



## ORDINARY MINUTES

**DATE:** Tuesday, 5 December 2017

**TIME:** 3:00pm

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

**John Fathers**  
**ACTING CHIEF EXECUTIVE OFFICER**

## **MEMBERSHIP – Quorum (5)**

### **Membership:**

Cr C Pavlovich Shire President  
Cr B Bell  
Cr K Clements  
Cr S Etherington JP  
Cr L Handasyde  
Cr B Lang  
Cr J Moir  
Cr M O’Dea  
Cr J Oldfield Deputy Shire President

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

### Members Present:

Cr C Pavlovich	Shire President (Left the Chambers 3:43pm, returned 3:44pm)
Cr B Bell	Councillor
Cr K Clements	Councillor
Cr S Etherington JP	Councillor
Cr L Handasyde	Councillor
Cr B Lang	Councillor (Left the Chambers 3:39pm, returned 3:40pm, Left the Chambers 3:46pm, returned 4:25pm)
Cr J Moir	Councillor
Cr M O'Dea	Councillor (Left the Chambers 3:46pm, returned 3:50pm)
Cr J Oldfield	Deputy Shire President (Left the Chambers 3:39pm, returned 3:40pm)

### In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Ms Fiona Pengel	Manager Community Services
Mr David Lynch	Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer

### Apologies:

Nil

### Members of the Public Present:

There was one member of the public present.

### Previously Approved Leave of Absence:

Nil

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Fathers then read aloud the following disclaimer:

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

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

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

### **3 PUBLIC QUESTION TIME**

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

Nil

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

Nil

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

#### **4.1 DIFFERENTIAL RATING**

The Acting Chief Executive Officer read aloud a hand delivered petition he received at 1.00pm, 5 December 2017. The petition stated:

'Request the Shire of Plantagenet – Do not apply any form of differential rate to any business or industry in Mount Barker and the Shire of Plantagenet.'

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

**That the petition regarding differential rating be received.**

**CARRIED (9/0)**

**NO. 271/17**

## 5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

### Cr J Oldfield

Item: 9.1.3  
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)  
Nature: Business relationship with Milne Agri Group who are mentioned in the application.  
Extent: Not required

### Cr C Pavlovich

Item: 9.3.1  
Type: Proximity (Section 5.62 LGA)  
Nature: Part owner of property across McDonald Avenue  
Extent: Not required

### Cr M O'Dea

Item: 9.4.3  
Type: Code of Conduct Disclosure (S5.103LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct)  
Nature: Skinner Road bisects property that we run our partnership on. Not an owner of the land (previously declared an interest at workshop)  
Extent: Future resumption of property will have impact financially but this is not getting discussed at this meeting.

### Cr B Lang

Item: 9.1.3  
Type: Proximity (Section 5.62 LGA)  
Nature: Next door  
Extent: Not required

Item: 9.4.3  
Type: Proximity (Section 5.62 LGA)  
Nature: Properties owned on Langton Road  
Extent: Not required

## 6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

## 7 CONFIRMATION OF MINUTES

Moved Cr J Oldfield, seconded Cr M O'Dea:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 7 November 2017 as circulated, be taken as read and adopted as a correct record subject to the following changes:

**Page 47** After the Officer's recommendation the following notation be included 'The motion lapsed as all Councillors declined to attend.'

**Page 48** At Item 10.2 Lower Great Southern Economic Alliance – Local Tourism Organisation, in the first line of the Cr's motion, the word 'supporting' be replaced with the word 'supportive'.

**CARRIED (9/0)**

**NO. 272/17**

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

The Shire President then addressed the meeting:

In my six years as Councillor for the Shire of Plantagenet, Cr Ken Clements has fulfilled the important role of Shire President. Over that period Ken has steered a steady ship into chartered territory and under his leadership the Council has achieved a number of positive outcomes for our community. Some of these outcomes include, but are not limited to:

- Sounness Park development;
- District Hall transformation;
- Frost Park complex refurbishment;
- Saleyards upgrade and sustainability;
- Kendenup Agricultural Grounds upgrade;
- The 'We remember them' precinct for our veterans including the RSL; and
- a number of other community projects.

Most importantly under Cr Clements' leadership, the Council has remained a united group of elected members with the ability to retain independent views and aspirations in a structured democratic environment. This positive culture may be the catalyst for a successful local government structure for our future Shire of Plantagenet Council.



Cr Clements' vast knowledge of the Federal, State and WALGA structures will only add value to our Council's future direction.

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

**That on behalf of the people of the Shire of Plantagenet, the Council formally acknowledges Cr Ken Clements in his position as Shire President from 20 October 2009 to 24 October 2017. Over this period there has been an unprecedented amount of projects initiated and completed which is testament to the Council under Cr Clements' leadership.**

**CARRIED (9/0)**

**NO. 273/17**

Cr Bell addressed the Council regarding the passing of former Shire of Plantagenet resident Mrs Mary Galloway. Mrs Galloway was acknowledged for being the instigator of the Meals on Wheels and driving force on the Hospital Board to upgrade Banksia Lodge. Mary arranged aesthetic improvements to the mortuary and was involved in the establishment of the Hospice to name a few accomplishments. Mary was named Shire of Plantagenet Citizen of the Year in 1991 and was recognised with an Order of Australia Medal in 2002.

#### CONDOLENCE MOTION

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

**That the Chief Executive Officer be asked to convey the Council's sympathy to the Galloway family on the passing of Mrs Mary Galloway. Mrs Galloway was held in high regard in the community and her enduring contribution to the community was sincerely appreciated.**

**CARRIED (9/0)**

**NO. 274/17**

## **9 REPORTS OF COMMITTEES AND OFFICERS**

### **9.1 DEVELOPMENT SERVICES REPORTS**

#### **9.1.1 BICYCLE MASTER PLAN FOR MOUNT BARKER - FINAL REPORT**

<b>File Ref:</b>	<b>N43597</b>
<b>Attachments:</b>	<a href="#">Mount Barker Bicycle Master Plan</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</b>

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#### **PURPOSE**

The purpose of this report is to consider the Mount Barker Bicycle Master Plan which has now been completed.

#### **BACKGROUND**

In 1998 the Council engaged Halpern Glick Maunsell (engineers) to prepare a Cycleway Master Plan for Mount Barker. That plan was only prepared to a draft stage and never finalised.

The Plantagenet Trails Master Plan was prepared in 2006 by Sally Malone Design and Chris Antill Planning and Urban Design. That Trails Master Plan provided guidance and recommendations for a variety of trails in the Shire.

This current Master Plan is aimed specifically at Mount Barker and the use of push bikes. Calibre Consulting (Bunbury based) was engaged to prepare phase one of the plan which was presented to the Council on 28 February 2017. Phase one consisted of an opportunities and constraints discussion paper.

Phase two is the Bicycle Master Plan report (copy attached).

#### **STATUTORY ENVIRONMENT**

There are no direct statutory requirements for Phase two of this plan.

#### **EXTERNAL CONSULTATION**

Calibre consulting prepared an online public feedback forum through a survey on a dedicated website which ended on 16 December 2016. The results were incorporated into the Phase one report.

#### **FINANCIAL IMPLICATIONS**

Phase one of the plan was carried out for \$7,000.00 (ex GST). This current Phase two was carried out for \$7,500.00 (ex GST) which was within the amount set aside in the 2017/2018 Budget.

The report recommends a large program of works costing an estimated \$960,000.00 over a five year period. This is discussed under Officer Comment below.

### **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 Strategy:

Strategy 2.3.4:

*‘Encourage the development of trails in line with the Trails Master Plan.’*

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

### **OFFICER COMMENT**

The Master Plan (copy attached) includes results of a ground survey, the report and recommended improvements to facilities and upgrades needed.

The Phase two report is very detailed and includes a range of recommendations for future works for cycleways for Mount Barker. The Manager Works and Services and the Manager Development Services provided editorial work and comments on the draft report and these have been addressed by the consultants.

The report contains at section 6.3 a range of recommended path works combined with costing estimates. It is not proposed at this point in time for the Council to agree to the works proposed and the timing put forward in a five year program. Rather, what is proposed is for the Manager Works and Services to take responsibility for the report and to consider a series of actions and funds for forthcoming Annual Budgets for the Council to consider at the time of Budget consideration.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That:

1. The Mount Barker Bicycle Master Plan report dated November 2017 be received.
2. The Manager Works and Services be requested to consider the proposals put forward in the Mount Barker Bicycle Master Plan for future deliberations of the Council as part of the Annual Budget preparation process.

**ALTERNATIVE RECOMMENDATION****Moved Cr J Moir, seconded Cr B Bell:****That:**

- 1. The Mount Barker Bicycle Master Plan report dated November 2017 be received subject to Calibre Consulting amending the plan to correct the street names.**
- 2. The Manager Works and Services be requested to consider the proposals put forward in the Mount Barker Bicycle Master Plan for future deliberations of the Council as part of the ongoing draft five year road programs.**

**CARRIED (8/1)****NO. 275/17**Reason for Change

Councillors believed that the Bicycle Master Plan needed to correctly record street names and that this plan should be considered when planning/undertaking and budgeting for future road programs.

**9.1.2 LOT 150 BEVERLEY AND CHAUVEL ROADS, KENDENUP - PROPOSED SIGNAGE AND SHADE SAIL - KENDENUP TENNIS CLUB**

<b>File Ref:</b>	<b>N43550</b>
<b>Attachments:</b>	<a href="#"><u>Location Plan</u></a> <a href="#"><u>Site Plan</u></a> <a href="#"><u>Sign Artwork</u></a> <a href="#"><u>Sign Frame</u></a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</b>
<b>Applicant:</b>	<b>Kendenup Tennis Club Inc.</b>

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**PURPOSE**

The purpose of this report is to consider a request from the Kendenup Tennis Club Inc (KTC) for approval to erect a sign and shade sail at Lot 150 Beverley and Chauvel Roads, Kendenup.

**BACKGROUND**

Lot 150 Beverley and Chauvel Roads, Kendenup is owned freehold by the Council and was previously Lots 15 and 16 Chauvel Road. Both lots have been amalgamated to form Lot 150.

The KTC requests permission to erect a sign and shade sail at Lot 150 Beverley and Chauvel Roads.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) - Recreation Local Scheme Reserve. The use of Lot 150 Beverley and Chauvel Roads for recreation purposes is in accordance with the Local Scheme Reserve.

Building Act 2011 – An independent Building Surveyor will need to certify the Building Permit.

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

**FINANCIAL IMPLICATIONS**

The planning consent application fee of \$147.00 has been paid. The erection of the sign and shade sail structure will be paid for by the KTC.

Building permit fees for both the sign and the shade sail structure will be required to be paid by the KTC.

### **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 22 (Advertising Signs) (TPS Policy 22) is relevant. There is currently no sign at the KTC grounds. The proposed sign is an external one which require planning consent.

### **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.

Further, the Council's Corporate Plan, Goal 2 – Enhanced Natural and Built Environment notes an outcome of 2.2 *'Appropriate development which is diverse in nature and protects local heritage'*. The Key Performance Indicator (KPI) is *'Percentage of Council planning decisions in line with the Planning Vision'*.

By supporting the officer recommendation the KPI will be met.

### **OFFICER COMMENT**

This proposal involves a pylon sign with a maximum height of 2.2m, a maximum width of 2.01m and a total signage area of 2.41m<sup>2</sup> (1.2m x 2.01m). The sign ground level clearance will be 1.0m. The sign area will be a one sided steel sheeting showing the club's logo, name and season information. The proposed sign extent conforms to requirements for pylon signs set in TPS Policy 22.

The sign location will be at the entrance to the KTC grounds on Chauvel Road.

The proposed shade sail structure is a 5m x 5m square structure involving a shade sail and four post anchoring system.

The shade sail structure location will be next to the south elevation of the clubhouse and will provide shelter at the children's playground.

The proposal is not likely to adversely affect the amenity of the surrounding area or the locality.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr J Oldfield, seconded Cr M O'Dea:

That no objection be raised to the proposed sign and shade sail structure on Lot 150 Beverley and Chauvel Roads, Kendenup and in accordance with Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, development approval be granted subject to:

1. The development being in accordance with the plans dated 9 November 2017.
2. The Kendenup Tennis Club Inc retaining all maintenance responsibilities for the sign and shade sail structure.
3. The sign being located to the satisfaction of the Manager Works and Services to ensure driver vision is not obscured.

**AMENDMENT**

Moved Cr J Moir, seconded Cr B Bell:

That in Part 2 the words 'ownership and' be added before the word 'maintenance'.

**CARRIED (9/0)**

**NO. 276/17**

**COUNCIL DECISION**

That no objection be raised to the proposed sign and shade sail structure on Lot 150 Beverley and Chauvel Roads, Kendenup and in accordance with Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, development approval be granted subject to:

1. The development being in accordance with the plans dated 9 November 2017.
2. The Kendenup Tennis Club Inc retaining all ownership and maintenance responsibilities for the sign and shade sail structure.
3. The sign being located to the satisfaction of the Manager Works and Services to ensure driver vision is not obscured.

**CARRIED (9/0)**

**NO. 277/17**

**9.1.3 LOT 702 MUIR HIGHWAY CORNER QUANGELLUP ROAD, MOUNT BARKER - ROTATIONAL OUTDOOR PIGGERY – BREEDING**Cr J Oldfield

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)  
Nature: Business relationship with Milne Agri Group who are mentioned in the application.  
Extent: Not required

Cr B Lang

Type: Proximity (Section 5.62 LGA)  
Nature: Next door  
Extent: Not required

3:39pm Cr J Oldfield and Cr B Lang withdrew from the meeting.

**File Ref:** N43486

**Attachments:** [Location Plan](#)  
[Site Location](#)  
[Property Layout and Proposal](#)  
[APL Fact Sheet](#)  
[Summary of Submissions](#)

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

**Author:** Vincent Jenkins  
Planning Officer

**Proposed Meeting Date:** 5 December 2017

**Applicant:** Mount Barker Estate Pty. Ltd. and Milne Agrigroup

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**PURPOSE**

The purpose of this report is to consider a proposal for an extension to the existing rotational outdoor piggery at Lot 702 Muir Highway corner Quangellup Road, Mount Barker.

**BACKGROUND**

Council records show the registered owner of Lot 702 (previously Lot 54) Muir Highway corner Quangellup Road is Mount Barker Estate Pty. Ltd. (MBE).

On 15 December 2009 the Council approved an application for noxious industry for rotational outdoor piggery at Lot 54 Muir Highway corner Quangellup Road, Mount Barker. That approval involved a breeding unit of 770 animals consisting of 20 boars, 350 sows and 400 piglets on one fixed rotational outdoor piggery area.

A site inspection carried out on 28 June 2012 by the Council's Planning Officer revealed the piggery was operating outside the approved piggery location approved by the Council.

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On 12 July 2012, the Council advised Mr Martin at MBE that the piggery was operating outside the conditions of approval granted by the Council. On 21 August 2012, the Council received a letter advising MBE wished to amend the rotational area for the outdoor piggery and further sought an extension of time to prepare a formal planning application.

By letters dated 5 September 2012 and 9 October 2012, the Council reminded MBE that it was required to submit the necessary planning application for retrospective Planning Consent (PC).

On 31 January 2013, the Council received a PC application prepared by Plantagenet Pork on behalf of MBE for rotational outdoor piggery at Lot 702 Muir Highway corner Quangellup Road. That PC application however was incomplete and Plantagenet Pork was advised of the matter on 19 February 2013. Plantagenet Pork was further advised the retrospective PC application had to address all of the requirements set in the National Environmental Guidelines for Piggeries Second Edition (Revised) 2010.

The Council on 19 June 2013 received a retrospective PC application for a rotational outdoor piggery at Lot 702 Muir Highway corner Quangellup Road. That proposal involved increasing the extent of the original rotational outdoor piggery area approved by the Council in December 2009 by adding two new rotational outdoor piggery areas.

The Council on 23 August 2013 approved an application for noxious industry for rotational outdoor piggery at Lot 702 Muir Highway corner Quangellup Road, Mount Barker. That approval involved a breeding unit of 1,035 animals consisting of 35 boars, 600 sows and 400 piglets on three fixed rotational outdoor piggery areas.

On 1 August 2017, the Council received a fresh application for development approval (DA) (formerly referred to as PC) for the development of rotational outdoor piggery. This DA application included supporting information prepared by Milne Agrigroup. Preliminary assessment of the supporting Environmental Management Plan (EMP) revealed the proposal needed to be refined to address some requirements set in the National Environmental Guidelines for Rotational Outdoor Piggeries 2013 (NEGROP 2013) and the Australian Pork Limited Fact Sheet, Design and Management of Outdoor Free Range Areas for Pigs July 2011 (APL Fact Sheet 2011).

These two documents are more up to date and relevant when proposing to develop rotational outdoor piggeries as they include the latest scientific data and provide specific advice on development requirements for rotational outdoor piggeries.

The Council on 10 October 2017 received an amended EMP and that proposal is the subject of this report. The latest proposal seeks to increase the number of pigs produced at the site. The increase in production numbers will involve an increase in the number and size of rotational outdoor pig areas at the property. The new EMP is a revised version of the 2013 EMP document and incorporates additional rotational areas, some changes in the existing rotational area boundaries and an increase in the pig numbers at the site.

The operation now proposes to increase the pig numbers from 600 to 800 sows in the existing piggery and add an additional 800 sow breeding herd to the property. The maximum number of animals at the subject land at any one time will not exceed 5,700 animals (1,600 sows, 100 boars and 4,000 piglets) with an approximately yield of 28,800 piglets annually (14,400 from each piggery unit).

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 deemed provisions.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural. A piggery falls within the definition of a Noxious Industry that is a discretionary ‘SA’ use under TPS3. This means that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015.

Environmental Protection Act 1986

Rotational outdoor piggeries do not constitute a prescribed activity under the Environmental Protection Act 1986 and therefore do not require works approval or licensing from the Department of Water and Environment Regulation (DWER).

Draft Environmental Assessment Guideline – Separation Distances between Industrial and Sensitive Land Uses September 2015 (EPA 2015).

The purpose of the Environmental Assessment Guideline is to:

- provide advice on which land uses require separation, and recommend the appropriate separation distances;
- outline the Environmental Protection Authority’s expectations on the application of separation distances for schemes and scheme amendments in the environmental impact assessment process; and
- support strategic and statutory land use planning and development decisions by planning authorities where proposed land uses have the potential to adversely impact on human health and amenity.

## Appendix 1

<i>Industry</i>	<i>Description of industry</i>	<i>Relevant codes of practice (Cop) and regulations.</i>	<i>Emissions type of risk</i>	<i>Recommended separation distance in metres</i>
Piggery – extensive (all premises)	premises on which pigs are fed, watered and housed in outside paddocks or enclosures.	National Environmental Guidelines for Piggeries (Australian Pork Limited) 2010	Dust, odour	1,000 metres

The buffer distances included in the NEGROP 2013 and the APL Fact Sheet 2011 are specific to ROP operations (free-range) and these guidelines are more up to date and relevant when proposing to develop rotational outdoor piggeries. The guidelines include the latest scientific data and provide specific advice on buffer requirements for rotational outdoor piggeries. Rotational outdoor piggeries are seen as intensive due to their method of operation even though they may be on a large property.

Health Act 1911 (as amended) - Piggery is defined as an offensive trade and must be registered with the local authority on an annual basis. This property has an appropriate registration.

Shire of Plantagenet Health Local Law 2008, Part 5 Piggeries and Part 9 Offensive Trades

## Part 5 Piggeries

Clause 5.6.2 reads:

- (1) *No premises shall be used as a piggery unless approved by the local government;*
- (2) *Subject to subsection (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Table 2; or if it is an intensive piggery, the minimum separation distances listed in Table 3; and*
- (3) *Sites unsuitable to satisfy the separation may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.*

*Table 2. Required Buffer Distances for Piggeries*

<i>Buffer</i>	<i>Distance</i>
<i>Townsite boundaries</i>	<i>5,000m</i>
<i>Isolated rural dwellings, dairies and industries</i>	<i>1,000m</i>
<i>Public roads and recreation areas</i>	<i>100m</i>
<i>Neighbouring rural property boundaries</i>	<i>50m</i>
<i>Major water course and water impoundments</i>	<i>300m</i>
<i>Bores, wells or soaks used for drinking, stock or irrigation</i>	<i>300m</i>
<i>Minor water courses</i>	<i>100m'</i>

The key issue of concern for piggeries is not to give rise to health nuisances with the recommended buffer distance to isolated rural dwellings being 1,000m.

Discretion exists for the Council to vary standards at clause 5.6.2(3). The EMP addresses the current management methods for this proposal and separation from isolated dwellings will not be an issue. Health Department Guidelines from 2012 (Guidelines for Separation of Agricultural and Residential Land Uses) do not include farmhouses in their current separation standards.

Australian Pork Limited Fact Sheet, Design and Management of Outdoor Free Range Areas for Pigs July 2011 (APL Fact Sheet 2011) (copy attached).

That fact sheet summarises the desired site selection characteristics, buffer distances and nutrient management actions specifically for free range piggeries. The fact sheet provides a reference for the assessment of the suitability of the site for the development of a free-range piggery, and independent verification of the proposed management practices. All six rotational outdoor piggery areas conform to site selection criteria and buffer requirements set out in the fact sheet.

Australian Pork Industry Quality Assurance Program (APIQ®)

APIQ® provides the framework and standards by which Australian pig producers can demonstrate they are responsible farmers who care for their animals and the environment by following safe and sustainable practices contained in the NEGROP 2013. A condition of DA will require this piggery to be APIQ® accredited annually.

## **EXTERNAL CONSULTATION**

In accordance with Delegation 7.1A the proposal was advertised for public comment for the minimum 14 day period ending on 7 November 2017. Advertising included letters to 15 adjoining and nearby landowners and notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

Further advertising included letters to the DWER, Department of Biodiversity, Conservation and Attractions (DBCA), Department of Primary Industries and Regional Development (DPIRD) and Main Roads WA (MRWA) for comment and recommendations for the minimum 42 day period ending on 23 November 2017.

The 14 day and 42 day periods are set by the Planning and Development (Local Planning Schemes) Regulations 2015.

Six submissions have been received from government agencies and adjoining and nearby landowners. These submissions are contained in the attached Summary of Submissions.

Concerns raised by landowners in their submissions included odour and loss of views.

## **FINANCIAL IMPLICATIONS**

The planning application fee of \$1,584.00 and a bond of \$500.00 for advertising costs have been paid.

**POLICY IMPLICATIONS**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

**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.

Further, the Council’s Corporate Plan, Goal 2 – Enhanced Natural and Built Environment notes an outcome of 2.2 *‘Appropriate development which is diverse in nature and protects local heritage’*. The Key Performance Indicator (KPI) is *‘Percentage of Council planning decisions in line with the Planning Vision’*.

By supporting the officer recommendation the KPI will be met.

**OFFICER COMMENT**

The subject land is located approximately 3.6km west of the Mount Barker Townsite on Muir Highway. Lot 702 is approximately 870ha in area and is currently used for a rotational outdoor piggery, cropping, grazing and blue gum plantations.

A total of six submissions have been received from government agencies and adjoining and nearby landowners.

MRWA raised no objection to the upgrade to farming density or production and advised that an upgrade to the Muir Highway road network will not be required in this instance. The service vehicular crossover access to Quangellup Road will need to be constructed to a sealed standard to the satisfaction of the Manager Works and Services.

The adjoining landowner at Galafrey Wines raised a concern about adverse odour from the most northern rotational outdoor piggery area. The EPA separation distances of 2015 identify rotational outdoor piggery as an extensive piggery. This guideline requires a minimum buffer distance of 1,000m to a sensitive site for risk of dust and odour impacts. The most northern rotational outdoor piggery area (previously approved) will be setback more than 1,000m from the most southern Galafrey Wines property boundary. The proposal conforms to the EPA 2015 requirement. It is unlikely that adverse odour impacts will be experienced as the most northern rotational outdoor piggery area at Lot 702 will be located approximately 1.3km from the cellar sale building at Galafrey Wines.

Two adjoining landowners on Jones Road to the west of Lot 702 raised concerns about the loss of views at their east property boundaries. The possible loss of views

involves requirements set in the EPM for vegetation screens and vegetation nutrient strips surrounding rotational outdoor piggery areas. The possible loss of view from properties in the location is not a planning consideration.

The EMP will conform to all regulatory requirements including the NEGROP 2013 and the APL Fact Sheet 2011, except for the 1km buffer distance requirement for isolated rural dwellings set out in the Shire of Plantagenet Health Local Law 2008. Subject to appropriate conditions, the proposal is supported.

### **VOTING REQUIREMENTS**

Simple Majority

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

Moved Cr L Handasyde, seconded Cr M O'Dea:

That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed enlarged rotational outdoor piggery operation with reduced separation distances from isolated rural dwellings at Lot 702 Muir Highway corner Quangellup Road, Mount Barker be approved subject to:

1. Development being in accordance with the Environmental Management Plan dated 31 October 2017.
2. Minimum 10m permanent vegetation strip of blue gums or similar being retained around all Rotational Outdoor Piggery Areas to the satisfaction of the Manager Development Services.
3. All Rotational Outdoor Piggery Areas being fenced to the satisfaction of the Manager Development Services.
4. All surface run-off water retention dams being sealed to the satisfaction of the Manager Development Services.
5. The service vehicular crossover access to Quangellup Road being constructed, drained and sealed to the satisfaction of the Manager Works and Services.
6. All burial trenches being designed, constructed and maintained in accordance with the National Environmental Guidelines for Piggeries Second Edition (Revised) 2010.
7. The piggery being operated in accordance with the National Environmental Guidelines for Rotational Outdoor Piggeries 2013.
8. The piggery being registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).
9. No effluent, contaminated liquids or stormwater entering the Main Roads WA drainage system.
10. No additional access driveways from Muir Highway to the property being constructed and approval being obtained from Main Roads WA prior to any modifications being carried out to the existing access driveway at Muir Highway.

11. Annual inspection of the piggery being carried out by staff to the satisfaction of the Manager Development Services to ensure compliance.

**CARRIED (7/0)**

**NO. 278/17**

3:40pm Cr J Oldfield and Cr B Lang returned to the meeting.

## 9.2 WORKS AND SERVICES REPORTS

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

<b>File Ref:</b>	<b>N43491</b>
<b>Attachments:</b>	<a href="#">Location Map - O'Neill Road - Encroachment</a> <a href="#">Location Map - O'Neill Road - Proposed New Reserve Boundary</a> <a href="#">Location Map - Original Land Swap</a> <a href="#">Location Map - Revised Land Swap</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Alexandra Tucker</b> <b>Environmental Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</b>

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#### PURPOSE

The purpose of this report is to recommend the transfer of the management of the eastern portion of Reserve 27607 Woogenellup Road Kamballup to the Department of Biodiversity, Conservation and Attractions.

#### BACKGROUND

The Shire of Plantagenet and the Department of Biodiversity, Conservation and Attractions (DBCA) have been in discussions regarding a land swap proposal in an effort to resolve historical encroachment of landfill activities from the O'Neill Road Waste Management Facility (WMF) since 2008.

The historical encroachment of landfill has occurred over a portion of the south west corner of Reserve 10003, O'Neill Road. Reserve 10003, is a nature reserve for the purpose of nature conservation and is vested to DBCA. Through discussions with DBCA, they have indicated that a land swap is the ideal solution to the problem.

DBCA is interested in seeking the management order for Reserves 27607 and 800 Woogenellup Road Kamballup, due to the presence of a rare and endangered species of Banksia, *Banksia ionthocarpa*. The vesting order for Reserve 27607 is with the Shire of Plantagenet for the purpose of recreation (golf course) and is on both sides of Woogenellup Road. Reserve 800 Woogenellup Road consists of four portions and is a public utility reserve not vested with the Council.

The encroachment of the WMF into Reserve 10003 O'Neill Road has been a long standing issue and must be resolved eventually. The cost to rectify the encroachment by excavating it and moving it back into the licensed landfill area would be considerable. A land swap solution, whilst being the cheapest solution for the Shire of Plantagenet, will also potentially allow for future expansions to the existing MWF.

A report was presented to Council at its meeting held on 3 March 2015 at which the Council resolved *'that the Chief Executive Officer be authorised to:*

1. *Progress a land exchange process with the Department of Parks and Wildlife (now DBCA), comprising a 24 hectare portion of Reserve 10003 O'Neill Road*
-



*Mount Barker, managed by the Department of Parks and Wildlife and identified on the attached map titled 'O'Neill Road WMF Proposed New Reserve Boundary' and with the management to be transferred to the Shire of Plantagenet pursuant to Section 45(3) of the Land Administration Act 1997; and*

- 2 *Transfer the management of the western portion of Reserve 27607 Woogenellup Road from the Shire of Plantagenet and identified on the map attached titled 'Land Swap Option A', to the Department of Parks and Wildlife (now DBCA).'*

## **STATUTORY ENVIRONMENT**

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

As a condition of support of DBCA, it expects a greater proportion of land to be exchanged in return.

DBCA have advised that an outcome from the Reserves Bill process will still take considerable time, as consent is still required from the Minister of Environment and the Minister of Lands.

## **EXTERNAL CONSULTATION**

Consultation has occurred with representatives from the DBCA.

## **FINANCIAL IMPLICATIONS**

There are no financial costs for the release of Reserve 27607 to the DBCA; however, if the land exchange is successful, the extended boundary of the O'Neill Road WMF will need to be surveyed by a Licenced Surveyor.

## **POLICY IMPLICATIONS**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

## **STRATEGIC IMPLICATIONS**

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

Strategy 2.7.1:

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

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

Strategy 2.9.2:

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

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

## STRATEGIC RISK IMPLICATIONS

The Shire's Strategic Risk Register provides at Risk No. 8.5.1 - Disruption of waste disposal operations. The risk register notes that a possible land swap has been identified which would allow for a significant buffer around the O'Neill Road WMF.

## OFFICER COMMENT

On 23 October 2017, a representative from DBCA contacted the Shire of Plantagenet advising that the land swap proposal was endorsed by the Conservation and Parks Commission in September 2016. An extract is below.

***'Item 6.8 Proposed excision from unnamed Nature Reserve – Class A, Crown Reserve No. 10003 Shire of Plantagenet. Resolution 128/16: The Commission endorsed the proposal to excise 19 hectares from un-made Nature Reserve (Class A, Crown reserve No. 10003) for expansion of the Shire of Plantagenet rubbish disposal site on Class C, Crown Reserve 23696; and the proposal to create a new Class A nature reserve through the amalgamation of the western portions of Crown reserve 27607 and Crown reserve 800, and negotiations to add the eastern portion of Reserve 27607 and Reserve 27605.'***

In addition to the original proposal, DBCA is now seeking approval to obtain management rights to the eastern portion of Reserve 27607 and Reserve 27605. Reserve 27605 is a public utility reserve not vested with the Shire of Plantagenet. However, Reserve 27607 is vested with the Shire of Plantagenet for the purpose of recreation.

The addition of the eastern portion of Reserve 27607 is an appropriate request and due to the presence of the rare and endangered species of Banksia across the reserve, any future use would be limited. The Shire does not have any existing infrastructure or future plans for this portion of land. The exchange of this land will not affect the operation of the Kamballup landfill site on the opposite side of Woogenellup Road on Reserve 40640.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION

**Moved Cr B Bell, seconded Cr B Lang:**

**That the land exchange endorsed by the Council at its meeting held on 3 March 2015 be amended to include the transfer of the entirety of Reserve 27607 and Reserve 27605 Woogenellup Road from the Shire of Plantagenet to the Department of Biodiversity, Conservation and Attractions, as identified on the map attached titled 'O'Neill Road Waste Management Facility Land Swap – Revised'.**

**AMENDMENT**

Moved Cr L Handasyde, seconded Cr B Bell:

That the words 'Reserve 800,' be added to the recommendation before the words 'Reserve 27607'.

**CARRIED (9/0)**

**NO. 279/17**

**COUNCIL DECISION**

That the land exchange endorsed by the Council at its meeting held on 3 March 2015 be amended to include the transfer of the entirety of Reserve 800, Reserve 27607 and Reserve 27605 Woogenellup Road from the Shire of Plantagenet to the Department of Biodiversity, Conservation and Attractions, as identified on the map attached titled 'O'Neill Road Waste Management Facility Land Swap – Revised'.

**CARRIED (9/0)**

**NO. 280/17**

### 9.3 COMMUNITY SERVICES REPORTS

#### 9.3.1 PLANTAGENET COMPANY OF ARCHERS - MEMORANDUM OF UNDERSTANDING - RESERVE 27184 MCDONALD AVENUE, MOUNT BARKER

##### Cr C Pavlovich

Type: Proximity (Section 5.62 LGA)  
Nature: Part owner of property across McDonald Avenue  
Extent: Not required

3:43pm Cr C Pavlovich withdrew from the meeting.

Deputy Shire President Cr J Oldfield assumed the Chair.

**File Ref:** N43633  
**Attachments:** [Archery Memorandum of Understanding](#)  
**Responsible Officer:** John Fathers  
Acting Chief Executive Officer  
**Author:** Fiona Pengel  
Manager Community Services  
**Proposed Meeting Date:** 5 December 2017

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#### PURPOSE

The purpose of this report is to consider a Memorandum of Understanding (MOU) between the Shire of Plantagenet and the Plantagenet Company of Archers regarding the management and use of Reserve 27184 McDonald Avenue, Mount Barker.

#### BACKGROUND

Following an approach by the Plantagenet Company of Archers to extend its archery activities to the uncleared portion of Reserve 27184 McDonald Avenue, Mount Barker, it was discovered that the existing facilities were not determined as being set aside for archery.

At its meeting on 19 July 2016, the Council resolved that:

*'Pursuant to Section 2.2 of the Shire of Plantagenet Property Local Law, 2008, the intention of the Council to make a determination that:*

- 1. Frost Park Sheep Pavilion on Reserve 1790 McDonald Avenue and Reserve 27184 (Lot 577) McDonald Avenue be set aside for the pursuit of archery, be advertised by local public notice.*
- 2. Following the 21 day submission period for public submissions, a further report be submitted to the Council no later than its meeting to be held on 13 September 2016.'*

Following the statutory public comment period, no submissions were received and the determination was made by public notice.

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The purpose of Reserve 27184 has also been changed from 'Vehicle Parking' to 'Recreation' to better reflect the reserve's predominant use. This however does not preclude the use of the reserve as vehicle parking when required for large events.

### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

### **EXTERNAL CONSULTATION**

Consultation has taken place with the Plantagenet Company of Archers.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

### **POLICY IMPLICATIONS**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

### **ASSET MANAGEMENT IMPLICATIONS**

Reserve 27184 will remain under a management order on the Shire of Plantagenet. The MOU does state that any infrastructure built on Reserve 27184 will be the property of the Plantagenet Company of Archers and is to be insured and maintained by the owner.

### **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'*

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

### **OFFICER COMMENT**

The Plantagenet Company of Archers wish to enter into an MOU to secure the area for archery, enable club signage to be installed and to extend their activities to field archery in the uncleared portion of the reserve.

The current safety practice as identified in the Archery WA Safety Policy is for all activities to cease immediately if a member of the public moves onto the shooting range or behind the targets. The Plantagenet Company of Archers is a member of Archery WA and operate within their safety policies and procedures.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the Chief Executive Officer and Shire President be authorised to sign the Memorandum of Understanding (as attached) between the Shire of Plantagenet and the Plantagenet Company of Archers Reserve 27184 McDonald Avenue Mount Barker for a period of five years commencing 15 December 2017.**

**CARRIED (8/0)**

**NO. 281/17**

3:44pm Cr C Pavlovich returned to the meeting and resumed the Chair.

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 ANNUAL REPORT - YEAR ENDING 30 JUNE 2017

<b>File Ref:</b>	<b>N43458</b>
<b>Attachment:</b>	<a href="#">Annual Report – Year End 30 June 2017 (Separate Attachment)</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Acting Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Acting Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</b>

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#### **PURPOSE**

The purpose of this report is to accept the Shire of Plantagenet's 2016/2017 Annual Report.

#### **BACKGROUND**

The annual financial audit for 2016/2017 was conducted by representatives of the Council's auditors, Moore Stephens in November 2017.

In line with convention and Delegation 1.1, the General Meeting of Electors will be held at 6.30pm on Tuesday 5 December 2017 to receive the 2016/2017 Annual Report.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

Section 5.54 (1) states '*subject to subsection (2) the Annual Report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*' (Absolute Majority required).

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.2 (Effective engagement with the community and stakeholders) the following Strategy:

Strategy 4.2.1:

*'Have a well informed community.'*

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

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**OFFICER COMMENT**

The Annual Report notes that a number of key items of infrastructure and plant were progressed during 2016/2017, including:

- \$3.3 million capital road works program;
- Stage Two of the Plantagenet District Hall Upgrade has been completed, including the installation of air conditioning, cycloramas, retractable seating and carpet in the main hall, and ablution upgrades including disability access toilet;
- Stage 1 of the Frost Pavilion improvements including new ceiling, re-lining and painting walls, new carpet, stainless steel bar top and ablution privacy screens;
- Continuation of the Kendenup Agricultural Grounds redevelopment;
- A number of improvements in the Rec.Centre including new flooring and painting in the gym, new cardio and strength equipment, a purpose built Group Fitness Studio and fit out and paint for the crèche;
- Major improvements at the Mount Barker Regional Saleyards including the roofing of the northern dirt pens, a 250,000 litre water tank, modifications to dispersal ramp 1 and a new generator;
- Implementation of a new electronic notice board at the front of the administration building;
- Purchase of two new computer servers for the administration building; and
- Purchase of a tandem axle skel trailer for the Shire's refurbished hook lift truck, a Hino FS2848 truck, a Lombardi tri-axle side tipper and a Broons Graderoll duo rubber tyre roller.

In terms of the Shire's financial situation, rate revenue increased from \$6.22 million in 2015/2016 to \$6.48 million in 2016/2017. Outstanding borrowings reduced from \$2.99 million in 2015/2016 to \$2.66 million in 2016/2017.

The Council spent \$544,397.00 on land and buildings and \$493,034.00 on parks and ovals and other infrastructure. A total of \$3,318,299.00 was spent on roads and footpaths with \$1,400,569.00 on purchases of plant, furniture and equipment.

The level of reserve funds increased from \$1,662,354.00 in 2015/2016 to \$2,134,522.00 in 2016/2017. The level of unrestricted cash at year end rose from minus \$25,971.00 to \$749,557.00.

The Council received grants and contributions for the development of assets of \$2.61 million in 2016/2017. Total grants and contributions received was \$5.86 million. Other activities carried out throughout the year have been reported on extensively within the Annual Report.

**VOTING REQUIREMENTS**

Absolute Majority



**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the Annual Report for the year ended 30 June 2017 as attached, be accepted.**

**CARRIED (9/0)**

**NO. 282/17**

**Absolute Majority**

**9.4.2 AUDIT REPORT - YEAR ENDING 30 JUNE 2017**

<b>File Ref:</b>	<b>N43459</b>
<b>Attachment:</b>	<a href="#">2016/2017 End of Year Audit Report and CEO Letter</a>
<b>Responsible Officer:</b>	<b>John Fathers Acting Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Acting Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</b>

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**PURPOSE**

The purpose of this report is to present the Annual Financial Audit and Management Report for the year ending 30 June 2017.

**BACKGROUND**

In November 2017, representatives of Moore Stephens attended the Shire office to conduct an end of year audit for 2016/2017. It should be noted that the audit is designed primarily to enable the auditors to form an opinion on the financial statements and therefore does not extend to all of the Council's systems and procedures.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

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

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

**EXTERNAL CONSULTATION**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## POLICY IMPLICATIONS

There are no policy implications for this report.

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.1:

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

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

## OFFICER COMMENT

A copy of the Moore Stephens' Report is attached. The audit letter focuses on the Shire's current position with respect to the statutory financial ratios in Note 18. A comment in regard to the results is as follows:

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

Financial Ratios	2013	2014	2015	2016	2017
Current Ratio	0.771	0.650	1.020	0.792	0.962
Asset Sustainability Ratio	0.928	1.178	0.487	0.491	0.684
Debt Service Cover Ratio	6.857	4.250	6.921	3.562	7.248
Operating Surplus Ratio	-0.210	-0.258	-0.319	-0.590	-0.294
Own Source Revenue Coverage Ratio	0.646	0.677	0.579	0.547	0.602
Asset Consumption Ratio	0.122	0.188	0.620	0.466	0.524
Asset Renewal Funding Ratio	1.024	0.970	0.783	0.656	0.919

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

This ratio gives an indication of short term liquidity, or the ability to meet financial obligations when they fall due. The standard is met if the ratio is greater than 1. The Shire's 2017 result of 0.962 is marginally lower than the standard of 1.0, although has been inflated by the prepayment of 50% of the 2017/2018 commonwealth financial assistance grants. The relatively high level of reserve funds worsens this ratio.

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

This ratio indicates that to what degree the Shire is replacing or renewing existing assets at the same rate that its overall asset stock is wearing out. A basic standard is met if the ratio is greater than 0.9 and the Standard is 'Improving' if the ratio is between 0.9 and 1.1. The Shire's 2017 result of 0.684 is an improvement on the

2015/2016 result. The ratio also reflects the increased depreciation identified as a result of adjustments to asset fair values.

The ratio would not be considered within acceptable limits in the long term. This ratio needs to be considered in determining future asset management programs and more work needs to be done to verify road infrastructure depreciation values.

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

This ratio indicates an ability to service debt out of general purpose funds available for operations. A ratio greater than 2 is desirable at a basic level and an advanced standard is met if the ratio is greater than 5. The Shire's 2016 result of 7.248 is acceptable, acknowledging however that the Shire's debt load, including self supporting loans, needs careful attention.

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

This ratio indicates an ability to cover operational costs and have revenues available for capital funding or other purposes. A basic standard is met between 0.01 and 0.15. An advanced standard is met over 0.15. The Shire's 2017 result of (0.294) is well below ideal but is an improvement over the 2015 and 2016 results.

Accounting guidelines indicate that a sustained period of deficits will erode the local government's ability to maintain both its operational service level and asset base. This worsening situation is mainly due to increasing depreciation due to asset revaluations. To some degree, this ratio does not accurately represent the local government scenario, whereby a significant proportion of infrastructure renewal (expensed via depreciation) is met by capital grant income.

Ideally, future long term plans should achieve a reversal of this trend. This will involve work on, in particular verifying the remaining useful life (RUL) of infrastructure and ensuring depreciation rates are reliable.

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

This ratio indicates an ability to cover costs through own source revenue efforts. A basic standard is met between 0.4 and 0.6. An intermediate standard is met between 0.6 and 0.9. An advanced standard is met over 0.9. Given that asset valuations and the depreciation figure that is thereby created have impacted on this ratio, the Shire's 2017 result of 0.602 is acceptable and an improvement over the 2016 result.

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

This ratio measures the extent to which depreciable assets have been consumed by comparing their written down value to their replacement cost. The standard is met if the ratio is greater than 0.5. The standard is improving if the ratio is between 0.6 and 0.75. The Shire's 2017 result is 0.524 which is an improvement over the 2016 result.

The Council needs to update asset condition and RUL assessments on its road network, to ensure inputs to this ratio are based on reliable and verifiable data.

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

This ratio measures an ability to fund projected asset renewal and replacements in the future. The standard is met if the ratio is between 0.75 and 0.95. The standard is improving if the ratio is between 0.95 and 1.05. The Shire's 2017 result is 0.919 is acceptable and an improvement over the last two years. This ratio has improved as a result of further work undertaken on the LTFP and Asset Management Plan to achieve a better level of confidence.

These final two ratios have only been audited to the extent that the values are accurately represented in the Shire's Asset Management Plan and LTFP. There has been no additional effort in auditing the veracity of those plans or the figures used to determine the ratios.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr M O'Dea, seconded Cr B Lang:**

**That the Annual Financial Audit and Management Report for the year ending 30 June 2017 as issued by Mr David Tomasi of Moore Stephens be received.**

**CARRIED (9/0)**

**NO. 283/17**

**9.4.3 BUDGET REVIEW - NOVEMBER 2017**Cr M O'Dea

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

Nature: Skinner Road bisects property that we run our partnership on. Not an owner of the land (previously declared an interest at workshop)

Extent: Future resumption of property will have impact financially but this is not getting discussed at this meeting.

Cr B Lang

Type: Proximity (Section 5.62 LGA)

Nature: Properties owned on Langton Road

Extent: Not required

3:46pm Cr B Lang withdrew from the meeting.

3:46pm Cr M O'Dea asked for the Council's consideration to participate in discussion and voting on this matter and withdrew from the meeting.

**Moved Cr K Clements, seconded Cr L Handasyde**

**That in accordance with Section 5.68 (1)(b)(ii)(I) of the Local Government Act 1995, Cr M O'Dea be permitted to participate in discussion and voting on this item.**

**CARRIED (7/0)**

**NO. 284/17**

3:50pm Cr M O'Dea returned to the meeting.

Suspension of Standing Orders**Moved Cr K Clements, seconded Cr M O'Dea:**

**That Standing Order 8.5 (Limitation of Number of Speeches) be suspended to facilitate open discussion on the matter of the budget review.**

**CARRIED (8/0)**

**NO. 285/17**

**File Ref:** N42990  
**Responsible Officer:** John Fathers  
Acting Chief Executive Officer  
**Author:** John Fathers  
Acting Chief Executive Officer  
**Proposed Meeting Date:** 5 December 2017

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## **PURPOSE**

The purpose of this report is to review and adjust the adopted 2017/2018 Annual Budget to recognise variations in actual income and expenditure.

## **BACKGROUND**

The 2017/2018 annual budget was adopted by the Council at a special meeting on 11 July 2017. This is the first quarterly review of the 2017/2018 Annual Budget.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

There is no specific section of the Act that deals with the reallocation of funds however Section 6.2(1) governs budget requirements for local governments.

Local Government (Financial Management) Regulations 1996

Regulation 33A states:

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

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

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Section 6.20 of the Act relates to borrowings by local authorities. This section requires one month's local public notice and a submission period if the proposal to borrow was not included in the annual budget. Advertising for a short term loan would need to be undertaken in this instance as the proposal was not included in the 2017/2018 budget.

### **FINANCIAL IMPLICATIONS**

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

The storm damage work will likely affect cash flow as the Shire will have to make the payments which will then be recouped from MRWA. There may be a significant delay in recouping those funds. Given the delays in recoups experienced in the last storm event, it is considered that a short term loan from the Western Australian Treasury Corporation may be required to cover cash flow requirements.

It is recommended that authority be granted to the Chief Executive Officer to enter into a short term liquidity lending facility with the Western Australian Treasury Corporation to maintain positive cash flow while undertaking storm damage works. Funds can be drawn as required and paid back when recouped. An indicate rate of approximately 2.0% has been advised by WATC, depending on the term required.

### **POLICY IMPLICATIONS**

The Council's Borrowing and Asset Financing Policy is relevant to the proposed loan. The policy only contemplates a situation where borrowing is undertaken for asset financing. The loan funding proposal does not meet the policy guidelines, but in the circumstances the Council need not be constrained by the policy.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.1:

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

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

### **OFFICER COMMENT**

In terms of operating result, operating income is currently in line with (year to date) budget and operating expenditure is approximately 5% below (year to date) budget. A number of issues are worthy of a budget amendment and the following action is recommended:

- Unbudgeted interim rates of \$14,160.00 have been raised, some of which relates to rates levied for the TAFE lease at the CRC. The remainder can be made available for reallocation.



- 
- A sum of \$25,000.00 was budgeted for electoral expenses. With no election taking place, an estimated \$23,000.00 can be made available for reallocation, the remaining being used on advertising costs.
  - The final 2017/2018 Commonwealth Financial Assistance Grants are \$62,727.00 lower than previously advised, as included in the budget. Western Australia's final total funding pool was lower due to an adjustment used by the Commonwealth in the population used to determine the allocation of funds to the states for distribution. This sum can partially be made up from savings in this review.
  - The Department of Fire and Emergency Services has advised that the following items have been approved, which can now be included in the revised budget:
    - Forest Hill – 2.4 Broadacre – Single Cab \$383,900.00;
    - Narpyrn – Extension – amenities / meeting room \$ 47,585.00;
    - Porongurup South – Shelving, cabinets and workbench \$ 1,576.00;
    - Narrikup – Connection of water to kitchen \$ 4,500.00;

Income and Expenditure accounts will be amended, with a \$nil cash impact.

- The Shire's Environmental Health Officer (EHO) resigned in May 2017. Since then, there has been some discussion with Alliance Partners about a Regional EHO. In the meantime, the Shire has used City of Albany EHOs on a contract basis. A sum of \$10,000.00 needs to be transferred from Budget Item EHO Salaries to the Relief Salaries account.
- A grant of \$32,000.00 will be received this year for the pool refurbishment from the Department of Local Government, Sport and Cultural Industries. This amount has been committed to the current works. Expenditure and income accounts will be amended accordingly.
- Minor changes to the budget are sought for the Club Development Officer (CDO) Program. In addition to the contribution made by the Department of Local Government, Sport and Cultural Industries, the Shires of Cranbrook and Denmark will each contribute to the value of \$6,650.00. A budget amount for activities of \$1,250.00 is sought to be utilised for courses, catering and other expenses.
- The Shire has signed up for 'Compost Revolution', which is a platform to educate and equip households so they can recover the food waste that was traditionally thrown in landfill. Online tutorials and an integrated ordering system allow residents to choose their composting equipment (compost bin or aerator) and have it delivered to their premises.

The Council would subsidise the cost of the compost bins / aerators at 50% RRP. Approximately \$5,000.00 has been paid for the equipment already. An income item of \$2,500.00 is proposed. Income will be paid back to the Shire as orders are made.

- An inspection of the Kamballup refuse disposal site was undertaken by the Department of Water and Environment Regulation (DWER) in September 2017. The inspection raised some issues. As the premises have been assessed on the basis of a design and production capacity of 2,000 tonnes per annual period, the premises requires a prescribed premises Schedule 1, Category 62: Solid Waste Depot licence to operate.

DWER has been advised that the Shire would like to keep both the registration and the transfer depot licence for the Kamballup site. To do this, an amendment to the licence is needed to alter the boundary of the licence area to be just that of the transfer depot site. This would leave the remainder of the site as a registration where we can still landfill in the existing trenches.

In terms of daily operation, once the change is complete, residents would enter the site through the new gates to the east of the site and dump their waste into a hook lift bin within the depot transfer site (much the same as Kendenup and Porongurup). The hook lift bin would then be closed at the end of each shift (to control wind-blown waste, odour and vermin) and when full the bin would be transferred to the landfill trenches within the registered area at the back of the site and buried.

It is considered that the new hook lift bin should be provided urgently, especially from a safety perspective. The cost is approximately \$26,000.00. It is proposed to fund this from the Waste Management Reserve Fund.

- The Shire experienced a significant rainfall event between 25 to 26 September 2017. This has been formally announced as eligible for WANDRRA funding by the Office of Emergency Management.

Council staff have been collecting information for the WANDRRA submission. The current estimate of the repairs is in the region of \$1.5 million. The Council will be required to contribute own source funds of approximately \$150,000.00. To date, the Council has spent approximately \$85,000.00 in preliminary works leaving an estimated \$65,000.00 of own funds to be expended.

The Council has a Natural Disaster Reserve for such events, however the current balance of \$80,000.00 is insufficient to fund the full contribution. A reallocation of the shortfall of funds will be required. To maximise the Shire's claim and to ensure that no damage is unreported, it will be necessary to engage a consultant engineer to assess the network damage and provide Main Roads WA (MRWA) with full costings. This costs involved with this can be recouped.

- A number of inaccuracies have come to light in regard to allocations for State Road Projects. The following changes are required to road project allocations:

Description	Original / Amended Budget	New Budget
Martagallup Road - SLK 0.00 to 5.00	(\$165,000)	(\$169,805)
Carbarup Road - SLK 3.00 to 6.00	(\$225,000)	(\$341,305)
Waterman Road - SLK 3.30 to 9.38	(\$136,432)	(\$139,269)

- A workshop was conducted by the Manager Works and Services (MWS) on 7 November 2017 regarding the 2017/2018 road construction program. It was pointed out that in some projects there appeared to be no rationale for the allocation of significant funds whilst others were underfunded. As a result, potential changes are required to some funding regimes to allow for improved planning of future works. A summary is as follows:
  - Bangalup Road - The works that are required are the improvement of drainage at two low lying areas, each about 100m in length at approximately SLK 0.70 and SLK 3.37. Additionally some sandy areas could be improved with minor gravel sheeting.

The construction works could be completed for approximately \$125,000.00 which is a reduction of \$173,500.00 from the budget. This completion figure may be too high but some allowance has been made for subsoil drainage that may or may not be required once the shoulders are opened, and the subgrade areas examined.

- Skinner Road - The current condition is fair to good, even at the end of winter without maintenance grading having occurred. There are no obvious defects in the road formation. The section between SLK 0.00 to approximately SLK 0.50 is low lying and may flood, although there is no record of it doing so in the last heavy rain event.

The recommended works are to undertake minor re-sheeting and to give the road a thorough maintenance grade with water trucks and rollers to condition and compact the road. The cost of these works, including resumption (compulsory if necessary) are estimated to be \$25,000.00, a saving of \$22,000.00 from the budgetary figures.

- O'Neill Road / Albany Highway intersection turning pockets - The completion of this project has not received a budget allocation. The three budget items from 2016/17 (Blackspot, Roads to Recovery and own source funds) were fully spent by the end of 2016/2017.

Discussion with the contractors (Palmer Civil) have highlighted that funding of \$125,000.00 will be required for completion. This would bring the total project cost to \$444,621.00 which is considered to be a realistic price for a moderately complex series of slip lanes built under traffic on a state highway.

- Langton Road from Lowood Road to Eaton Avenue - Works to improve drainage and street scaping are allocated to budget items 51606.0250 and 51725.0250 together forming a budget of \$77,672.00 of which \$42,999.00 has already been spent or committed.

A sum of \$72,138.00 is estimated to be needed for completion of the drainage works and then an additional \$369,200.00 to complete kerbing, asphaltting and line marking. The latter figure has been given by the current contractor and is beyond the Council's ability to fund in this financial year even with significant re-allocations.

It is suggested that hotmixing the road (\$47,700.00) and brick paving of footpaths (\$89,700.00) be removed from the current scope of works. The drainage can be completed using funds re-allocated from budget item Mount Barker Drainage Improvements 51203.0250. Any contingencies would also come from this budget item, such as driveway re-instatements etc.

Following this a re-seal of the existing pavement with a 10mm primer, line marking and other small improvements estimated to cost approximately \$35,000.00 would be completed. Langton Road and its businesses would be returned to the 'status quo' prior to any drainage works and this option is seen as the most obvious stop gap measure available at present.

Total additional costs of \$177,328.00 are sought for this project in this review. A re-evaluation of the project and properly considered funding of any further works in the 2018/2019 budgets can be undertaken in early 2018.

- Bridges Road - SLK 0.00 to 0.36 – A budget of \$12,000.00 has been allocated for this project. Only minor work is required, which can be accommodated from the road maintenance budget.
- The repairs to the Lowood Road / Langton Road roundabout have been completed at a cost of approximately \$4,000.00. A sum of \$10,613.00 can be made available for reallocation.
- A sum of \$16,300.00 can be saved from Budget Item Moorilup Road floodway. This did not suffer greatly in the floods and with approximately \$56,700.00, quite a lot can be done in terms of downstream armour, cement stabilise the current floodway and the like.
- Woogenellup Road Floodway and Woogenellup Road / Chester Pass Roads intersection - The MWS has requested Opus International Consultants (Opus) review the budgets of these state Black Spot funded projects. In the former project it would appear it is over funded because little can be done with the funding available. Major re-alignments and drainage works would need a much greater funding allocation (> \$1,000,000.00) to be effective. The MWS has asked Opus to review the Road Safety Audit and advise if additional signage, surface treatments or other measures (such as rumble strips) may be more appropriate.

For the Woogenellup Road / Chester Pass Roads intersection, the MWS has sought OPUS's opinion on the viability of the project and to provide more accurate costings. Given that all works are within a Main Roads WA (MRWA) managed road reserve the project would need to be designed and constructed to a much higher level than the funding sought similar to the O'Neill Road intersection.

It is suggested that these projects be deferred, which will enable the Council funding contributions to be used elsewhere.

- The Saleyards - Infrastructure Depreciation account is approximately \$150,000.00 over budget due to the movement of the saleyards asset from Land and Buildings category to Infrastructure. A non-cash reallocation between these accounts is required.
- Other minor savings have been identified, which have contributed to the overall reallocation.

## **VOTING REQUIREMENTS**

Absolute Majority

Resumption of Standing Orders

**Moved Cr L Handasyde, seconded Cr M O'Dea:**

**That Standing Order 8.5 be resumed.**

**CARRIED (8/0)**

**NO. 286/17**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr M O'Dea:

That:

1. The budget review for the period 1 July 2017 to 30 September 2017 be adopted and the 2017/2018 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
10000.0490	General Rate GRV - Interim Rates and Adjustments	\$0	\$14,160	\$14,160
20134.0255	Other Expenses - Donations	(\$5,000)	(\$12,570)	(\$7,570)
10007.0212	Grants Commission Grant - Equalisation - Untied	\$431,028	\$398,374	(\$32,654)
10008.0211	Grants Commission Grant - Road Maintenance - Untied	\$396,971	\$366,898	(\$30,073)
20025.0030	Other Expenses - Elections - Professional Services	(\$25,000)	(\$700)	\$24,300
10016.0224	Reimbursements - LSL	\$0	\$3,500	\$3,500
50509.0006	Forest Hill BFB – 2.4 Broadacre – Single Cab	\$0	(\$383,900)	(\$383,900)
10511.0500	Grant Income (Non Cash) - Forest Hill BFB – 2.4 Broadacre	\$0	\$383,900	\$383,900
50517.0006	Narpyn BFB – Extension - Amenities / meeting room	\$0	(\$47,585)	(\$47,585)
10511.0514	Grant Income (Non Cash) - Narpyn BFB – Extension	\$0	\$47,585	\$47,585
20513.0333	Other Expenses - Purchase of Plant / Equipment (>\$1,200)	(\$4,000)	(\$10,076)	(\$6,076)
10515.0201	Grant Income - FESA Grant	\$133,460	\$139,536	\$6,076
20111.0130	Employee Costs - Salaries	(\$95,212)	(\$85,212)	\$10,000
20111.0264	Employee Costs - Relief Salaries	(\$5,000)	(\$15,000)	(\$10,000)
10103.0229	Reimbursements - Other (Advertising)	(\$1,000)	(\$6,000)	(\$5,000)
11109.0229	Reimbursements - Other	\$0	\$4,000	\$4,000
20221.3540	Other Expenses – CDO	\$0	(\$1,250)	(\$1,250)
11109.0354	Reimbursements - CDO Program	\$25,000	\$38,300	\$13,300
51694.0252	Swimming Pool Refurbishment	(\$95,000)	(\$127,000)	(\$32,000)
41040.0450	Grants & Contributions - Swimming Pool	\$0	\$32,000	\$32,000
51436.0006	Kamballup Waste Disposal Site - Hook Lift Bin	\$0	(\$26,000)	(\$26,000)
41001.0486	Transfers from Reserve Funds	\$0	\$26,000	\$26,000
11011.0120	Other Income - Compost Bins and Aerators	\$0	\$2,500	\$2,500
51280.0250	Storm Damage Rectification	\$0	(\$1,500,000)	(\$1,500,000)
41201.0209	Contributions - Storm Damage	\$0	\$1,350,000	\$1,350,000
41202.0486	Transfers from Reserve Funds	\$0	\$80,000	\$80,000
51703.0250	Martagallup Road - SLK 0.00 to 5.00	(\$165,000)	(\$169,805)	(\$4,805)
51704.0250	Carbarup Road - SLK 3.00 to 6.00	(\$225,000)	(\$341,305)	(\$116,305)
51707.0250	Waterman Road - SLK 3.30 to 9.38	(\$136,432)	(\$139,269)	(\$2,837)
51705.0250	Woogenellup Road Floodway	(\$116,540)	\$0	\$116,540
51706.0250	Woogenellup Road / Chester Pass Road - Intersection	(\$142,300)	\$0	\$142,300
51712.0250	Skinner Road - SLK 0.00 to 1.63	(\$47,000)	(\$25,000)	\$22,000
51715.0250	Bangalup Road- SLK 0.00 to 5.01	(\$298,500)	(\$125,000)	\$173,500
51677.0250	O'Neill Rd - Albany Hwy - Slip Lane	\$0	(\$125,000)	(\$125,000)
51716.0250	Bridges Road - SLK 0.00 to 0.36	(\$12,000)	\$0	\$12,000
51671.0250	Lowood Road / Langton Road Avenue - Roundabout Repairs	(\$14,821)	(\$4,208)	\$10,613
51699.0250	Moorilup Road - Rebuild Floodway	(\$73,000)	(\$56,700)	\$16,300
51606.0250	Langton Road - Lowood Road to Marmion Street	(\$32,672)	(\$210,000)	(\$177,328)
51202.0250	Shire Wide Drainage Construction	(\$120,000)	(\$10,000)	\$110,000
41201.0207	Direct Road Grants - State Road Project Grants	\$260,000	\$340,740	\$80,740
41201.0008	Direct Road Grants - Black Spot Funding	\$229,922	\$56,991	(\$172,931)
21324.0035	Non Cash Expenses - Depreciation - Land & Buildings	(\$450,024)	(\$12,600)	\$0
21324.0188	Non Cash Expenses - Depreciation - Infrastructure	(\$17,978)	(\$468,900)	\$0
		(\$675,098)	(\$677,983)	\$0

2. Subject to no submissions being received during a public consultation process, authority be granted to the Chief Executive Officer to enter into a short term liquidity lending facility between the Shire of Plantagenet and the Western Australian Treasury Corporation to maintain positive cash flow while undertaking storm damage works.

**CARRIED (8/0)**

**NO. 287/17**

**Absolute Majority**

4:25pm Cr B Lang returned to the meeting.

**9.4.4 FINANCIAL STATEMENTS – NOVEMBER 2017**

<b>File Ref:</b>	<b>N43436</b>
<b>Attachment:</b>	<a href="#">Financial Statements</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Alison Kendrick</b> <b>Senior Administration Officer - Finance</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</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 30 November 2017.

**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**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That the Financial Statement for the period ending 30 November 2017 be received.**

**CARRIED (9/0)**

**NO. 288/17**



**9.4.5 LIST OF ACCOUNTS – NOVEMBER 2017**

<b>File Ref:</b>	<b>N43730</b>
<b>Attachment:</b>	<a href="#">November 2017</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Vanessa Hillman</b> <b>Accounts Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</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 November 2017.

**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 (21 June 2016). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr M O'Dea:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 November 2017 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$432,319.85;
2. Municipal Cheques 46083 to 46101 and 46103 to 46108 totalling \$65,611.83;
3. Trust Cheque 452 to 453 totalling \$16,000.00; and
4. Cancelled Cheque 46102.

**CARRIED (9/0)**

**NO. 289/17**

**9.4.6 POLICY REVIEW - GROUP RATING**

<b>File Ref:</b>	<b>N43468</b>
<b>Attachment:</b>	<a href="#"><u>Valuer General's Office Policy 3.103 – Land – The Unit of Valuation, Gross Rental Value</u></a> <a href="#"><u>Valuer General's Office Policy 4.310 – Group Valuations – Unimproved Values in Rural Areas</u></a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Leanne Briggs</b> <b>Rates Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</b>

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**PURPOSE**

The purpose of this report is to review Council Policy A/PA/13 – Group Rating.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 8 December 2015.

**STATUTORY ENVIRONMENT**

Group rating of land parcels is covered by the Valuation of Land Act 1978 and is also subject to legal precedent as detailed in Valuer General's Office (VGO) Policies 3.103 and 4.310.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy:

Strategy 4.6.3:

*'Maintain, develop and monitor rating and property strategies.'*

Further, the Council's Corporate Business Plan 2015/2016 – 2019/2020 includes Action 4.6.3.1:

*'Set fair and reasonable property rating levels, which aim to achieve equity in the maintenance of infrastructure between generations and maintain accurate rating roll records.'*

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

### **OFFICER COMMENT**

The VGO provides valuation details to local government for the purposes of applying property rates. The Council has no choice but to apply rates and charges on land parcels as valued by the VGO.

The VGO has policies (3.103 and 4.310 - attached) which require valuing adjoining lots as a single valuation in the following circumstances:

#### Unimproved Value Properties

- The lots are contiguous and in common ownership.
- The lots are used and occupied as one holding and would normally be expected to sell as one holding.
- The current contiguity and use will continue into the foreseeable future.
- The bases of valuation is confirmed by sales evidence.

#### Gross Rental Value Properties

- Land in common ownership.
- Actual and contiguous occupation extends across more than one lot.
- Open storage used in conjunction with an industrial building.
- Improvements erected across lot boundaries.
- Residential garden, pool, tennis courts etc used in conjunction with a house.

It is considered appropriate for the Council to reaffirm this policy that reflects the current practice of applying single lot rating to all lots within the Shire, except for situations where the VGO applies a group valuation to them.

### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr M O'Dea, seconded Cr S Etherington:**

**That Council Policy A/PA/13 – Group Rating, as follows:**

#### **'OBJECTIVE:**

**To clarify the situations where group rating of separate lots can be applied.**

#### **POLICY:**

**That the Council will individually rate all separate lots unless the Valuer General's Office applies a group valuation in accordance with that Department's policies relating to group valuations.'**

**be endorsed.**

**CARRIED (9/0)**

**NO. 290/17**

**9.4.7 STRATEGIC COMMUNITY PLAN 2017 – 2026 - ADOPTION**

<b>File Ref:</b>	<b>N43471</b>
<b>Attachments:</b>	<a href="#">Strategic Community Plan 2017 - 2026</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Acting Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Acting Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</b>

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**PURPOSE**

The purpose of this report is to recommend to the Council the adoption of a new Strategic Community Plan for the Shire of Plantagenet for the period 2017 – 2026.

**BACKGROUND**

At its meeting held on 25 June 2013, the Council adopted the Shire of Plantagenet Strategic Community Plan for the period 2013 – 2023.

In October 2016, a survey was distributed to all residents on the Shire of Plantagenet electoral roll, seeking views on a range of issues. This survey was similar to one done in 2011 for the first iteration of the Strategic Community Plan. This was accompanied by advertisements in the Plantagenet News. The surveys included a prepaid envelope so that they were returned to a consultant engaged to compile and analyse them.

The resulting report included an executive summary, graphical representation of the level of satisfaction with various services and free format comments. A workshop involving elected members and senior staff was held on 20-21 March 2017 to review the results of the survey and develop the themes for a revised plan.

Further workshops have been held to finalise a revised plan, which was advertised for public comment. Two responses were received, which requested that additional groups be included in the people we talk to regarding Outcomes. Such changes have been made to the final document.

Further minor changes were made subsequent to a strategic planning discussion on 28 November 2017.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Section 5.56 of the Act states:

- '(1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.'*

Local Government (Administration) Regulations 1996

Section 19C of the Regulations state:

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- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
  - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
  - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
  - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*

*\*Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.’.*

## **EXTERNAL CONSULTATION**

In October 2016, a survey was distributed to all residents on the Shire of Plantagenet electoral roll, seeking views on a range of issues. A total of 3,191 surveys was distributed with 710 usable surveys being received back (22.25%). This was accompanied by advertisements in the Plantagenet News.

The final plan was advertised for public comment, to which two responses were received.

## **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

## **POLICY IMPLICATIONS**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012–2022 provides at Outcome 4.4 (Effective integrated planning and reporting processes) the following Strategy:

Strategy 4.4.1:

*‘Develop, implement and maintain a Strategic Community Plan and Corporate Business Plan.’*

Further, the Council’s Corporate Business Plan 2016/2017 – 2020/2021 includes Action 4.4.1.1:

*‘Comply with legislation for Plan for the Future.’*

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

## **OFFICER COMMENT**

This updated Strategic Community Plan continues to recognise the role of the community in determining its own future and will remain the key strategic document for guiding the Council’s business planning, annual budgets and service delivery.

The Plan, first developed in 2013 following significant community input, has been reviewed for currency and amended in response to the many changes and pressures facing the Shire of Plantagenet.

This Plan identifies our community’s aspirations and describes how the Shire can work towards achieving these. Many of the directions and approaches within the Plan apply to core business areas of the Shire, while larger projects and initiatives continue to be assessed and implemented on a progressive basis, subject to external funding.

The adoption of this plan recognises the regional approach to strategic planning, which requires the ongoing development of partnerships with other local governments and stakeholders. These partnerships are fundamental to the collaborative approach to regional development and growth

The Strategic Community Plan drives the development of the Corporate Business Plan, both of which are integrated with and informed by the Council’s Asset Management, Workforce and Long Term Financial Plans. Together they form the Local Government Integrated Planning and Reporting Framework. Recently, the Asset Management and Long Term Financial Plans have been updated.

Key performance indicators at the strategic and operational levels provide valuable information on how efficiently the Shire is delivering its services, actions and projects and how successful it is in achieving its outcomes and goals set out in the Strategic Community Plan.

## **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr M O'Dea, seconded Cr B Bell:**

**That the Shire of Plantagenet Strategic Community Plan for the period 2017 – 2026, as attached, be adopted.**

**CARRIED (9/0)**

**NO. 291/17**

**Absolute Majority**



## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 CRANBROOK AIRSTRIP - CONTRIBUTION TOWARDS AIRPORT MASTER PLAN

<b>File Ref:</b>	<b>N42025</b>
<b>Responsible Officer:</b>	<b>John Fathers Acting Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Acting Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</b>

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#### PURPOSE

The purpose of this report is to present a request from the Shire of Cranbrook for a contribution of approximately \$5,000.00 towards a master plan for the development of the Cranbrook airstrip.

#### BACKGROUND

The Council has, on a number of occasions, discussed the potential to lease Part Lot 50 Eulup-Manurup Road (Karriook Airstrip) for a public airstrip. While this proposal has not been progressed, at its meeting held on 15 August 2017, following a notice of motion by Cr Bell, the Council resolved that:

- 1. The Chief Executive Officer explore the feasibility of establishing an airstrip North of Mount Barker in collaboration with the Shire of Cranbrook for the primary use of supporting water bombers.*
- 2. This issue be brought to discussion with our Voluntary Regional Organisation of Council partners.'*

Cr Bell noted that *'an airstrip to the north of Mount Barker would possibly be a more effective use of the water bombers to the benefit of both Mount Barker and Cranbrook residences. Working together with Shire of Cranbrook may also improve the chances of securing funding for such a project. Such an airstrip could be a real benefit in the protection of the Stirling Range National Park.'*

#### EXTERNAL CONSULTATION

Consultation has occurred with the Shire of Cranbrook via the Southern Link VROC. At a CEO level VROC meeting that the Shire of Cranbrook would progress the matter, with a contribution to be sought from the Shire of Plantagenet.

#### FINANCIAL IMPLICATIONS

A request has been made for a contribution of approximately \$5,000.00. Sufficient funds are available in Budget Item 20049.0273 - Other Expenses - Professional Services.

#### POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 under Outcome 2.4 Safe and Reliable Transport Infrastructure is silent with regard to aviation infrastructure.

However, Outcome 3.2 (A strong and Diverse Economic base notes the following Strategy):

Strategy 3.2.1.1

*'Facilitate the attraction of value-adding and compatible new industries to the region.'*

Outcome 1.9 (A Safe Plantagenet) notes the following strategy:

Strategy 1.9.2.1

*'Maximise community safety through the management of the risks associated with fire, natural events and large scale emergencies.'*

Therefore, although the Council's future planning does not take into account the provision of aviation infrastructure, the upgrade of such infrastructure in Cranbrook would assist the Council to attain its strategic goals.

## OFFICER COMMENT

Following a discussion at a CEO VROC meeting held on 25 October 2017, the Shire of Cranbrook has prepared a proposal for an Airport Master Plan to be developed for the Cranbrook airstrip.

The plan will focus on water bombing applications, Royal Flying Doctor Service requirements and the potential for future ecotourism throughout the region. Also, it has been requested that the plan consider 'blue sky' opportunities for complementary developments into the future which could include businesses relating to flight training and aircraft engineering, as well as the creation of a residential estate for aviation enthusiasts.

GHS has prepared a proposal to undertake the plan at a cost of \$20,300.00 (excluding GST). The Shire of Cranbrook has started to prepare a funding application for a Regional Airports Development Scheme (RADS) grant to meet 50% of the costs of the plan. While there is no guarantee that the application will be successful, the Shire of Cranbrook intends to pursue the opportunity with some vigour.

In due course, it is the Shire of Cranbrook's intention to seek future RADS funding for airport infrastructure development, including airstrip formation, bitumen turning nodes, taxiway and apron, windsock and airstrip lighting.

Information has been obtained from the Department of Biodiversity, Conservation and Attractions (DBCA) which indicates there is a defined and simple process to follow for setting up a new water bomber base, as follows:

1. Local government, local Department of Fire and Emergency Services (DFES) and DBCA agree that the base is required;
2. They come as one to DBCA and DFES aviation for support;
3. Senior DBCA and DFES management agree to fund the base set-up;
4. DBCA aviation managers the purchase of equipment and the base set-up;

Usually DBCA and DFES go 50-50 in the equipment and infrastructure purchase and the local government undertakes the site works.

The Deputy Chief Pilot from DBCA has inspected the Cranbrook airstrip and has indicated that it is acceptable but would chop up if sustained operation was operated from it due to the current running surface. The grade, roll and gravel hardstands at each end for minimising propeller damage would be a good starting point.

In regard to the Council's August 2017 decision, the reasoning for raising the matter was the Shire's interest in the establishment of a water bomber base at Cranbrook, not a development that goes beyond that.

Nevertheless, given the mutual benefits to the Shires of Plantagenet and Cranbrook, the Council has been asked to make a 50% contribution towards the remaining cost of the plan, at approximately \$5,000.00.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That:

1. A contribution of up to \$5,000.00 (excluding GST) be made to the Shire of Cranbrook towards a master plan for the development of the Cranbrook airstrip.
2. The expenditure in Part 1 above be charged to budget item Budget Item 20049.0273 - Other Expenses - Professional Services.

### **MOTION TO ADJOURN THE QUESTION**

**Moved Cr K Clements, seconded Cr L Handasyde:**

**That the question be adjourned to allow the CEO and Southern Link Voluntary Regional Organisation of Councils (VROC) representatives to undertake further discussion and obtain further information from the Shire of Cranbrook and VROC and report back to the Council.**

**CARRIED (9/0)**

**NO. 292/17**

**9.5.2 REGISTER OF DELEGATED AUTHORITY - AMENDMENTS**

<b>File Ref:</b>	<b>N43670</b>
<b>Attachments:</b>	<a href="#">Register of Delegations Amendments</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Linda Sounness</b> <b>Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</b>

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**PURPOSE**

The purpose of this report is to endorse proposed amendments to the current Register of Delegated Authority (Delegations Register) adopted by the Council on 20 June 2017.

**BACKGROUND**

At its meeting held on 20 June 2017 the Council adopted an updated Register of Delegations, Sub-delegations, Appointments and Authorisations (Register of Delegated Authority).

At its meeting held on 18 July 2017 where Council Policy I/R/13 Vehicle Crossovers was reviewed, the Council resolved that:

- '2. A further report be prepared for the Council's consideration addressing legislative issues regarding Delegation 5.1 – Closure of Streets, Thoroughfares, Control of Reserves and Unvested Facilities...'*

This report was sought to amend the Delegations Register at Delegation 5.1 to include the legislation reference for the approval of vehicle crossovers.

Further, two more matters have been identified which require amendments to the Delegations Register. These are the inclusion of a new delegation regarding fines enforcement and a clarification of the sub-delegation to the Manager Works and Services relating to permits for the keeping of dogs outside a townsite.

All of the recommended amendments to the Delegations Register have been identified as impacting on the efficiency, effectiveness and timeliness of decision making.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 permits a local government (by absolute majority decision under s5.42(1)) to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority or special majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;

- appointing an auditor;
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government;
- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in s9.5 of the Act;
- the power under S9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government; and
- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are several other matters which cannot be delegated to the CEO:

- under Regulation 18G of the Local Government (Administration) Regulations s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors;
- under Regulation 18C and 18D which relate to the recruitment and performance management of the CEO; and
- under Regulation 16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day to day accounts or financial management operations.

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

### **POLICY IMPLICATIONS**

As part of the normal policy review process, policies and delegations are cross referenced to ensure that where a delegation is in place, a relevant policy to assist with interpretation is also in place.

With regard to the amendments in this report:

Policy I/R/13 Vehicle Crossovers;

Policy F/FM/15 – Debt Collection; and

Policy RS/AC/1 – Keeping of Dogs within Townsites, apply.

### **STRATEGIC IMPLICATIONS**

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

Strategy 4.1.6:

*'Provide administrative support to Shire for governance functions'*

Further at Outcome 2.4 (Safe and reliable transport infrastructure) the following Strategy:

Strategy 2.4.1:

*'Maintain and further develop roads and pathways at appropriate standards.'*

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

Strategy 4.6.6:

*'Ensure the Shire's property, administration and records systems are management effectively and efficiently.'*

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

The Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 includes Action 4.1.6.1:

*'Ensure that a system of processes through which the Shire conducts its decision making and directs, controls and monitors the operation of the organisation is implemented and maintained.'*

## **OFFICER COMMENT**

Since the adoption of the Register of Delegated Authority on 20 June 2017 two Delegation amendments and three sub-delegation amendments have been identified for inclusion: These amendments are as follows:

1. Amended Sub-delegation 3.5A – Dog Act – General Delegations  
Changes to this sub-delegation do not require Council approval, however this will be recommended for noting that this delegation to include reference to keeping of dogs outside a townsite (refer attached).
2. New Delegation 3.10 and Sub-delegation 3.10A Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers  
This is a new delegation to give the CEO the authority to appoint Prosecution Officers to administer the issuing of and subsequent proceedings with fines, penalties and infringements. The Sub-delegation 3.10A will be recommended for noting.
3. Amended Delegation 5.1 and Sub-delegation 5.1A – Closure of Streets, Thoroughfares, Control of Reserves and Unvested Facilities.  
It will be recommended that these pages be amended to include legislation relating to Vehicle Crossovers (refer attached). The sub-delegation 5.1A is for noting as it does not require Council approval.

## **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr B Bell:

That:

1. **Amendments to Delegations within the Register of Delegated Authority dated 20 June 2017:**

- a) **New Delegation 3.10 Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers (as attached); and**
- b) **Amendments to Delegation 5.1 Closures, of Streets, Thoroughfares, Control of Reserves and unvested facilities (as attached);**

be endorsed.

2. **Amendments to Sub-delegations within the Register of Delegated Authority dated 20 June 2017:**

- a) **New Sub-Delegation 3.10A Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officer (as attached);**
- b) **Amendments to Sub-Delegations 3.5A Dog Act – General Delegation – Sub Delegation and appointment instrument (as attached); and**
- c) **Amendments to Sub-delegation 5.1A Closures of Streets, Thoroughfares, Control of Reserves and unvested facilities (as attached);**

be noted.

**CARRIED (9/0)**

**NO. 293/17**

**Absolute Majority**

### **9.5.3 CHOICE OF SUPERANNUATION FUND - EMPLOYER MATCHING CONTRIBUTIONS**

<b>File Ref:</b>	<b>N43544</b>
<b>Responsible Officer:</b>	<b>John Fathers Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Donna Fawcett Senior Administration/Human Resources Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2017</b>

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#### **PURPOSE**

The purpose of this report is to seek Council approval for contracted employees to be provided a choice of superannuation fund with regard to employer matching superannuation payments.

#### **BACKGROUND**

WA Super, formerly Western Australian Local Government Super Plan (WALGSP), was created in 1983 specifically for Local Government employees. The fund allowed for employees to make voluntary superannuation contributions which could be matched by the employing Council.

In 1992 the government introduced the superannuation guarantee scheme which required employers to pay a percentage of an employee's wage to a complying superannuation fund.

After 1992, Local Government employees had the option to choose where their superannuation guarantee, salary sacrifice and post-tax contributions payments were paid to. However, rules governed by the WALGSP Trust Deed restricted the payment of employer matching contributions. These contributions were required to be paid to WA Super. This resulted in some employees being required to have two active superannuation accounts.

#### **STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

#### **EXTERNAL CONSULTATION**

Consultation has taken place with Irene Burleigh from WA Super.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

#### **POLICY IMPLICATIONS**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

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**OFFICER COMMENT**

The rules governing restrictions on choice of superannuation fund for employer matching contributions have been amended and choice of superannuation fund is now permitted through an industrial agreement or by Council decision.

This choice is being provided to the majority of Shire employees by incorporating a clause covering choice of super fund into the Shire's enterprise agreements. However, contracted employees not covered by an enterprise agreement require a Council decision in order to be provided with the same choice.

The provision of choice to contracted employees with regard to employer matching contributions is recommended as it will remove the current requirement for affected employees to have more than one active superannuation fund.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr M O'Dea, seconded Cr L Handasyde:**

**That contracted employees not covered by a Shire of Plantagenet Enterprise Agreement be permitted to have a choice of superannuation fund with regard to employer matching superannuation contributions.**

**CARRIED (9/0)**

**NO. 294/17**

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****10.1 OLD MOUNT BARKER PRIMARY SCHOOL SITE**

Cr Bell has given notice of his intention to move the following motion, pursuant to Clause 3.7 of Standing Orders:

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

**That:**

- 1. No further action be taken in reference to the purchase of the old Mount Barker Primary School site at this stage.**
- 2. A workshop be held in January 2018 to discuss future direction on the subject in Part 1 above.**
- 3. No further expenditure be incurred with investigations into the purchase of the site in Part 1 above.**

**MOTION TO ADJOURN THE QUESTION**

**Moved Cr K Clements, seconded Cr L Handasyde:**

**That the question be adjourned to clarify the rules for 'Notices of Motion' in relation to information requirements.**

**CARRIED (7/2)**

**NO. 295/17**

**10.2 NORTHERN ROUNDABOUT – LAYOUT DESIGN**

Cr Bell has advised of his intention to move the following motion, pursuant to Clause 3.7 of Standing Orders:

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

**That:**

- 1. A workshop be held in January 2018 to determine the criteria and budget limit for a re-design of the roundabout on Albany Highway and Muir Highway.**
- 2. Following the workshop in Part 1, interested individuals or groups be invited to submit concept design ideas.**
- 3. The final design be approved by Main Roads WA.**
- 4. An allocation to complete the project be included in the 2018/2019 draft budget.**

**MOTION TO ADJOURN THE QUESTION**

Moved Cr K Clements, seconded Cr L Handasyde:

That the question be adjourned to clarify the rules for 'Notices of Motion' in relation to information requirements.

**CARRIED (7/2)**

**NO. 296/17**

**10.3 COMMUNITY GARDEN**

Cr Bell has advised of his intention to move the following motion, pursuant to Clause 3.7 of Standing Orders:

Moved Cr B Bell, seconded Cr J Moir:

That:

1. Notice be given to the Wilson Inlet Catchment Committee, lessee of the Community Garden site, that in the Council's opinion the Community Garden site has not been maintained in accordance with the lease requirements specified in Clause 3.4(1), and that the occupier has 14 days to remedy the same and to continue to maintain it.
2. If the site is not remedied, the CEO be authorised to terminate the lease in Part 1 above pursuant to Clause 5.2 of the lease and in this instance any structures on the site shall be removed in accordance with lease Clause 3.16.
3. The Wilson Inlet Catchment Committee be requested not to seek a renewal of the lease in March 2018.

**MOTION TO ADJOURN THE QUESTION**

Moved Cr K Clements, seconded Cr L Handasyde:

That the question be adjourned to clarify the rules for 'Notices of Motion' in relation to information requirements.

**CARRIED (7/2)**

**NO. 297/17**

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

**12 CONFIDENTIAL****12.1 CORPORATE SERVICES REPORTS****12.1.1 SALE OF LAND FOR NON-PAYMENT OF RATES – AUTHORITY TO AFFIX COMMON SEAL**

**File Ref:** N43628  
**Responsible Officer:** John Fathers  
Acting Chief Executive Officer  
**Author:** Leanne Briggs  
Rates Officer  
**Proposed Meeting Date:** 5 December 2017

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**PURPOSE**

The purpose of this report is to seek authority to affix the Common Seal of the Council to documentation to effect the sale of land for non-payment of rates. The land involved is Lots 812 and 817 Stoney Creek Road, Porongurup and Lots 11, 12, 13, 14 and 1849 Kwormnicup Road and Ball Road, Forest Hill.

**MOTION TO PROCEED BEHIND CLOSED DOORS**

**Moved Cr M O’Dea, seconded Cr L Handasyde:**

**4:50pm** That the meeting be closed to members of the public pursuant to Section 5.23 (2) (e) (iii) of the Local Government Act as the matter to be considered relates to information about the business, professional, commercial or financial affairs of a person.

**CARRIED (9/0)**

**NO. 298/17**

**MOTION TO PROCEED IN PUBLIC**

**Moved Cr L Handasyde, seconded Cr M O’Dea:**

**4:51pm** That the meeting proceed in public.

**CARRIED (9/0)**

**NO. 299/17**

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr M O'Dea:

That:

1. The sale of Lots 11, 12, 13, 14 and 1849 Kwornicup Road / Ball Road, Forest Hill for \$400,000.00, be noted;
2. The scheduled auction on 27 January 2018 of Lots 812 and 817 Stoney Creek Road, Porongurup, be noted; and
3. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Transfer of Land and any other documentation to effect the land transfers in Parts 1 and 2 above.

**CARRIED (9/0)**

**NO. 300/17**

**13 CLOSURE OF MEETING**

4:52pm The Presiding Member declared the meeting closed.

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