site and Lot 463 Warburton Road. This fence requirement was included in the original PC granted by the Council on 6 September 2011. The proposal also includes a 1.5m high Colorbond® fence along portion of the west property boundary at Lot 702 Bloomfield Rise corner Warburton Road. This fence is 26.5m in length and is located along the car parking area. These fences are considered necessary to shield headlight glare from vehicles near adjoining Lots 463 and 702.

A detailed landscaping plan was submitted as part of the application. Plant selections consist of native species that will contribute to the natural character and amenity of the location. This landscaping plan introduces landscaped buffers adjacent to driveways and car parking areas to provide screen planting to minimise its visual impact and mitigate possible adverse impacts on adjoining properties. To ensure screening is effective advance plantings will be required as a condition of planning consent. The external lighting will involve low intensity bollard type lighting with no overhead lighting to be used.

The proposed Kingdom Hall is not likely to adversely affect the amenity of the locality. The proposal is supported.

### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That in respect to the place of place of public worship as shown on the plans dated 10 and 19 February 2015 at Lot 701 Warburton Road, Mount Barker:**

- 1. In accordance with Clause 2.5.2 of the Residential Design Codes, the place of public worship with reduced side boundary setbacks of 8.34m and 9.0m be approved.**
- 2. In accordance with Clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3 planning consent be granted for a place of worship subject to:**
  - a) A crossover being constructed, drained and sealed to the satisfaction of the Manager Works and Services.**

- b) Stormwater being contained onsite, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.
- c) All car parking being provided onsite. Car parking bays being minimum of 2.7m x 5.5m with a 6.0m manoeuvring space and the car parking area layout being sealed, drained, and line marked and the layout being approved by the Manager Works and Services.
- d) Low intensity bollard lighting being provided to the satisfaction of the Manager Development Services. No overhead lighting will be permitted.
- e) The onsite effluent disposal system being an aerobic treatment unit to the satisfaction of the Council's Environmental Health Officer.
- f) Landscaping shall consist of well advanced shrubs and trees to the satisfaction of Manager Works and Services.

**CARRIED (8/0)**

**NO. 56/15**

3:36pm Cr J Oldfield returned to the meeting.

**9.1.2 TOWN PLANNING SCHEME POLICY NO. 13 – FEEDLOTS – ALTERATION TO POLICY - SUBMISSIONS**

<b>File Ref:</b>	<b>N33519</b>
<b>Attachments:</b>	<a href="#">MLA - Managing heat load in feedlot cattle - an overview</a> <a href="#">MLA - Feedlot shade structures</a> <a href="#">Draft Town Planning Scheme Policy 13.1 with changes marked</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>31 March 2015</b>

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**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 &amp; 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 m<sup>2</sup> 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.*

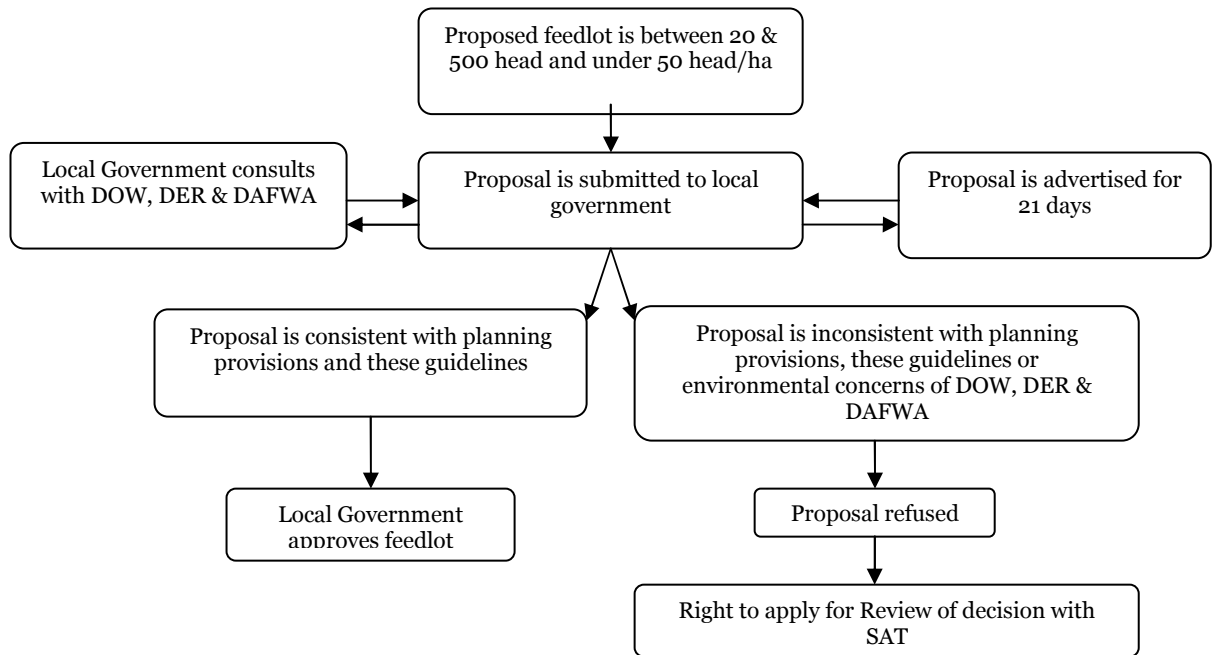
*For further information on Cattle Feedlots refer to 'Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia'.*

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

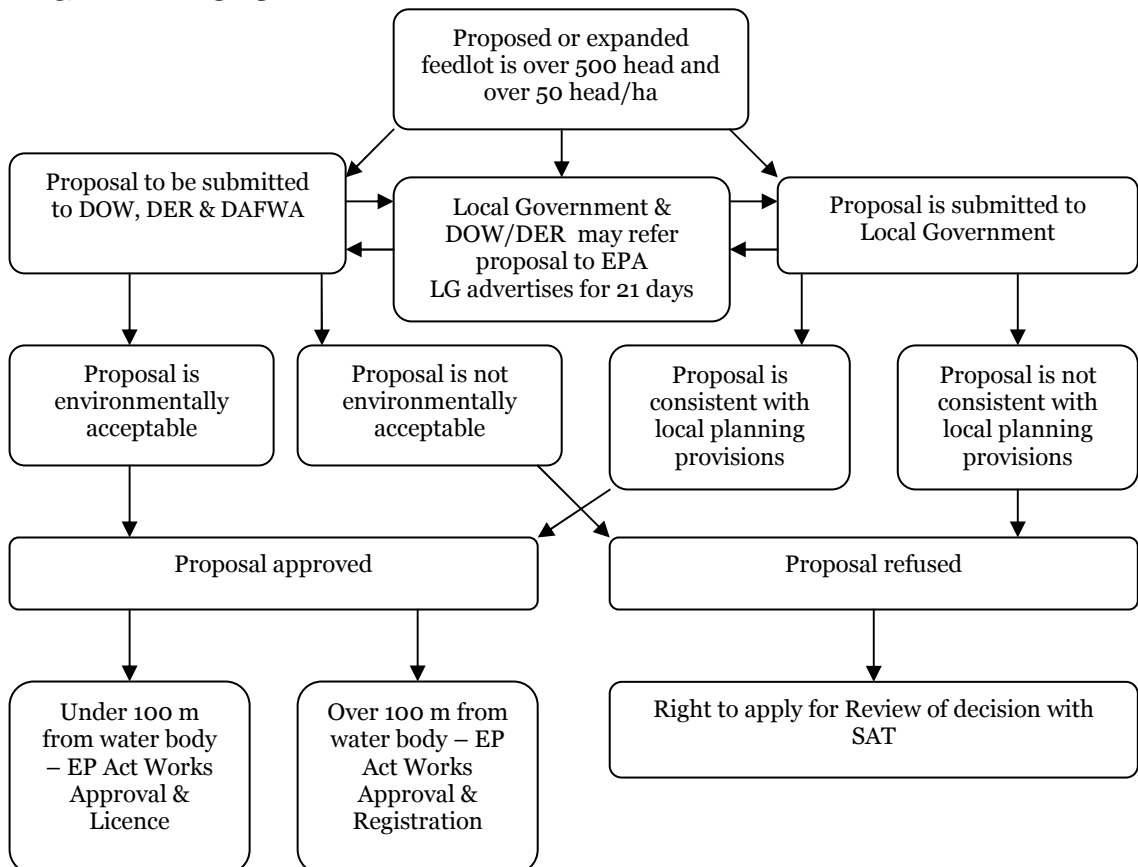
*Adopted on ..... in accordance with clause 7.6 of Town Planning Scheme No. 3.*

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.'*

The Council when it again considered this policy on 3 March 2015 resolved:

*'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.'*

## **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

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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 0-25m<sup>2</sup> 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 200m<sup>2</sup> 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 200m<sup>2</sup> 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 Council at its meeting held on 3 March 2015 felt that the policy required more in terms of the provision of shelter/shade for animals in a feedlot situation from an animal welfare perspective.

The policy presently contains reference to the Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia produced by the then (in 2002) Department of Agriculture, Department of Environmental Protection and the Water and Rivers Commission. That document does address the need for shade and at section 4.1.9, Shade states:

*'Shade from trees or artificial shade cloth structures should be provided where cattle need protection from extreme weather conditions likely to cause heat or cold stress. If feed troughs are covered, extra shade is essential to prevent stock monopolising*

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*the area around the feed trough and preventing access of other cattle. Shade areas need to be carefully designed so they do not create a problem due to overcrowding in the shaded area. Shading may also prevent drying and lead to boggy conditions that produce odours especially in higher rainfall areas during winter in the south-west of Western Australia.*

*Where high temperatures persist alternative cooling means, such as water misters or sprays, should be considered.'*

The guidelines also refer to the issue of Animal Welfare at section 4.15 as follows:

*'It is the responsibility of feedlot owners and managers to care for the welfare of animals under their control. This applies not only while animals are in the feedlot but also while they are in transit to and from the feedlot. There are two animal welfare codes that are relevant and should be followed by feedlot operators.*

*The first is the Australian Model Code of Practice for the Welfare of Animals – Cattle (Standing Committee on Agriculture, 1992). This includes a section on intensive cattle systems and deals with housing, space and accommodation of animals. It also includes (as Appendix 2) the Australian Lot Feeders' Association Code of Practice: Cattle Welfare in Feedlots, which deals with livestock management, feeding management and yard management as well as animal health issues.*

*The other welfare code is the Australian Model Code of Practice for the Welfare of Animals - Land Transport of Cattle (SCARM, 1999) which should be followed in the transport of cattle to and from the feedlot.'*

Meat and Livestock Australia (MLA) in its publications, tips and tools Feedlots – 'managing heat load in feedlot cattle – an overview' and 'Feedlot shade structures' reprinted in October 2006 also provide advice in respect to the provision of shade. There are also several other MLA tips and tools publications to assist feedlot operators. The overview document is attached as is that on feedlot shade structures.

The RSPCA also provide information on welfare issues associated with feedlots and includes the following advice as at October 2014:

*'Feedlots are yarded areas where cattle and sheep, after having been raised on pasture, are held in groups in close confinement for a period before they are slaughtered. Food and water for the animals are supplied mechanically or by hand. Feedlots are used to ensure that cattle and sheep reach a specific weight before slaughter and to provide consistent meat quality and quantity to meet market needs. Feedlots may also be used during poor seasonal conditions (e.g. drought) to feed animals and ensure they reach market weight.*

*There are around 600 cattle feedlots in Australia, with the largest regional concentrations in mixed farming areas of New South Wales and southern Queensland. Most cattle feedlots are accredited under the National Feedlot Accreditation Scheme and are required to adhere to the Model Code of Practice for the Welfare of Animals: Cattle. Accredited feedlots must also adhere to the National Guidelines for Beef Cattle Feedlots in Australia as a guide for environmental best*

*management practice. Accredited feedlots are independently audited on an annual basis to ensure compliance with NFAS and legislation.*

*A framework for the operation and management of sheep feedlots is available through the National Procedures and Guidelines for Intensive Sheep and Lamb Feeding Systems.*

*The RSPCA believes that the welfare of animals in feedlots is, in part, determined by the design and management of the facility. Feedlots should only be managed by trained and competent staff, and the facilities must at the very least be accredited under the National Feedlot Accreditation Scheme. Cattle will seek shade when it is available regardless of whether they are breeds adapted to hotter climates (Bos indicus) or southern breeds (Bos taurus) and feedlots should aim to provide shade to meet this need in a manner that doesn't compromise the ability to dry out the pens following wet weather. To avoid foot problems, good drainage and a suitable hard standing area are important. On the other hand, when conditions are dusty, water spraying can help control dust levels in feedlots. Management of the feedlot should follow the advice of veterinarians and nutritionists experienced with feedlot animals. Stocking density should be managed to avoid respiratory disorders and diets adjusted to avoid digestive problems. Sick animals should be quickly identified and treated.*

*The welfare of animals in feedlots can be enhanced by using low-stress stock-handling methods, by providing enrichment (e.g. through physical exercise), and by providing adequate roughage in the diet (to allow animals to chew their cud).'*

The State government has a 'Code of Practice for Cattle in Western Australia' published by the Department of Local Government and Regional Development in March 2003. That Code of Practice contains advice on climatic extremes and predation as follows:

*2.6.1 As far as practicable cattle should be protected from adverse weather conditions, including climatic extremes, unseasonal changes and other factors causing cold stress or heat stress. The provision of shade, or alternative means of cooling, such as misters and sprays, is required where cattle would otherwise suffer from heat stress, particularly where summer feedlotting is practised – see 7.2.*

*2.6.2 Where cold stress is likely, shelter (eg. windbreaks) and additional fodder should be provided. Cold stress is worsened by wind chill and wetting of the coat. Calves are particularly at risk.*

*2.6.3 Plans should be made and reasonable steps should be taken to ensure protection from the effects of natural disasters. In areas subject to flooding, care is necessary in paddock and facility design to allow access to some safe high ground, or to plan for stock evacuation to high ground. Adequate fire breaks should be maintained. Cattle must be attended to after a natural disaster such as bushfire or flood. Animals should be assessed by a competent person. Immediate treatment or humane destruction may be required depending on the animal's condition.*

*2.6.4 All reasonable steps should be taken to protect stock from predators.'*



The State Code of Practice at section 5.7 and 5.8 also addressed shade and animal welfare as follows:

*‘5.7 Shade in hot, dry climatic areas may be a requirement. Shade should be considered in such areas where the temperature exceeds 30 °C for an annual period in excess of 750 hours.*

*Recommendations for construction in high temperature areas.*

- *30 sq ft (2.76 sqm) per animal. 2. Height at least 10 ft (3.04 m).*
- *Orientated east and west for maximum Cooling - north and south if sanitation is a problem (wetness under shade).*
- *Use of solid construction material.*
- *Shade materials should where possible have radiation characteristics of white on top, black on underneath.*
- *For sloping shade high side is south.*

*5.8 The first and most important consideration for any feedlot manager is the wellbeing of all cattle under his control whether on the feedlot or in transit.*

*A feeding exercise should not be attempted unless the operator has the resources to comply with both ALFA and State operating codes.’*

The Australian government also has a ‘Model Code of Practice for the Welfare of Animals – Cattle’ which was prepared by the Primary Industries Standing Committee in 2004. That model code contains exactly the same relevant information on shade and animal welfare as the Western Australian Code of Practice.

The intention of this TPS Policy is to provide guidance to proponents of proposed feedlots in respect to making an application for planning consent. It is not intended to provide details in respect to all aspects of operating a feedlot. The proponents are to seek the advice of the experts in the field. The issue of animal welfare is an important consideration that cannot be overlooked and it can be seen it is addressed in the various Codes of Practice, Guidelines and RSPCA standards.

It is now proposed to introduce a new part 10) into the TPS Policy and to renumber the existing part 10) to be 11). The new part 10) reads:

*‘10) In establishing a feedlot a proponent must have regard to animal welfare and where necessary, consider the introduction of manufactured shade structures which can assist in reducing excessive heat load events. MLA has a series of publications on this issue, in particular that entitled ‘Feedlot shade structures’ should be used for guidance.’*

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.

An important consideration in a policy such as this is that it does not place restrictions on proponents that are over and above what are industry practices and standards set by agricultural, environmental and animal welfare experts for these kinds of operations.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That:

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

**‘Town Planning Scheme No. 3**

**Town Planning Scheme Policy No. 13.1.**

**FEEDLOTS****Definition**

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

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

**Objectives**

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

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

**Policy Criteria:**

- 1) **Feedlots are a defined land use and are permissible at the Council’s discretion following advertising in the Rural and Special Industrial zones under Town Planning Scheme No. 3.**
- 2) **An application for planning consent must be lodged with the Council and an approval obtained prior to establishing a feedlot. The application process will be dealt generally in accordance with the process shown in Appendix one.**
- 3) **In order for the Council to consider an application for planning consent an applicant must provide:**

- a) 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.
  - b) 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.
  - c) Details of the ultimate number of animals.
  - d) A Waste Management Plan (Detailed methods for the collection, storage and disposal of solid and liquid waste).
  - e) 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 Department of Water (DOW)]	200m
Boundary of wetland vegetation around estuaries and lakes	1000m
Neighbouring isolated residence or public amenities	5000m
Gazetted townsites	
Source: Department of Agriculture (DoA), Department of Environment Protection (DEP) and Water & Rivers Commission (WRC) (2002) <i>'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. For current

stocking rates, for various stock, consult the Department of Agriculture and Food WA (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 Department of Environment Regulation (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) In establishing a feedlot a proponent must have regard to animal welfare and where necessary, consider the introduction of manufactured shade structures which can assist in reducing excessive heat load events. Meat and Livestock Australia (MLA) has a series of publications on this issue, in particular that entitled 'Feedlot Shade Structures' should be used for guidance.
- 11) Approvals will contain conditions which may limit a maximum number of animals.

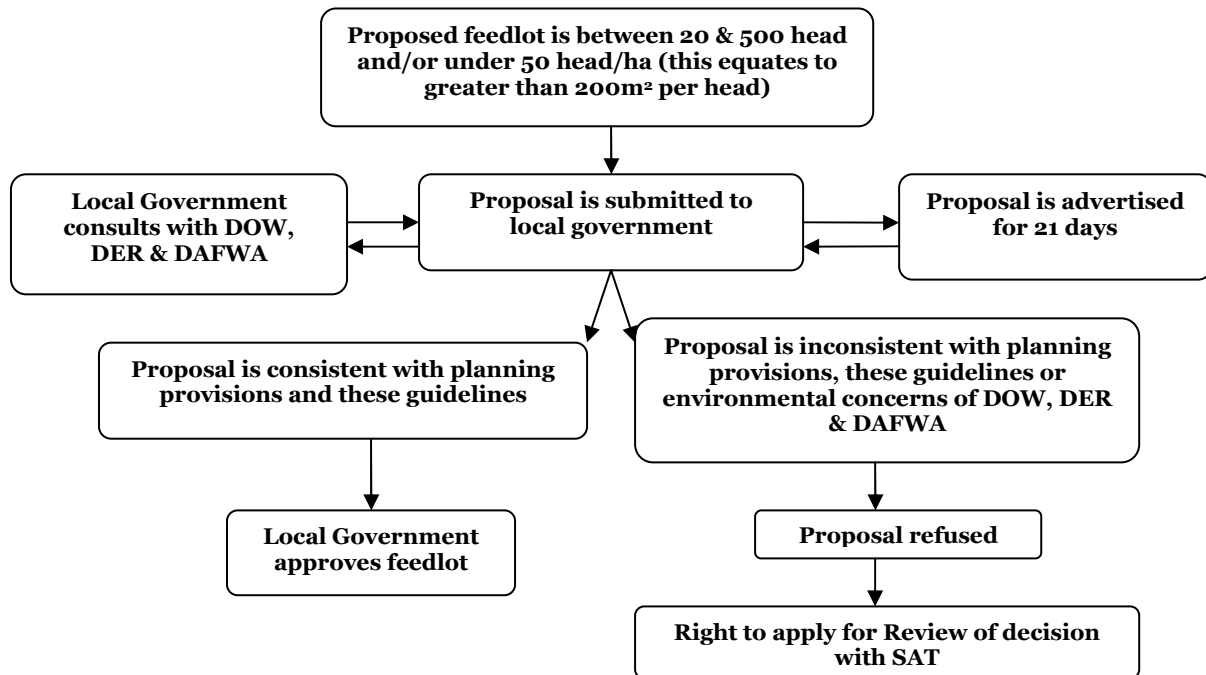
For further information on Cattle Feedlots refer to 'Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia'.

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

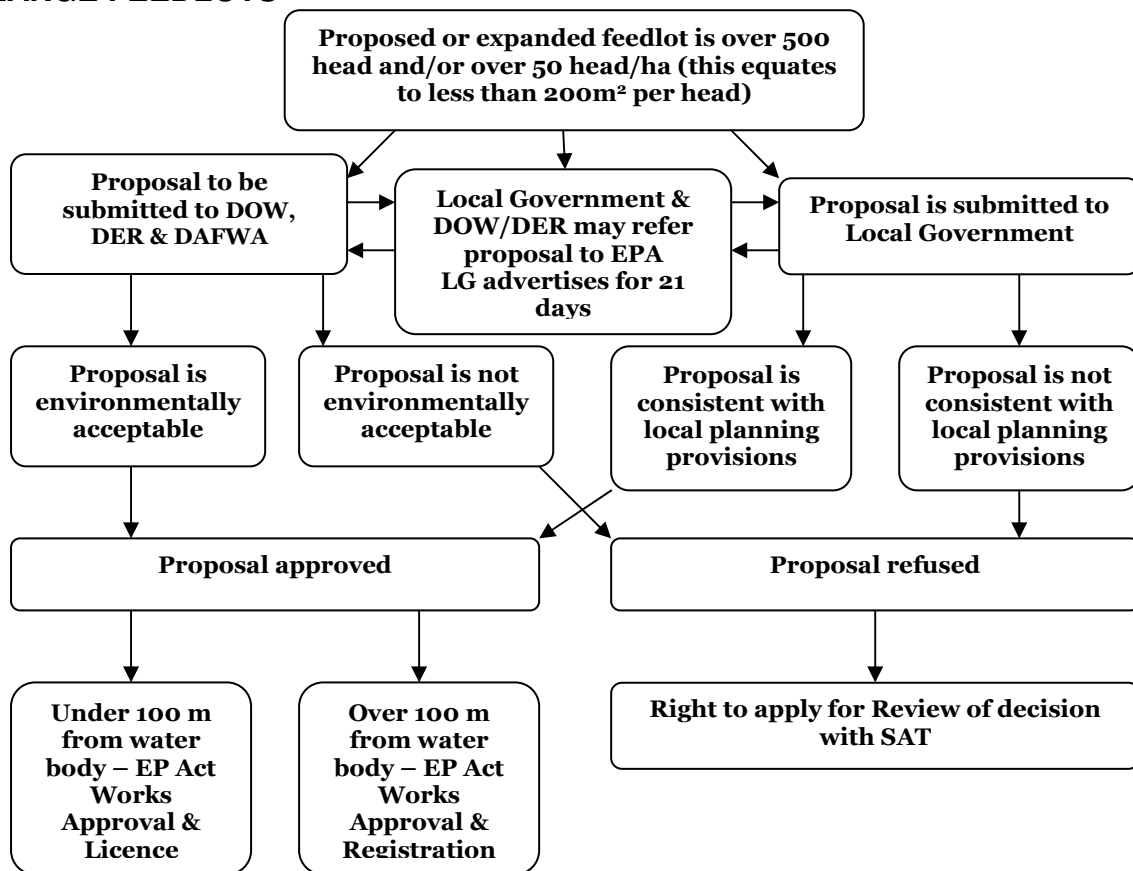
Adopted on ..... in accordance with clause 7.6 of Town Planning Scheme No. 3.

**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.

#### **AMENDMENT**

Moved Cr B Bell, seconded Cr S Etherington:

That in part 10:

1. Add the word 'install' be added after the word 'and' in the second line; and
2. Delete the words 'where necessary, consider the introduction of manufactured'.

**LOST (3/6)**

The motion was then put

**CARRIED (8/1)**

**NO. 57/15**

Cr Bell asked that his name be recorded as voting against the substantive motion.

### 9.1.3 LOT 1059 WRAGG ROAD, MOUNT BARKER - APPLICATION FOR TEMPORARY ACCOMMODATION

Cr G Messmer

Type: Closely Associated Person (Section 5.62 LGA)  
Nature: Applicant works for my wife  
Extent: Not required.

3:45pm Cr G Messmer withdrew from the meeting.

**File Ref:** N33524  
**Attachments:** [Location plan](#)  
[Site plan](#)  
[Floor plan](#)  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Eric Howard  
Environmental Health Officer  
**Proposed Meeting Date:** 31 March 2015

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#### PURPOSE

The purpose of this report is to consider an application for temporary accommodation at Lot 1059 Wragg Road, Mount Barker.

#### BACKGROUND

Shire records show the owners to be S and M Duggin.

An application has been received from the owner of Lot 1059 Wragg Road, Mount Barker seeking approval to occupy a caravan located on the lot for a period of 12 months during the construction of a Class 1a dwelling.

The applicant is finalising plans and specifications of building plans of the proposed outbuilding and Class 1a dwelling to be constructed on the lot. It is anticipated that the detailed application for both structures will be submitted for approval within six weeks.

#### STATUTORY ENVIRONMENT

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

- (2) *Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
  - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
-

- (c) *despite paragraph (b), by the local government of the district where the land is situated —*
- (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
- (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

### **FINANCIAL IMPLICATIONS**

The \$118.00 application fee has been paid.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

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

Strategy 3.6.1:

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

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

### **OFFICER COMMENT**

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

Ablution facilities are to be provided within the proposed outbuilding. An approved on-site sewage and wastewater treatment and disposal system will be installed and connected to the outbuilding's ablution facilities.

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

### **VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr C Pavlovich:

That the application for temporary accommodation at Lot 1059 Wragg Road, Mount Barker be approved for a period of 12 months effective from the date of issue of a building permit for the structures subject to:

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

**ADVICE NOTE:**

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

**CARRIED (8/0)**

**NO. 58/15**

3:47pm Cr G Messmer returned to the meeting.

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 STAFF ESTABLISHMENT - PROPOSED AMENDMENTS

#### Cr L Handasyde

Type: Closely Associated Person (Section 5.62 LGA)  
Nature: Daughter works at Shire Offices  
Extent: Not required

3:47pm Cr L Handasyde withdrew from the meeting.

**File Ref:** N33562  
**Attachments:** [Staff Establishment Chart - March 2015](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Donna McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 31 March 2015

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#### **PURPOSE**

The purpose of this report is to recommend an amendment to the existing staff establishment, including budget consideration for the 2015/2016 budget, for a new permanent full time position of General Hand – Parks and Gardens 1.0 Full Time Equivalent (FTE). A further minor amendment is required to reflect the restructure of the existing position of Accountant to Senior Administration Officer – Finance.

#### **BACKGROUND**

The Staff Establishment of the Council was last amended on 16 September 2014. At that meeting the Council resolved:

*‘That:*

- 1. A position of Parks and Gardens Apprentice (1 FTE) be created.*
- 2. The total Staff Establishment of the Shire of Plantagenet be amended from 58.4 FTE to 59.4 FTE.’*

The current staff structure of the Parks and Gardens Section is headed by the Supervisor Parks and Gardens under which there are two full time general hands and a recently appointed full time apprentice.

#### **STATUTORY ENVIRONMENT**

Pursuant to Section 5.36 9(b) of the Local Government Act 1995 – Local Government employees, a Local government is to employ (other than a Chief Executive Officer):

*‘Such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.’*

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And at Section 5.41(g) – Function of CEO, (among other things) are to:

*‘Be responsible for the employment, management supervision, direction and dismissal of other employees.’*

### **FINANCIAL IMPLICATIONS**

The General Hand – Parks and Gardens position, if created, would be classified at Level 4, with an estimated annual salary of \$52,910.02, which includes the 9.5% superannuation guarantee, four weeks annual leave plus loading at 17.5%.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

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

Strategy 2.3.1:

*‘Manage and maintain the Council’s parks, gardens and open space at appropriate standards’* and

Strategy 2.3.2:

*‘Develop, maintain and enhance town streetscapes and public spaces.’*

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

### **OFFICER COMMENT**

A permanent full time General Hand – Parks and Gardens (1 FTE) is requested for Works and Services. The position will be allocated at 0.4 FTE town centre maintenance and 0.6 FTE for Parks and Gardens. The creation of this new position will ensure adequate maintenance is undertaken in the town centre.

Upon completion of Sounness Park’s Stage 2 and 3 facilities, Parks and Gardens staff will be required to maintain two sporting ovals, a hockey turf and the gardens within the precinct. The football oval in particular requires extra maintenance due to its construction to an AFL level and possible use for WAFL games.

In addition to these sporting facility requirements, townscaping improvements are planned. Stage 2 of the War Memorial, ‘We Remember Them’ walk, is currently scheduled for commencement mid-year. Wilson Park has been revamped, the new cemetery landscaping involves additional garden beds and streetscapes within the townsite of Mount Barker are planned for upgrading. The Narrikup community is now using the Narrikup oval more often thereby requiring more maintenance by the Council.

Prior to 2006, the Parks and Gardens section employed four staff. In addition, Pardelup's Section 95 division provided labour for 2 to 3 days per week to assist employees. Following a staff member's resignation, that position was not filled. Since then, the only staff adjustment in Parks and Gardens has been the recent addition of an apprentice. The Supervisor Parks and Gardens has had to rely on staff from the construction and maintenance crews to cope with the further demands of installing drainage and top dressing the football oval to bring it up to competition level. Whilst this was an extra project, the nature of turf is such that constant maintenance is required to maintain the expected level.

It is considered that current staffing levels are not enough to service these requirements, future projects and to continue to maintain the townsites to the expected high level.

The current Accountant/Office Manager, has tendered his resignation effective 6 April 2015. It is recommended that the position be restructured and renamed to that of Senior Administration Officer – Finance. The restructure will allow for the key duties/responsibilities of the position to be broadened and allow the recruitment selection panel to consider a wider range of suitable applicants. The position will remain at 1 FTE.

#### **VOTING REQUIREMENTS**

Simple Majority

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

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

**That:**

- 1. A new position of General Hand – Parks and Gardens (1FTE) be created.**
- 2. The position of Accountant/Office Manager be renamed Senior Administration Officer – Finance.**
- 3. The total Staff Establishment for the Shire of Plantagenet be amended from 59.4 FTE to 60.4 FTE.**

**CARRIED (8/0)**

**NO. 59/15**

3:48pm Cr L Handasyde returned to the meeting.

### 9.3 COMMUNITY SERVICES REPORTS

#### 9.3.1 BUDGET AMENDMENT - HOURLY FEE FOR HIRE OF FROST PAVILION

<b>File Ref:</b>	<b>N33549</b>
<b>Responsible Officer:</b>	<b>Fiona Saurin Manager Community Services</b>
<b>Author:</b>	<b>Isabelle Draffehn Community Development Officer</b>
<b>Proposed Meeting Date:</b>	<b>31 March 2015</b>

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#### **PURPOSE**

The purpose of this report is to recommend the adoption of an additional hourly hire fee for Frost Pavilion in the Shire of Plantagenet's Annual Budget (Fees & Charges).

#### **BACKGROUND**

Frost Pavilion at Frost Park, McDonald Avenue Mount Barker is being used by several community and sporting groups. Currently the pavilion is available for hire for either half a day (less than four hours) or a full day (more than four hours). The Speedsters Club uses the facility on a regular basis and has approached the Shire suggesting that an hourly hire rate be implemented.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

Sections 6.16 – 6.19 inclusive of the Local Government Act 1995 determine the procedure for setting fees and charges. Section 6.16 (3) states:

*'Fees and charges are to be imposed when adopting the annual budget but may be –*

- (a) imposed\* during a financial year;*
- (b) amended\* from time to time during a financial year.*

*\*Absolute majority vote required.'*

Section 6.19 states:

*'If a local government wishes to impose any fees and charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –*

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.'*

The amended fees and charges will need to be advertised for a minimum period of seven days in accordance with the definition of 'Local Public Notice' at Section 1.7 of the Local Government Act 1995.

Alternatively, the new fees could be recommended for inclusion in the 2015/2016 budget.

### **EXTERNAL CONSULTATION**

Consultation has occurred with the Speedsters Club.

### **FINANCIAL IMPLICATIONS**

An hourly hire fee of \$20.00 is proposed. Bond charges apply according to the current fees and charges in the Annual Budget.

The adopted half day rate for the pavilion is \$63.50.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

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

Strategy 1.5.2:

*'Promote sporting, recreation and leisure facilities and programs in the District'*

At Outcome 1.6 (Quality of life for the aged) the following Strategy:

Strategy 1.6.1:

*'Advocate the provision and promotion of services and facilities that meet the needs of the aged'.*

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

### **OFFICER COMMENT**

It is recommended that an additional hourly hire fee of \$20.00 for Frost Pavilion be implemented to encourage increased usage of Frost Pavilion.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That the 2015/2016 Council Budget (Fees and Charges) be recommended to include an hourly hire fee for Frost Pavilion of \$20.00.

**ALTERNATIVE RECOMMENDATION**

Moved Cr S Etherington, seconded Cr B Bell:

That;

1. The 2014/2015 Council Budget (Fees and Charges) be amended to include an hourly hire fee for Frost Pavilion of \$20.00, effective from 9 April 2015.
2. The change above be advertised in accordance with Sections 6.16 – 6.19 inclusive of the Local Government Act 1995.

**CARRIED (9/0)**

**NO. 60/15**

**Absolute Majority**

Reason for Change

Councillors believed that the new fee should be introduced as soon as possible.

**9.3.2 POLICY ADOPTION - ADVERTISING SIGNAGE AT SOUNNESS PARK**Cr C Pavlovich

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

Nature: Indirect financial interest as employer may pay for sponsorship to Sounness Park users by way of advertising through signage.

Extent: Not required.

3:51pm Cr C Pavlovich withdrew from the meeting.

**File Ref:** N33577  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Fiona Saurin  
Manager Community Services  
**Proposed Meeting Date:** 31 March 2015

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**PURPOSE**

The purpose of this report is to recommend the adoption of new Policy SC/CS/1 'Advertising Signage at Sounness Park'.

**BACKGROUND**

The Shire of Plantagenet is aware that the Mount Barker Football Club has enquired 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.

At its meeting held on 3 March 2015, the Council resolved:

*'That:*

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

**STATUTORY ENVIRONMENT**

Shire of Plantagenet Local Government Property Local Law 2008. Specifically Clause 3.13 (1)(b): (A person shall not without a permit) 'advertise anything by any means on Local Government Property.'

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.



However, it is understood that sporting clubs have been raising revenue through the sale of advertising signs situated on Council property.

### **POLICY IMPLICATIONS**

This report will recommend the adoption of a new policy – ‘Advertising signage at Sounness Park’.

### **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 Strategy:

Strategy 1.5.3:

*‘Develop Sounness Park as the primary ball sports facility in the District’;*

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**

During site investigations to assist the development of a thematic signage document for Sounness Park, it was established that traditional forms of advertising around the football oval would not suit the Sounness Park site. Due to the size of the oval and limitations to signage height, advertising would not be readily seen from the opposite boundary and its efficacy therefore reduced.

Advertising options would best be discussed and developed with a combined sporting association; therefore it is recommended that permits not be issued for permanent signage at the Sounness Park facility until the formation of a combined sporting association that has the oversight of usage at Sounness Park.

The future combined sporting association would then benefit from advertising revenue through equitable distribution of funds raised.

Until a combined sporting association is established that will manage the distribution of advertising, any revenue raised from advertising would go directly to the individual clubs.

Temporary banners and signage erected during sporting events provide many advantages; therefore this form of advertising has been adopted at other sporting facilities such as the City of Albany.

Some of the advantages of temporary signage include:

- Signage can be moved to allow for additional coverage for advertisers such as allowing game day sponsors to have prime advertising spots;
- Advertising can be restricted or value added more readily, enabling clubs to use advertising banners at fundraising events and presentations;
- Banners can be placed around the club room facilities, or where spectators congregate;
- Advertising banners can be kept fresh and replaced easily. Old signage is not allowed to deteriorate;
- Advertisers can use the same banners for different sports leaving more sponsorship dollars for the sporting clubs;
- Temporary advertising ensures a 'clean' site so that the facilities are more attractive to special events that may have their own sponsorship arrangements;
- Electronic scoreboard sponsorship allows for several sponsors to enjoy game day coverage pre game, during intervals and post game. The scoreboard has the capacity to upload logos and sponsors' details in several formats; and
- Permanent signage becomes 'invisible' after some time, reducing the impact for the advertiser.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

1. **New Council Policy CS/SC/1 - 'Advertising Signage at Sounness Park' as follows:**

### **'OBJECTIVE**

**To provide clear parameters for the display of advertising at Sounness Park, McDonald Avenue, Mount Barker.**

### **POLICY**

1. **Apart from entrance, naming and directional signage no permanent signage is allowed at Sounness Park.**
2. **Temporary advertising signage can be erected for the duration of sporting events. The signage is to be dismantled at the conclusion of the sporting event.**
3. **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.**

- 4. No advertising signage shall be painted or erected on any of the playing surfaces without the prior approval of the Manager Works and Services.**
- 5. 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.**
- 6. 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 adopted.**

- 2. Policy CS/SC/1 Advertising Signage at Sounness Park be reviewed upon the incorporation of a Combined Sporting Association having oversight of Sounness Park or at the meeting of the Council to be held in March 2017, whichever comes first.**

**CARRIED (8/0)**

**NO. 61/15**

4:03pm Cr C Pavlovich returned to the meeting.

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 FINANCIAL STATEMENTS - FEBRUARY 2015

<b>File Ref:</b>	<b>N33515</b>
<b>Attachment:</b>	<a href="#">Financial Statements (separate attachment)</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Brendan Webb</b> <b>Accountant</b>
<b>Proposed Meeting Date:</b>	<b>31 March 2015</b>

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#### **PURPOSE**

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 28 February 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**

There are no strategic implications for this report.

#### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr S Etherington, seconded Cr J Oldfield:**

**That the Financial Statement for the period ending 28 February 2015 be received.**

**CARRIED (9/0)**

**NO. 62/15**

**9.4.2 LIST OF ACCOUNTS - FEBRUARY 2015**

<b>File Ref:</b>	<b>N33516</b>
<b>Attachments:</b>	<a href="#">List of Accounts</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Emma Gardner</b> <b>Accounts Officer</b>
<b>Proposed Meeting Date:</b>	<b>31 March 2015</b>

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**PURPOSE**

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

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month 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 \$903,190.11;
2. Municipal Cheques 45084 – 45093 and 45095 – 45118 totalling \$115,897.13;
3. Cancelled Municipal Cheque 45094; and
4. Trust Cheques 366 – 378 totalling \$1891.35.

**CARRIED (9/0)**

**NO. 63/15**

**9.4.3 ATTENDANCE FEES AND ALLOWANCES - COUNCILLORS**

<b>File Ref:</b>	<b>N33385</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>31 March 2015</b>

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**PURPOSE**

The purpose of this report is to review and recommend adoption of the elected member expenses and allowances for the 2015/2016 financial year.

**BACKGROUND**

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

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

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

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

**STATUTORY ENVIRONMENT**

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

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

- Annual attendance fee (Shire President) – Minimum \$7,500.00; Maximum \$24,720.00.
- Annual attendance fees (Councillor) - Minimum \$7,500.00; Maximum \$15,965.00.
- Shire President's Annual Allowance:
  - Minimum - \$1,000.00;
  - Maximum - \$36,050.00 or 0.2% of the local government's operating revenue, whichever is the lesser amount. This calculation currently



equates to \$21,587.75 for the Shire of Plantagenet. As this is less than \$36,050.00, \$21,587.75 is the maximum allowance amount for the Shire President.

- Deputy President's Annual Allowance - Minimum \$250.00, Maximum 25% of the Shire President's allowance (\$5,396.94).

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

*'A local government may decide\* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).*

*Absolute majority required.'*

Section 5.99 of the Local Government Act 1995 states that:

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

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

*Absolute majority required.'*

Section 5.63(1)(c) of the Act states that the requirement to declare an interest do not apply to a person who has *'an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers'*.

## **FINANCIAL IMPLICATIONS**

An allocation of \$84,074.00 has been made in the 2014/2015 annual budget for elected members' attendance fees and allowances. The outcome of this report will guide the formulation of the 2015/2016 draft 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 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.5:

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

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

### **OFFICER COMMENT**

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

The Shire President's and Deputy President's Annual Allowances have been increased every year since 2010, but prior to then, had not been increased since 2005/2006. The recommended fees and allowances include an increment equivalent to the latest Consumer Price Index movement.

### **VOTING REQUIREMENTS**

Absolute Majority

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

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

**That in accordance with Sections 5.98A (1) and 5.99 of the Local Government Act 1995, elected member attendance fees and allowances for the 2015/2016 financial year be set as follows:**

- 1. Annual attendance fee (Shire President) \$14,800.00.**
- 2. Annual attendance fee (Councillor) \$7,900.00.**
- 3. Shire President's Annual Allowance \$6,500.00.**
- 4. Deputy President's Annual Allowance \$1,625.00.**

**CARRIED (9/0)**

**NO. 64/15**

**Absolute Majority**

#### 9.4.4 FERAL PIG CONTROL - GRANT AGREEMENT - DEPARTMENT OF THE ENVIRONMENT

<b>File Ref:</b>	<b>N33539</b>
<b>Attachment</b>	<a href="#">Funding Agreement – Department of the Environment</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>31 March 2015</b>

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#### **PURPOSE**

The purpose of this report is to enter into a Grant Agreement (on behalf of the Lake Muir / Denbarker Feral Pig Eradication Group) with the Commonwealth Department of the Environment for a grant of \$20,000.00 towards feral pig control.

#### **BACKGROUND**

The Shire of Plantagenet auspices the Lake Muir / Denbarker Feral Pig Eradication Group by providing financial control, some administrative tasks and contracting with their various grant funders. The group has been successful in attracting grant funding of \$20,000.00 (ex GST) from the Department of the Environment for feral pig control in the Lake Muir Byenup Ramsar Wetlands.

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **EXTERNAL CONSULTATION**

The Lake Muir / Denbarker Feral Pig Control Group has endorsed this proposal.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report. The Council auspices the feral pig control group and therefore the grant funds will be the responsibility of the group to spend and acquit in line with the agreement.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.7 (Protection of natural environment) the following Strategy:

Strategy 2.7.2:

*'Support the management of feral animals'*

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

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**OFFICER COMMENT**

The Lake Muir / Denbarker Feral Pig Eradication Group will undertake all of the relevant trapping activities together with the reporting and acquittal of this grant. The group has confirmed that it can undertake the relevant contractual obligations. Execution of the new document is therefore recommended.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Moir, seconded Cr C Pavlovich:**

**That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to a Grant Agreement between the Shire of Plantagenet and the Department of the Environment for a sum of \$20,000.00 (ex GST) towards feral pig control to be undertaken by the Lake Muir / Denbarker Feral Pig Eradication Group.**

**CARRIED (9/0)**

**NO. 65/15**

**9.4.5 POLICY REVIEW - VEHICLE REGISTRATION PLATES**

<b>File Ref:</b>	<b>N33605</b>
<b>Responsible Officer:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Donna McDonald Senior Administration/Human Resources Officer</b>
<b>Proposed Meeting Date:</b>	<b>31 March 2015</b>

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**PURPOSE**

The purpose of this report is to review Council Policy No. A/PA/12 – Vehicle Registration Plates.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 26 March 2013.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

The review of this policy is presented to the Council as part of the ongoing Council Policy review cycle. However it is suggested that this policy be next reviewed in four years time.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr S Etherington:

That:

1. Council Policy No. A/PA/12 – Vehicle Registration Plates, as follows:

**‘OBJECTIVE:**

To apply restrictions to the allocation of local authority (Numeral-PL) vehicle registration plates.

**POLICY:**

That with respect to the issue of local authority vehicle registration plates (Numeral-PL), the Council will not issue plates with a zero prefix.’

be endorsed.

2. This policy be next reviewed by the Council at its meeting to be held in March 2019.

**CARRIED (9/0)**

**NO. 66/15**

## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 LOCAL LAW REVIEW

<b>File Ref:</b>	<b>N33569</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>Linda Sounness Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>31 March 2015</b>

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#### **PURPOSE**

The purpose of this report is to inform the Council of an intention to review Local Laws in collaboration with Southern Link Voluntary Regional Organisation of Councils (VROC) partners, the Shires of Broomehill-Tambellup, Cranbrook and Kojonup.

#### **BACKGROUND**

The Local Government Act 1995 requires that a Council must, eight years after adoption of any Local Law, review the local law to ensure that it still retains currency.

The Shire of Plantagenet's last review of local laws was in 2008 and was undertaken by J Gilfellow.

Currently the Shire of Plantagenet has 11 Local Laws. These are:

- Health Local Law
- Extractive Industry Local Law
- Dogs Local Law
- Cemeteries Local Law
- Local Government Property Local Law
- Standing Orders Local Law
- Landfill and Transfer Station Local Law
- Bushfire Brigade Local Law
- Parking and Parking Facilities Local Law
- Pest Plants Local Law
- Activities in Thoroughfares and Public Places Trading Local Law

Through the VROC meetings an opportunity was identified to undertake this mandatory review of Local Laws collaboratively. WA Local Government Association (WALGA) offer a suite of templates for Local Laws which can be changed to suit local conditions.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 3.16.

## EXTERNAL CONSULTATION

VROC CEOs have previously discussed the proposal to undertake a review of Local Laws in a collaborative manner. Discussions have also been held with a representative from WALGA.

## FINANCIAL IMPLICATIONS

Costs associated with the review will be advertising and gazettal of the reviewed local laws. There is provision for advertising within the budget. External assistance should not be necessary.

## POLICY IMPLICATIONS

There are no policy implications for this report.

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Goal 4:

Goal 4 - Effective Governance and Organisation:

*'An open and accountable professional organisation providing leadership for the community.'*

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

## REGIONAL IMPLICATIONS

This report directly relates to the operations of the members of the VROC.

## OFFICER COMMENT

At its meeting held on 25 February 2015 the VROC endorsed this collaborative approach to the review of Local Laws.

The first stage in this collaborative review of local laws is to review, identify, compare, seek public comment and develop actions. Following this a further report will be submitted to each member Council so that determinations by resolution can be made as to whether or not the local law should be repealed, amended or a new local law adopted.

The following table identifies each member Council's Local Laws:

<b>Plantagenet</b>	<b>Broomehill-Tambellup</b>	<b>Cranbrook</b>	<b>Kojonup</b>
Activities in Thoroughfares and Public Places and Trading Local law	Activities on Thoroughfares Local Law	Activities in Thoroughfares and Public Places and Trading Local law	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Bushfire Brigade Local Law		Bushfire Brigades Local Law	
Cemeteries Local Law	Cemeteries Local Law	Cemeteries Local Law	Cemeteries Local Laws



Dogs Local Law	Dogs Local Law	Dogs Local Law	
Extractive Industry Local Law	Extractive Industries Local Law		
Health Local Law	Health Local Law	Health Local Laws	Health Local Laws
	Fencing Local Law		
Landfill and Transfer Station Local law			
Local Government Property Local Law	Local Government Property Local Law	Local Government Property Local Law	Local Government Property Local Law
Parking and Parking Facilities Local Law			
Pest Plants Local Law	Pest Plants Local Law		
Standing Orders Local law	Standing Orders Local Law	Standing Orders Local law	Standing Orders Local Law
	Removal of Refuse, Rubbish and Disused Materials Local Law		
	Waste Services Amendment Local Law		
	Waste Services Local Law		

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr B Bell:

That:

1. A review of local laws be undertaken pursuant to Section 3.16 of the Local Government Act collaboratively with Southern Link VROC partners the Shires of Broomehill-Tambellup, Cranbrook and Kojonup.
2. A further report be submitted to the Council at its meeting to be held on or before 15 September 2015 so that the Council can determine whether any local law should be repealed or amended.

**CARRIED (8/1)**

**NO. 67/15**

**9.5.2 POLICY REVIEW - ELECTED MEMBER EXPENSES TO BE REIMBURSED**

<b>File Ref:</b>	<b>N33607</b>
<b>Attachments:</b>	<a href="#"><u>Policy Elected Members Expenses to be reimbursed (with amendments)</u></a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Linda Sounness</b> <b>Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>31 March 2015</b>

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**PURPOSE**

The purpose of this report is to review Council Policy CE/CS/1 'Elected Member Expenses to be Reimbursed'.

**BACKGROUND**

This policy was last reviewed and amended at the Council Meeting held 3 May 2011.

**STATUTORY ENVIRONMENT**

Local Government (Administration) Regulations 1996 (Part 8 Regulation 30 to 34 AD) apply.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report however annual allocations are included for budget consideration relating to Account 20026.0029 (Conferences, Training and Accommodation) and Account 20026.0032 (Local Government Convention).

**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 Strategies:

Strategy 4.1.1:

*'Provide effective leadership for the community';*

Strategy 4.1.4:

*'Support strategic alliances, stakeholder forums and advisory committees that assist Shire in policy development and service planning' and*

Strategy 4.1.5:

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

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

### **REGIONAL IMPLICATIONS**

The Southern Link VROC Strategic Directions 2015-2020 identifies in Goal Two (Provide sub regional leadership through the VROC) include actions such as '*Ensure Southern Link VROC is included into induction for all new Elected Members*' and '*Conduct Elected Member Forums to promote the progress of the VROC.*'

### **OFFICER COMMENT**

Amendments to this policy are suggested to reflect the current training pathway opportunities for Elected Members offered by the Western Australian Local Government Association (WALGA) and to further clarify the process for Councillors to submit reports after conference/seminar attendance.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr J Oldfield, seconded Cr C Pavlovich:**

**That amended Council Policy CE/CS/1 'Elected Member Expenses to be Reimbursed' as follows:**

#### **'OBJECTIVE**

**To enable Councillors to attend meetings, conferences and training opportunities while ensuring that individuals are not financially disadvantaged in doing so.**

#### **POLICY**

**That elected members receive reimbursement of expenses as detailed below whilst attending the following:**

1. a) **Council and Committee meetings held in accordance with the provisions of the Local Government Act;**
- b) **Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;**
- c) **Conferences and training sessions specifically authorised by the Council;**
- d) **Any official social function organised by, or on behalf of, the Shire of Plantagenet.**
2. **Travel**

- a) Councillors should utilise Council vehicles to attend meetings where they are authorised delegates of the Council subject to a vehicle being available;
- b) Reimbursement for the use of a private vehicle to be set in accordance with Clause 15.2 (Vehicle Allowance) of the Local Government Industry Award 2010;
- c) Where a Councillor is a member of an external committee and reimbursement of expenses is a condition of the membership, reimbursement of expenses will not be provided by the Council; and
- d) If a Council vehicle is made available and not utilised, no expenses will be reimbursed for the use of a private vehicle.

### 3. Accommodation

Accommodation, meals, and parking expenses incurred to a maximum of \$375.00 per day will be reimbursed provided that all receipts are presented. Any unforeseen or additional expenses incurred will be paid only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

Refreshments consumed with meals will be reimbursed, however all other refreshments (e.g. hotel mini bar) will not be reimbursed by the Council.

### 4. Conference/Meeting Attendance Costs

Where conference attendance is authorised by the Council, all conference attendance costs will be paid/reimbursed. Reimbursement for partners of members will be limited to:

- a) All meal costs;
- b) Accommodation, where such does not incur any additional expenditure for the Council;
- c) Any official social functions included on the official program of the conference/meeting; and
- d) All events listed on the partner's itinerary.

5. Priority will be given to any conference or seminar that is specifically relevant to Councillors. Attendance at such conference or seminar is subject to approval by the Council. Councillors' attendance at seminars/conferences is subject to budget provision.

6. Conferences, seminars or courses held by organisations of which the Council is a member, or has an interest in, would usually be attended by the Council's appointed representatives to those organisations.

7. When determining costs of a conference or seminar, all costs associated with attendance at the conference or seminar, including travel, accommodation, meals, telephone and other expenses, within reason and supported by receipts, to be included and paid for by the Council.
8. Reports of conference or seminar attendance are required in writing to the Council for inclusion in the Information Bulletin immediately following the conference/seminar attendance.
9. The type of conference or seminar that Councillors attend would generally be related to a particular function or activity in which the Council is involved, rather than individual or personal development type conference/seminars.
10. **Elected Member – Local Government Training – Learning and Development Pathway**
  - 10.1 As soon as practicable after appointment, newly elected are encouraged to undertake the training module ‘Understanding Local Government’. This course provides an overview of the roles and responsibilities of Elected Members, the Local Government environment and protocols and procedures affecting the way Local Governments operate.
  - 10.2 Within their first term, Councillors are encouraged to undertake the Elected Member Skill Set which involves two days or six hours online training which addresses the introductory skills required to operate effectively in the Local Government environment.
  - 10.3 All Councillors are encouraged to strive for a Diploma of Local Government which involves 10 modules (two of which may have been completed within the ‘Elected Member Skill Set’ training).
  - 10.4 All Local Government training requests referred to in 10.1, 10.2 and 10.3 above are to be forwarded to the Chief Executive Officer who, in consultation with budget allocations, make arrangements for registrations.

**Notes:**

Accommodation requirements, whenever possible, are to be arranged in advance by the Chief Executive Officer and confirmed by an official purchase order. With regard to all other expenses, receipts are to be submitted to the Chief Executive Officer for reimbursement.’

be endorsed.

**CARRIED (9/0)**

**NO. 68/15**

**9.5.3 MUNICIPAL ASSOCIATION OF VICTORIA - 2015 FUTURE OF LOCAL GOVERNMENT SUMMIT - COUNCILLOR ATTENDANCE**

**File Ref:** N33572  
**Attachments:** [Program details](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Linda Sounness  
Executive Secretary  
**Proposed Meeting Date:** 31 March 2015

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**PURPOSE**

The purpose of this report is to recommend the attendance of a Councillor at the Municipal Association of Victoria – Future of Local Government 11<sup>th</sup> National Summit being held in Melbourne on 28 and 29 May 2015.

**BACKGROUND**

The Shire President and Deputy Shire President attended the 2014 Future of Local Government National Summit.

The Shire President and Deputy Shire President circulated reports and information to Councillors following that conference.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

Registration is \$594.00 (inc gst). Return airfare is approximately \$550.00. Accommodation and meals for three nights would be approximately \$750.00. Approximate charges would be in the vicinity of \$1,894.00.

Council governance budget item 20026.0029 (conferences, training and accommodation) allocation is \$15,000.00 for 2014/2015, with the balance at the time of writing this report of \$7,000.00.

**POLICY IMPLICATIONS**

Council policy CE/CS/1 – ‘Elected Member Expenses to be Reimbursed’ applies.

**STRATEGIC IMPLICATIONS**

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

Strategy 4.1.5:

*‘Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role’*

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

Strategy 4.2.4:

*'Promote the profile of the district at appropriate regional, State and Federal forums.'*

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

## **REGIONAL IMPLICATIONS**

The VROC has recommended the attendance of a representative to attend the 2015 Summit.

## **OFFICER COMMENT**

The preamble regarding the 2015 Summit is as follows:

*'Local government is facing unprecedented challenges. Change is underway, are you embracing the connected future or still pursuing business as usual?'*

*The 11th Future of Local Government National Summit ... (acknowledges) that:*

- *demand for services is increasing and the resources to deliver are decreasing*
- *the days of each council doing its own thing are coming to an end – it is not compatible with the digital age and is not sustainable*
- *a collaborative and more productive local government delivering priority outcomes to a more engaged community is achievable but will require fundamental changes*
- *a new relationship between government and citizens (G2C) is evolving rapidly and councils need to be collaborating and innovating as never before.*

*The 2013 Summit features an array of local and international speakers discussing these future directions.*

*Case studies will be presented showcasing a number of transformative projects with a number of Smart Councils leading the way.*

*This conference is suitable for anyone with an interest in the future of local government.'*

Both the Shire President and Deputy Shire President reported favourably on the attendance at the 2014 Summit.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr S Etherington, seconded Cr B Bell:

That:

1. Cr Handasyde and Cr Oldfield be authorised to attend the Municipal Association of Victoria Future of Local Government National Summit in Melbourne on 28 and 29 May 2015.
2. All costs relating to registration, travel and accommodation be charged to budget item 20026.0029.
3. A report on the conference be submitted for inclusion in the Councillors' Bulletin immediately prior to the Council meeting to be held on 23 June 2015.

**AMENDMENT**

Moved Cr B Bell, seconded Cr G Messmer:

That the name 'Cr Pavlovich' be added after the name 'Handasyde' in part 1 of the motion.

CARRIED (8/1)

NO. 69/15

**COUNCIL DECISION**

That:

1. Cr Handasyde, Cr Pavlovich and Cr Oldfield be authorised to attend the Municipal Association of Victoria Future of Local Government National Summit in Melbourne on 28 and 29 May 2015.
2. All costs relating to registration, travel and accommodation be charged to budget item 20026.0029.
3. A report on the conference be submitted for inclusion in the Councillors' Bulletin immediately prior to the Council meeting to be held on 23 June 2015.

CARRIED (9/0)

NO. 70/15



#### 9.5.4 SOUTHERN LINK VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) - ADOPTION OF NEW STRATEGIC PLAN

<b>File Ref:</b>	<b>N33559</b>
<b>Attachments:</b>	<a href="#">SL VROC Strategic Directions 2015-2020 Final</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Linda Sounness</b> <b>Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>31 March 2015</b>

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#### **PURPOSE**

The purpose of this report is to present to the Council a new Southern Link Voluntary Regional Organisation of Councils (VROC) Strategic Plan.

#### **BACKGROUND**

The inaugural meeting of the VROC was held on 27 November 2008. A partnering agreement was developed between the four member Councils (Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet) and the then Minister for Local Government the Hon John Castrilli attended that signing ceremony.

Subsequently the VROC's first strategic plan was developed and adopted by each member Council. The Shire of Plantagenet adopted the plan at its meeting held on 25 May 2010 and a review of this plan undertaken in 2011. All Councils adopted the revised plan. The Shire of Plantagenet adopted the revised plan on 7 February 2012.

During 2014, as part of its forward planning and in recognition of decreasing funding opportunities, the VROC agreed that a new strategic plan was required and a consultant was appointed to drive this process.

Several planning workshops with individual Councils as well as combined groups, collating both Councillor and staff viewpoints were held. The results of the planning sessions were summarised in a document presented to the full VROC on 26 November 2014. At this meeting further minor changes were requested.

#### **STATUTORY ENVIRONMENT**

A VROC, as its name suggests, is a voluntary co-operative grouping of like-minded Councils. Therefore it is not recognised in the Local Government Act the way regional local governments are recognised pursuant Section 3.61 of the Local Government Act.

Nevertheless, in the past the regional grouping has been recognised for funding, especially regarding the regional component of Royalties for Regions.

#### **EXTERNAL CONSULTATION**

Several meetings were facilitated by Consultant Mr Bevan Bessan of Tuna Blue Pty Ltd and involved VROC CEOs, individual Council Elected Members/Senior Staff,

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joint VROC Senior Staff and a Full VROC Meeting to develop the new Strategic Plan.

### **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 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following strategy:

Strategy 2.6.2:

*'Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure.'*

Further Outcome 3.2 (a strong and diverse economic base) provides the following strategy:

Strategy 3.2.2:

*'Promote and support local industry development initiatives including export in partnership with the State Government and regional organisations.'*

Outcome 4.1 (Effective governance and leadership) also provides the following strategy:

Strategy 4.1.4:

*'Support strategic alliances, stakeholder forums and advisory committees that assist Shire of Policy development and service planning'; and*

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

Strategy 4.2.3:

*'Develop positive relations with other Councils'*

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

### **REGIONAL IMPLICATIONS**

This report directly relates to the regional implications of the VROC.

### **OFFICER COMMENT**

The VROC Strategic Plan document 'Strategic Directions (2015-2020)' provides a framework to commence collaborative implementation planning within the four VROC member Councils.

Throughout the strategic planning process opportunities were identified and already some of the chosen strategies are being implemented including:

Goal 3: Environment (Value and protect the environment):

Strategy 2 – Encourage natural resource management – encourage waste water harvesting and recycling of waste water; and

Strategy 3 – Improve waste management – Develop opportunities for combined waste management for collection services, transfer station management and landfill operations.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr L Handasyde, seconded Cr A Budrikis:**

**That the Strategic Plan ‘Strategic Directions 2015-2020’ of the Southern Link Voluntary Regional Organisation of Councils, as attached be endorsed without alteration.**

**CARRIED (9/0)**

**NO. 71/15**

### **9.5.5 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CONVENTION AND TRADE EXHIBITION 2015**

**File Ref:** N33608  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Linda Sounness  
Executive Secretary  
**Proposed Meeting Date:** 31 March 2015

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#### **PURPOSE**

The purpose of this report is to consider attendance by Councillors at the Western Australian Local Government Association (WALGA) Convention and Trade Exhibition 2015 to be held Wednesday 5 August to Friday 7 August 2015 and to endorse voting delegates for the WALGA Annual General Meeting to be held on Wednesday 5 August 2015.

#### **BACKGROUND**

Delegates have not attended the WALGA Convention and Trade Exhibition since 2012, however there has been representation at the Annual General Meetings by the Shire President and Deputy Shire President.

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **EXTERNAL CONSULTATION**

The Shire President has made comment to the Western Australia Local Government Association (WALGA) within the State Council forum regarding convention content using, for example, the Municipal Association of Victoria's Future of Local Government Summit topics and speakers.

#### **FINANCIAL IMPLICATIONS**

Full delegate convention fees per person - \$1,475.00 (based on 2014 fees)  
Convention Breakfast – \$88.00 (based on 2014 fees)  
Convention Gala Dinner - \$190.00 (based on 2014 fees)  
Accommodation - \$215.00 per room per night not including meals (based on 2014 tariff)  
Daily parking - \$34.00 (based on 2014 charges)

Approximate cost per delegate (Including 3 nights' accommodation but not including meals) is estimated at \$2,002.00.

Budget Item 20026-0032 (Local Government Convention) has a current budget allocation of \$10,000.00 with fund expenditure to date of \$745.64. It is expected that a similar budget allocation will be proposed for the 2015/2016 budget considerations.

#### **POLICY IMPLICATIONS**

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

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## **STRATEGIC IMPLICATIONS**

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

Strategy 4.1.5:

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

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

## **REGIONAL IMPLICATIONS**

The Southern Link VROC Strategic Directions 2015-2020 identifies under Governance at Goal Two (*Provide sub regional leadership through the VROC*) the following action:

*'Continue to develop and discuss options for reform and best practice in local government.'*

## **OFFICER COMMENT**

The program for the 2015 WA Local Government Convention has not yet been completed however it is timely to consider which Councillors may be interested in attending due to impending budget considerations. Attendance at the Trade Exhibition which runs in conjunction with the Convention is included for members who are registered for the Convention. Councillors have not attended either the Convention or Trade Exhibition for two years.

The Shire President has indicated his interest in attending the Convention this year due primarily to his role as a State Councillor. There may also be interest from Councillors who have not attended the Convention previously.

It will be proposed that the Delegate representatives for the Annual General Meeting which is held on the Wednesday 5 August 2015 be the Shire President and Deputy Shire President.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr C Pavlovich, seconded Cr G Messmer:

That:

1. Councillors K Clements, Cr L Handasyde be authorised to attend the WALGA Local Government Convention and Trade Exhibition from 5 August 2015 to 7 August 2015 and that the associated costs be charged to account 20026.0032 (Local Government Convention) and account 20026.0029 (Conferences, Training and Accommodation); and
2. Shire President Cr K Clements and Deputy Shire President Cr L Handasyde be endorsed as the Council's voting delegates for the Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday 5 August 2015.

**CARRIED (9/0)**

**NO. 72/15**

**9.5.6 SOUNNESS PARK RECREATION PRECINCT - SMOKE FREE**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: Member of the Mount Barker Football Club. Non smoker. Interest in common. Permission to participate.

Extent: Mount Barker Football club hire the clubhouse which is already non smoking. Agenda is for grounds which is an interest in common.

**File Ref: N33645**

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

**Author: Rob Stewart  
Chief Executive Officer**

**Proposed Meeting Date: 31 March 2015**

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**PURPOSE**

The purpose of this report is to seek the Council's approval to apply a smoking exclusion zone (ban) within the whole of the Sounness Park Recreation Precinct.

**BACKGROUND**

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life threatening health impacts including heart disease, cancer, asthma and other respiratory problems.

Further, there is emerging evidence on how smoking affects air quality in outdoor locations such as alfresco cafes and playgrounds. Accordingly, the second-hand smoke in outdoor areas where people tend to congregate, such as alfresco dining areas, sports stadiums and concert venues for example, can present a real health risk to patrons and staff.

In addition to the potential health impacts, cigarettes are an environmental issue. Cigarette butts take up to five years to break down and are consistently one of the most common items found during Clean Up Australia Day. Almost 50% of all litter in urban areas is tobacco related products. Outdoor smoking bans can help to reduce the amount of cigarette butt litter and provide a substantial cost saving through reduced clean-up costs. At Sounness Park, several butts have been found on the artificial turf on the Western side of the clubrooms.

Community attitudes towards smoking have changed over time. Due to the harmful effects of passive smoking, and also because of litigation, by the mid-1990's smoke-free workplace policies had been introduced extensively throughout both public and private sectors.

The City of Fremantle was the first local government in Western Australia to adopt smoke-free alfresco dining areas in 2008. This successful policy has been embraced by alfresco dining venues and residents.

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The Town of Vincent banned smoking in children's playgrounds in 2003. In addition, events at all Town-owned reserves and facilities are smoke-free. The Town prohibited smoking in its outdoor dining areas in January 2009.

The City of Joondalup recognised the health, social and environmental concerns of their community and gazetted a local law banning smoking on all its beaches in 2007. The city banned smoking at alfresco dining areas in 2008.

The City of Cockburn's children's playgrounds, council buildings, bus stops and events were declared smoke-free in 2008. Smoking is also prohibited within 10 metres from other people on beaches.

The Council has a role in advocating better public health for its residents. This Council has existing smoking bans in place. All council buildings are smoke-free to protect both the health of Council staff and members of the public.

### **STATUTORY ENVIRONMENT**

Tobacco Products Control Act 2006 (WA)

Tobacco Products Control Regulations (WA) 2006

Health Act 1911

Health (Public Building) Regulations 1992

Occupiers Liability Act 1985 (WA)

Shire of Plantagenet Local Government Property Local Law 2008

### **EXTERNAL CONSULTATION**

Both the President of the Mount Barker football Club and the Chairman of that Club's Souness Park Committee have indicated that no objection would be raised if smoking was banned at Souness Park. Both however have indicated that enforcement may be difficult.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

### **POLICY IMPLICATIONS**

The Council's Occupational Safety and Health Policy applies.

### **LEGAL IMPLICATIONS**

The issue of 'second hand' smoke has been the subject of court action under Occupiers Liability, Common Law Negligence and Occupation Health and Safety.

### **ASSET MANAGEMENT IMPLICATIONS**

As noted above, cigarette butts are in evidence at Souness Park, creating a risk of damage to Council Assets, including artificial surfaces.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides an Outcome 1.2 (Promote and enforce Public and Environmental Health Requirements) the following Strategy:  
Strategy 1.2.3:



*'Undertake food safety and public health promotion'*

Further at Outcome 1.9 (A safe Plantagenet) the following Strategy:

Strategy 1.9.3:

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

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

### **OFFICER COMMENT**

The objectives of the Council in banning smoking in this precinct (but not limited to this precinct alone) are:

- Improving the health of community members
- Improving public amenity and maintenance of Council property
- Raising community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community
- Minimise cigarette butt pollution on Council owned open space areas.

In implementing a smoke free zone for the Sounness Park Precinct an advertising program would be implemented to educate the community and to promote the benefits of the Council taking such a position. Becoming a smoke-free venue may also provide the Council and/or sporting clubs opportunities to attract funding from sources such as Healthway.

It should be noted that the Council's Local Government Property Local Law gives the Council the power to ban smoking 'on premises' the definition of which specifically excludes '...an open space such as a park or a playing field.' However, even though the local law cannot be used in this instance to ban smoking such that an infringement notice could be issued (\$100.00 modified penalty) the Council still has the right of an owner to control activities on its own property.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

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

**That the whole of Sounness Park Recreation Precinct situated at Lots 152 and 153 McDonald Avenue be declared a 'No Smoking' environment.**

**CARRIED (8/1)**

**NO. 73/15**

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

Nil

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

Refer to Confidential matters.

## 12 CONFIDENTIAL

### 12.1 DEVELOPMENT SERVICES REPORTS

#### 12.1.1 TENDER - SUPPLY AND INSTALLATION OF AIRCONDITIONING AND PHOTOVOLTAIC CELLS TO ADMINISTRATION BUILDING AND RE-ALLOCATION OF FUNDS

**File Ref:** N33652  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Alan Watkins  
Principal Building Surveyor  
**Proposed Meeting Date:** 31 March 2015

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#### PURPOSE

The purpose of this report is to:

1. Consider tenders received to replace the Administration Building's existing cooling and heating systems;
2. Seek the Council's endorsement for the installation of photovoltaic cells on the Administration building roof; and
3. Seek a re-allocation of funds from the Council's Shire Development and Building Improvements Reserve to enable parts 1 and 2 above to be completed.

#### MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr G Messmer:

**4:54pm** That the meeting be closed to members of the public pursuant to Section 5.23(2)(a) 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 and which relates to a matter to be discussed at the meeting; and information about the business, professional, commercial or financial affairs of a person,'

**CARRIED (9/0)**

**NO. 74/15**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr B Bell, seconded Cr G Messmer:

5:20pm That the meeting proceed in public.

**CARRIED (9/0)**

**NO. 75/15**

**OFFICER RECOMMENDATION**

Moved Cr L Handasyde, seconded Cr J Oldfield:

That:

1. The tender submitted by Albany Refrigeration for the replacement of the heating and cooling system in the Administration Building, at a cost of \$176,524.00 (excluding GST), be accepted.
2. The proposal to install a solar power system on the Administration Building, be endorsed.
3. The 2014/2015 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
50403.0252	Administration Building - Airconditioning	(\$120,000)	(\$185,524)	(\$65,524)
New	Administration Building - Photovoltaic cells	\$0	(45,000)	(\$45,000)
40415.0486	Transfer from Reserve Funds	5,362	110,524	115,886

**AMENDMENT**

Moved Cr C Pavlovich, seconded Cr J Oldfield:

That part 2 of the motion be deleted and that part 3 be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
50403.0252	Administration Building - Airconditioning	(\$120,000)	(\$185,524)	(\$65,524)
40415.0486	Transfer from Reserve Funds	5,362	70,886	65,524

and the motion be recast accordingly.

**CARRIED (7/2)**

**NO. 75/15**

**FURTHER AMENDMENT**

Moved Cr J Oldfield, seconded Cr B Bell:

That a new part 2 be added as follows:

‘The purchase and installation of Photovoltaic Cells for the administration building be recommended for inclusion in the 2015/2016 budget’ and the motion be recast accordingly.

**CARRIED (9/0)**

**NO. 76/15**

**COUNCIL DECISION**

That:

1. The tender submitted by Albany Refrigeration for the replacement of the heating and cooling system in the Administration Building, at a cost of \$176,524.00 (excluding GST), be accepted.
2. The purchase and installation of Photovoltaic Cells for the Administration Building be recommended for inclusion in the 2015/2016 budget; and
3. The 2014/2015 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
50403.0252	Administration Building - Airconditioning	(\$120,000)	(\$185,524)	(\$65,524)
40415.0486	Transfer from Reserve Funds	5,362	70,886	65,524

**CARRIED (9/0)**

**NO. 77/15**

**Absolute Majority**

5:24pm Cr C Pavlovich withdrew from the meeting.

**MOTION TO INTRODUCE NEW CONFIDENTIAL BUSINESS**

Moved Cr A Budrikis, seconded Cr L Handasyde:

That new confidential business of an urgent nature namely:

Sounness Park Operational Issues.

be introduced to the meeting.

**CARRIED (8/0)**

**NO. 78/15**

**MOTION TO PROCEED BEHIND CLOSED DOORS**

Moved Cr G Messmer, seconded Cr J Oldfield:

5:31pm That the meeting be closed to members of the public pursuant to Section 5.23(2)(a) of the Local Government Act as the matter to be considered relates to a contract entered into.

**CARRIED (8/0)**

**NO. 79/15**

**MOTION TO PROCEED IN PUBLIC**

Moved Cr L Handasyde , seconded Cr G Messmer:

5:55pm That the meeting proceed in public.

**CARRIED (8/0)**

**NO. 80/15**

**COUNCIL DECISION**

Moved Cr A Budrikis, seconded Cr L Handasyde:

That:

1. The Shire President's memorandum as tabled be noted.
2. The Chief Executive Officer continue negotiations between the Mount Barker Football Club and the Mount Barker Hockey Club noting the terms of the Lease between the Council and the Mount Barker Football Club with relation to fair and reasonable hire of the Sounness Park Clubrooms.

**CARRIED (8/0)**

**NO. 81/15**

**13 CLOSURE OF MEETING**

5:57pm The Presiding Member declared the meeting closed.

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