



ORDINARY MINUTES

DATE: Tuesday, 11 November 2014

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution numbers: 234/14 to 266/14

DISCLAIMER

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

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MEMBERSHIP – Quorum (5)

Membership:

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

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:03pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President (Left Chambers at 4:48pm, returned 5:29pm)
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor (Left Chambers at 4:54pm, returned 4:56pm) (Left Chambers at 5:04pm, returned 5:06pm)
Cr L Handasyde	Councillor
Cr G Messmer	Councillor (Left Chambers at 3:27pm, returned 3:28pm)
Cr J Moir	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor

In Attendance:

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

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 Rob Stewart - Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 MR ERIC HENDERSON, CHAIRMAN MOUNT BARKER TOURIST BUREAU INC

ANZAC commemorations are over for now and what do we have after the wash up? I think we all know that the anticipated crowds did not eventuate. Conservative estimates say 35,000 people, the more optimistic that I have heard was as many as 45,000, but well short of the 60,000 – 70,000 expected. Perhaps media attention with statements such as the normally four hour trip might take seven to eight hours, all accommodation is fully booked, no vehicles will be allowed in the city centre and Albany just won't cope, might have something to do with it.

What we did end up with however, was an extremely well planned and executed series of events that seemed to run seamlessly together, fantastic weather on the Saturday and great television coverage available courtesy of the ABC to all networks around Australia. What we ended up with was the National ANZAC Centre, which as Richard Muirhead pointed out, will become the number one pilgrimage site for ANZAC in the world, due to the unsettled political climate in Turkey and the horrific devastation in Syria. Gallipoli will no longer be as easily accessible for tourists as it has been in the past. What we ended up with was a face lift for Albany and the surrounding areas and maximum positive exposure, with the promise of increased visitation in the future.

What are the benefits for our Shire? Well over a two week period (the week before and week after) our volunteers at the Visitor Centre (VC), assisted between 50 – 90 visitors per day, informing them of all the attractions of our region and giving them 101 reasons why they should come back again in the future. We provided food, accommodation and hospitality which was in excess of what was required for the crowd that attended, which without a shadow of doubt left all visitors to our Shire extremely impressed and left with them a lasting memory of our friendly picturesque community. The positive feedback we all received about our facilities, such as playgrounds for children, camping and parks, clean toilets, friendly, helpful residents, what good value for money everything is, and most of all what a comparatively unknown little piece of paradise we live in, but then we all know that! We just have to let everyone else in on the secret. Overwhelmingly the comment most often heard when people were departing was 'We will be back'. It has to be said that the Mount Barker War Memorial is something in which we can all be proud, what a fantastic transformation and a great job.

In the future the increased visitation to Albany benefits us all as they will be travelling right past our front door on the way down, the way back, or both. If we get them to plan ahead and stay with us or at the very least, divert them into the town site, then they will explore, experience and ultimately spend. Increased visitation equals increased business and increased business equals a more vibrant and buoyant local economy. Of late it has been heartening to see new businesses open up in the town; there is an air of reserved confidence in the future and definitely reason to feel optimistic.

The Porongurup is forging ahead and have definitely captured the attention of Australia's South West. With growing interest in the Porongurup and with increased representation on the board we look forward to working more closely with them to focus attention on the whole region.

The AGM for the Mount Barker Tourist Bureau (MBTB) was held at the Banksia Farm on the 22 October 2014 and with a fantastic response we ended up with greater representation on the board including some youth. We are happy to say our board now has the following twelve members; Bob Douglas, Colin Molloy, Kathy Collins, Victor Seah, Kevin Collins, Andy Colquhoun, Scott Drummond, Alice York, Scott Spicer, Chris Douglas was elected secretary, Linda Harris vice president and Eric Henderson president.

On the 29 July 2014, Jim and Bev Gilbert called a special meeting at their home for all board members. It was at this meeting that Jim disclosed that he had recently been given an unfavourable medical diagnosis and for this reason he would have to step down as President of the Tourist Bureau effective immediately. Due to the uncertain circumstances of their future Bev disclosed that she would also have to step down as a board member, but would continue to manage the membership portfolio until such time that all membership fees were paid. Paid up memberships have increased this year – a testament to the faith of local businesses and the tireless work of the volunteers of the Visitors Centre and board in promoting tourism in our region.

October marked four years of operation of the Visitors Centre in its current form – run by volunteers with a part time paid Co-ordinator. Special mention

has to be made of Kerry Ryan who has managed the centre and volunteers for ten paid hours per week and sometimes works 3 or 4 times that amount of hours per week. Having told us of his diagnosis, Jim with his inevitable habit of putting others before himself, set about pointing out the immediate priorities of the board.

1. To maintain a good rapport with Kerry and the volunteers at the Visitors Centre
2. Selling raffle tickets is a priority to raise funds for the Visitors Centre
3. Signs outside the Visitors Centre to charge an annual fee to bring in income for the Visitors Centre
4. To maintain the regular familiar tours for volunteers to keep educating them, to keep them enthusiastic, and to let them know they are appreciated
5. To maintain a good working relationship with Tiani Greaves who does our books for us, for less than it probably costs her in postage on our behalf every month
6. To maintain a good working relationship with the Shire, and together, to promote tourism in all its forms in our wonderful region that we call home

With the AGM looming I had always intended to step down as Secretary of the MBTB, but to stay on the board, so that I could concentrate on assembling the next MB Visitor Guide, selling the advertising and compiling new information, which is no small task. When Jim and Bev stepped down, I was approached by the VP Linda Harris and the board, to fill the position of President. I approached this decision with intrepidity as I have been the Secretary and event co-ordinator of Grapes and Gallops since 2011 and not only were we losing Jim and Bev from the Tourist Bureau, but also from Grapes and Gallops. With Kim Tyrer pregnant and due around Grapes and Gallops time, after December I knew I would be without the assistance of Kim Tyrer and Nigel Rowe, without whom there would be no Grapes and Gallops. The board members were quick to point out that I had shared Jim's vision for the future of tourism, albeit it over copious bottles of Riesling and that together we had forged a working relationship with the Shire. It was their hope that I would stand as President and continue his work.

Melissa and I met Jim and Bev before we bought our property, and without doubt, one of the reasons we are here today is because of their un-waning enthusiasm for the region and all that it has to offer, their enormous voluntary commitment to the community that they love so much, and their generosity of spirit. In your wildest imaginings you could not wish for such wonderful neighbours, who would drop everything at a moment's notice to lend a hand, who love to share a laugh, a bottle of Riesling and a good meal. Inevitably the dinner conversation always eventually veers towards – not idle gossip as in many cases, but to the future of our wonderful community and what we could do to improve it.

In short – Jim and Bev are not just the best neighbours you could wish for, tireless volunteers, promoters of the region and proprietors of a fantastic

winery and café, they are genuine salt of the earth people who are just bloody good mates to us all.

The board and I ask for your continued support to make their tourism dream a reality.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr K Clements

Item: 12.1.1
Type: Closely Associated Person (Section 5.62 LGA)
Nature: Wife works for one of the tenderers.
Extent: Not required

Cr G Messmer

Item: 9.1.4
Type: Proximity (Section 5.60(B) LGA)
Nature: Own property adjacent to the old Depot.
Extent: Not required

Cr J Moir

Item: 9.4.2
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)
Nature: Financial
Extent: Cattle Farmer and employee of Elders Mt Barker

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr S Etherington requested leave of absence for 9 December 2014.

Moved Cr G Messmer, seconded Cr B Bell:

That Cr S Etherington be granted leave of absence for 9 December 2014.

CARRIED (9/0)

NO. 234/14

7 CONFIRMATION OF MINUTES

Moved Cr G Messmer, seconded Cr C Pavlovich:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 14 October 2014 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 235/14

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes previously.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 POLICY REVIEW - HOUSING - RELOCATION OF HOUSES

File No:	N32067
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to review Council Policy No. TP/SDCC/5 – ‘Housing – Relocation of Houses’.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 6 November 2012.

STATUTORY ENVIRONMENT

Local Government Act 1995

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

Building Code of Australia

FINANCIAL IMPLICATIONS

The present bond amount set in the Council’s Annual Budget is \$10,000.00.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

OFFICER COMMENT

The policy has been found to work well in terms of setting appropriate standards for this form of housing.

When the policy was last reviewed in November 2012 there was some discussion in respect to the interpretation of 'park home'. For clarification TPS3 includes the Statewide model scheme text definition of park home which reads as follows:

'Park Home – means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974-82 but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes;'

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That Council Policy No. TP/SDCC/5 – Housing – Relocation of Houses, as follows:

OBJECTIVE:

To set guidelines to ensure houses that are to be relocated to within Mount Barker and the rural villages are completed to a standard acceptable to the Council.

POLICY:

- 1. The increased use of relocated houses to within Mount Barker and the rural villages in some instances creates difficulties which are encountered in ensuring the house is completed to an acceptable standard and is compatible to those houses in the immediate locality.**
- 2. This policy will not apply to new transportable houses.**
- 3. The relocation of houses referred to as 'park homes' will not be supported by the Council unless they are to be in an authorised caravan park.**
- 4. The relocation of residential buildings referred to as 'dongas' will not be supported by the Council.**
- 5. Relocated houses (excluding 'park homes' and 'dongas') will only be approved at the Council's discretion and be subject to:**
 - a) An engineer's structural certification that the house is appropriate to be moved being submitted with the application.**
 - b) Coloured photographs of the external facades of the house being supplied with the application.**

- c) **Asbestos wall and roof cladding being removed and disposed of correctly before the house is transported.**
 - d) **A bond being paid to ensure a good standard of completion. Such bond amounts will be set annually in the Council's Budget. The bond will only be released upon staff being satisfied the building is completed to a suitable standard in respect to the Building Code of Australia, health standards and the external visual appearance.**
 - e) **Any other conditions considered appropriate by the Council.**
6. **Approval for relocated houses will be limited to 12 months.**
7. **When a relocated house is not completed to an acceptable standard within the specified time, the Principal Building Surveyor may issue a Notice requiring the incomplete structure be removed and the site left in a clean and tidy condition.**
8. **Relocated houses outside of Mount Barker and the rural villages will be at the discretion of the Council and the standards at part 5. above, will be required when appropriate.'**

be endorsed.

CARRIED (9/0)

NO. 236/14

**9.1.2 RESERVE 1790 MCDONALD AVENUE, MOUNT BARKER (FROST PARK)
- STEWARD TOWER**

File No: N32301

Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan and Elevations](#)
[3-D Drawing](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 11 November 2014

Applicant: Plantagenet Sheds and Steel

PURPOSE

The purpose of this report is to consider a request from the Mount Barker Turf Club for approval to construct a new steward tower structure at Frost Park on Reserve 1790 McDonald Avenue, Mount Barker.

BACKGROUND

The Mount Barker Turf Club has requested permission to construct a new tower structure on the south side of Skinner Pavilion. This tower structure will provide race stewards with an unobstructed view of horse races.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

A building permit fee will be required to be paid. Plantagenet Sheds and Steel will carry out the construction on behalf of the Turf Club at no cost to the Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

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

OFFICER COMMENT

The new structure is a stand alone galvanised steel tower located to the south of Skinner Pavilion. The tower including the stairs and canopy is 5.7m long, 4.9m wide and 11.82m high.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That no objections be raised to the proposed tower structure on Reserve 1790 McDonald Avenue, Mount Barker subject to:

1. The development being in accordance with the plans dated 28 October 2014.
2. The Mount Barker Turf Club acknowledging the tower structure will become the property of the Council.
3. The Mount Barker Turf Club retaining all maintenance responsibilities for the tower structure.
4. The Mount Barker Turf Club being responsible for any insurance excess in the event that an insurance claim, relating solely to the tower structure, is necessary.
5. The Mount Barker Turf Club acknowledging the Council may at its discretion require the tower structure to be removed and disposed of at no cost to the Council to the satisfaction of the Manager Works and Services.
6. The tower structure stairs being secured to prevent unauthorised access to the first level.

CARRIED (9/0)

NO. 237/14

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

File No: N31908
Attachments: [Amendment 66 \(separate attachment\)](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 11 November 2014

PURPOSE

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

BACKGROUND

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

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

EXTERNAL CONSULTATION

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

FINANCIAL IMPLICATIONS

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

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

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 2.5.1 - *'Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard; and*

Strategy 2.5.2 – *'Develop new buildings and facilities in accordance with asset management principles and based on a planned and prioritised approach'*

OFFICER COMMENT

Councillors have been provided with a full copy of the Amendment with the Agenda papers.

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

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

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That:

1. Amendment No. 66 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.
2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.
3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 31 March 2015.

CARRIED (9/0)

NO. 238/14

9.1.4 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 67 – FORMER DEPOT SITE IN MARION/MENSTON STREETS, MOUNT BARKERCr G Messmer

Type: Proximity (Section 5.60(B) LGA
Nature: Own property adjacent to the old Depot.
Extent: Not required

3:27pm Cr G Messmer withdrew from the meeting.

File No: N32330
Attachments: [Location Plan - Aerial Photo](#)
[Amendment No. 67 \(separate attachment\)](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 11 November 2014

PURPOSE

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

BACKGROUND

In July 1999 consultants (Alan Tingay and Associates) wrote to the Council advising the Environmental Protection Authority (EPA) would require an environmental assessment of the former depot site to investigate for site contamination. In June 2002 the Council wrote to Wood and Grieve asking for advice on the procedures for the necessary investigation works. In February 2003 a preliminary report on limited contamination from a diesel spill was provided but this did not contain site soil and groundwater analysis. The then Department of Environmental Protection/Water and Rivers Commission in July 2003 wrote to Wood and Grieve supporting further soil and groundwater investigation. In June 2004 the underground fuel tanks were removed from the site. Various soil samples were taken and analysed in 2005.

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

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

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

EXTERNAL CONSULTATION

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

FINANCIAL IMPLICATIONS

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

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

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 2.2.1 - *'Provide supportive planning and development guidance and liaison on major land developments; and*

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

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

Strategy 3.6.2 – *'Investigate and promote housing development'*

OFFICER COMMENT

Councillors have been provided with a full copy of the Amendment with the Agenda papers.

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

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

The DER will give notice to Landgate to withdraw the Memorials referring to the possible contamination from the Titles of the affected lots (Lots 411, 412, 413, 414, 500 and 93).

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

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

The next step in the process will be to consider options for the development of the site. One option would be the amalgamation of the lots concerned to be one lot then the development of either a grouped dwelling development involving survey strata lots or the resubdivision of the land into freehold residential lots.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. Amendment No. 67 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.
2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.
3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 31 March 2015.

CARRIED (8/0)

NO. 239/14

3:28pm Cr G Messmer returned to the meeting.

9.2 WORKS AND SERVICES REPORTS

9.2.1 KENDENUP TOWNSITE – CLOSED THOROUGHFARES TO VEHICLES

File No:	N30436
Attachments:	Kendenup Townsite Maps 1 and 2
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Dominic Le Cerf Manager Works and Services
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to obtain endorsement from the Council to manage certain thoroughfares within the Townsite of Kendenup, closed under Section 331B of the (former) Local Government Act 1960.

BACKGROUND

Following a request from the Bush Fire Advisory Committee in late 2013, the Manager Works and Services was asked to investigate the background to the existing Kendenup Townsite thoroughfare closures.

The Council at its meeting held on 28 February 1995 resolved as follows:

- 1. That 5 roads entering into Beverley Road being Second, Third, Fourth, Sixth and Seventh Avenue be closed at Beverley Road and culs-de-sac be formed.*
 - 2. That the northern section of DeGaris Street between Hassell Avenue and First Avenue be closed with road access being retained to Lot 35 Hassell Avenue.*
 - 3. That the northern section of DeGaris Street between First Avenue and Second Avenue be closed.*
 - 4. That Simons Street between First Avenue and Chauvel Road be closed.*
 - 5. That Newman Street between Hassell Avenue and Chauvel Road be closed.*
 - 6. That DeGaris Street between Sixth Avenue and Chauvel Road be closed.*
 - 7. That Sixth Avenue between Austin Street and Newman Street be closed.*
 - 8. That Seventh Avenue between Austin Street and Newman Street be closed.*
 - 9. That all road entrances south side of Pennifold Street remain open.*
 - 10. That the Southern section of DeGaris Street between First Avenue and Second Avenue remain open.*
 - 11. That DeGaris Street between Second Avenue and Third Avenue remain open.'*
-

The process to construct a cul-de-sac obstruction of Hassell Avenue at its southern junction with Beverley Road was completed separately. At its meeting of 26 April 1995, the Council resolved to accept the '*...balance of Works and Town Planning Committee Meeting held on 11 April 1995...'*

At that Works and Town Planning Committee Meeting of 11 April 1995, it was moved that the approval granted by the Minister for Local Government on 5 April 1995 to place obstructions in Hassell Avenue be received. In the Manager of Works' Report to the Council Meeting of 23 May 1995 it is recorded that Hassell Avenue was closed.

At the time of making these decisions, the Council had developed a plan for road rationalisation, traffic calming and improved safety of the Kendenup Townsite road system. Input into this plan was received from Councillors, the Kendenup Progress Association, residents of Kendenup and the Shire Engineer.

Following the resolution of 28 February 1995, approval was received from the Minister for Local Government, in August 1995 for the Council to construct culs-de-sac in Second, Third, Fourth, Sixth and Seventh Avenues where they meet Beverley Road. The approval included permission to close portions of De Garis, Simons and Newman Streets respectively and a portion of Sixth and Seventh Avenues under the provisions of Section 331B of the Local Government Act 1960.

By February 1996, the above-mentioned roads were physically closed using rocks, sand and logs. However, not all thoroughfares were closed according to the plan. Simons Street was not fully closed and was left open from Hassell Street to its intersection with Seventh Avenue and also Chauvel Road. Newman Street from First to Fourth Avenues was closed at its north and south intersections instead of the resolved east to west. Realising the mistake on Newman Street, the Third and Fourth Avenue intersections were rectified from east to west. However, after public consultation, First and Second Avenues remained as they were, north to south. There is no evidence any application was made to have these changes formalised.

In 1997, Seventh Avenue was reopened to one way traffic travelling north from Austin Street to Newman Street (east side of primary school). A section of Newman Street was also re-opened to one way traffic travelling west from Seventh Avenue to Chauvel Road. This was to ensure children could be dropped off and picked up safely when attending school. Once again, there is no evidence any application was made to have these culs-de-sac reopened.

Following a request from the Bush Fire Advisory Committee in late 2013, the Manager Works and Services was asked to investigate the background to the Kendenup Townsite road closures. Letters requesting information from emergency services groups were sent to the Mount Barker State Emergency Service (SES), St John Ambulance Mount Barker and Kendenup, Mount Barker Volunteer Fire and Rescue, the Kendenup Mortigallup Bushfire Brigade and Mount Barker Police in early February 2014.

Correspondence was received from the Kendenup Mortigallup Bushfire Brigade requesting certain thoroughfares be reopened. The letter expressed the concern of the brigade that emergency services can be delayed '*...by the lack of a direct path to an incident.'*

Further, a meeting was held in March 2014 with Dominic Le Cerf, Manager Works and Services, Joanne Weekes, Community Emergency Services Manager and representatives from the Kendenup St John Ambulance Centre and the Kendenup Mortigallup Bushfire Brigade. As a result of the meeting, specific requests were put forward asking for some closed thoroughfares to be reopened.

Mount Barker Volunteer Fire and Rescue stated its support for the opening of closed roads in Kendenup which were intersected by unconstructed road reserves as it had caused '*...issues in the past when responding to structure fires in the townsite*'.

A memo of 31 March 2014 updated Councillors on progress on the matter and provided a map of the townsite showing thoroughfares that were currently closed. Kendenup Primary School, the SES and Mount Barker Police were asked for comment.

Fiona Hall, Principal from Kendenup Primary School replied saying that if Newman Street was to be reopened, then the school believed a path should be installed along the street and also on Seventh Avenue for use by school children. The SES and Mount Barker Police both supported better access to properties within the townsite and suggested improved property numbering would be helpful. Further, the SES said that during times of storm damage, flooding issues and especially at night, the thoroughfare closures '*...would be a hindrance to the response times by SES volunteers.*' These comments were included in a memo to Councillors of 26 May 2014.

As explained in the final memo to Councillors of 18 June 2014, the Chief Executive Officer, Principal Works Supervisor, Manager Works and Services and Senior Administration Officer visited the Kendenup Townsite. The group assessed the closed thoroughfares which had been requested to be reopened and discussed methods to ensure properties within the Townsite become easier to identify.

At a Council workshop on 24 June 2014, the points in the memo were discussed with Councillors recommending a report be prepared for a forthcoming Council Meeting.

STATUTORY ENVIRONMENT

(Former) Local Government Act 1960 - Section 331B (1) states:

' ... a council may, with the approval of the Minister, construct or place any obstruction in a street or way for the purpose of prohibiting the movement of vehicular traffic.'

Section 3.50 of the Local Government Act 1995 relates to the closing of certain thoroughfares to vehicles.

Subsection (1a) of Section 3.50 provides that:

'A local Government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding four (4) weeks.'

Local Government (Functions and General) Regulations 1996 Part 2 Thoroughfares, also apply.

EXTERNAL CONSULTATION

Consultation has occurred with WALGA, Kendenup St John Ambulance, Mount Barker Police, the Principal from Kendenup Primary School, the District Officer SES and the Kendenup Mortigallup Bushfire Brigade.

FINANCIAL IMPLICATIONS

All costs associated with implementing and installing signage and gates would be the responsibility of the Shire and would be charged to the Road Maintenance Directional Signage account.

It is worth noting a project to allocate correct street numbering for properties within the Kendenup Townsite is near completion and residents will be advised of their property numbers by 31 December 2014.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-23 provides at Outcome 2.4 (Safe and reliable transport infrastructure) the following strategies:

Strategy 2.4.1 - *'Maintain and further develop roads and pathways at appropriate standards'*; and

Strategy 2.4.4 - *'Investigate and respond to road safety and traffic issues throughout the District'*.

OFFICER COMMENT

Based on observations during the inspection of Kendenup townsite in June by the Chief Executive Officer, Manager Works and Services, Principal Works Supervisor and Senior Administration Officer, the following recommendations are made:

1. Culs-de-sac which are currently in place are to remain in place.
2. Signage and street numbering to be improved within the Kendenup townsite to assist with efficient access and determining property locations.

House numbers to be included under the street sign at intersections to help locate the direction of a property. 'No Through Road' signs would also be installed under the street sign to which it was relevant and at the entrance to a barricaded road.

As mentioned previously, a project to allocate correct street numbering for properties within the Kendenup townsite is near completion and residents will be advised of the property numbers by 31 December 2014. The letter will advise residents of the requirement to display a property number and provides guidelines for correct procedures.

3. Install a second 'No Entry' sign at the intersection of Newman Street and Chauvel Road.

This is intended to reduce the number of motorists turning into Newman Street (a one way street) off Chauvel Road and then into Seventh Avenue to the Kendenup Primary School.

4. Three sets of locked gates be installed at the western end of the intersection of Seventh Avenue and Newman Street, the eastern end of the intersection of Fifth Avenue and Newman Street and the northern end of Sixth Avenue and Newman Street.

A key to these gates would be provided to the local fire brigade for access into the reserve in case of fire. Pedestrians would still be able to use this road reserve.

5. The cul-de-sac obstruction at Hassell Avenue's southern junction with Beverley Road not be removed.

To remove the obstruction would require a major review and possible reconstruction of the four way road intersection.

6. The intersection of First Avenue and Newman Street remain closed.

This intersection has been suggested to be re-opened for quicker access to the northern end of Kendenup. The author of this report believes that using Hassell Avenue to access Pennifold Street may delay emergency services by less than 30 seconds.

7. Second and Third Avenues where they intersect with Beverley Road to remain open. There is no record to say this roads were ever barricaded and if/when the obstructions were removed and by whom.

8. Retain current alignment of Second Avenue between Coote and Simons Streets.

The clearing required to realign Second Avenue between Coote and Simons Streets cannot be justified at this point. A clearing permit would be required, trees removed, fence lines shifted and the road fully realigned and constructed. This would involve a substantial cost to the Council and does not form part of the Five Year Road Program.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Moir:

That:

1. Culs-de-sac which were constructed following approval received from the Minister for Local Government, in August 1995 under Section 331B of the (Former) Local Government Act 1960, remain as culs-de-sac as shown on the attached plan (Map 2).
2. The cul-de-sac obstruction as shown on the attached plan (Map 2) at the southern junction of Hassell Avenue and Beverley Road not be removed.
3. The intersections of First and Second Avenues and Newman Street remain closed as shown on the attached plan (Map 2) and that the process required pursuant to Section 3.50 of the Local Government Act 1995 to 'Close a thoroughfare for a period of more than four weeks' be commenced.
4. Second and Third Avenues where they intersect with Beverley Road remain open as shown on the attached plan (Map 2).
5. Signage and street numbering improvements within the Kendenup Townsite to assist with efficient access and the ability to determine property locations be noted.
6. A second 'No Entry' sign at the intersection of Newman Street and Chauvel Road be installed.
7. Three sets of locked gates be installed at the eastern end of the intersection of Seventh Avenue and Newman Street, the western end of the intersection of Fifth Avenue and Newman Street and the northern end of Sixth Avenue and Newman Street as shown on the attached plan (Map 2) and a key to these gates be provided to the local fire brigade for access into the reserve in case of fire.
8. A further report be prepared for the Council's consideration regarding the proposed closures of First and Second Avenues at their intersections with Newman Street and be presented to the Council no later than April 2015.
9. The Council's decision be publicly advertised.

CARRIED (9/0)

NO. 240/14

9.2.2 POLICY REVIEW - SCHOOL BUS ROUTES

File No:	N31773
Attachments:	Policy - School Bus Routes
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Kaye Skinner Administration Officer Works and Services
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to review Council Policy No. I/R/10 – School Bus Routes.

BACKGROUND

This Policy was last reviewed by the Council at its meeting held on 16 October 2012.

EXTERNAL CONSULTATION

Consultation has occurred with a representative from the Public Transport Authority – School Bus Services to obtain advice on the Authority's current policy.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 2.4.4 – *'Investigate and respond to road safety and traffic issues throughout the District'*

OFFICER COMMENT

Discussion has taken place with the Public Transport Authority (PTA) (Great Southern) who have advised that there are no specific road standards that the PTA adhere to. If the PTA have any concerns due to safety of roads, the Shire or Main Roads are contacted.

School bus signs are the responsibility of either the Council or Main Roads and are erected where deemed necessary by either the Council or Main Roads.

The PTA have a 10 day period in which they must assess applications for transport assistance/school bus routes. Council's policy states *'A minimum of 14 working days after the submission of application for the approval of School Bus Routes'*.

Council Policy reflects the current practice whereby the PTA issue specific route maps with each new school bus stop application. It is noted that it would assist if these maps could be provided by the school earlier. An updated complete set of school bus route maps will be provided annually by the PTA in January to Council. Once maps are received Council staff can remove signs that are no longer required.

Further, the Manager Works and Services travels all bus routes, at least once a year, with the appropriate drivers in the school buses.

The current policy is considered adequate however the turnaround of approval from 14 to 10 days is recommended. Maps should be received by the end of January each year.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That Council Policy No I/R/10 – School Bus Routes, as follows:

‘OBJECTIVE

To provide clear guidelines relating to applications for and changes to School Bus Routes.

POLICY

The Council will, with regard to School Bus Routes require:

- 1. A minimum of 10 working days after the application is received for the approval of School Bus Routes.**
- 2. An updated set of school bus route maps from the Public Transport Authority by the end of January each year and that a new set of school bus route maps be forwarded each year regardless of whether a change has occurred or not.’**

be endorsed.

CARRIED (9/0)

NO. 241/14

9.2.3 INTERFACE AGREEMENT - BROOKFIELD RAIL PTY LTD

File No: N29645
Attachments: [Brookfield Rail Interface Memo](#)
[Brookfield Rail Interface Agreement](#)
Responsible Officer: Rob Stewart
Chief Executive Office
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 11 November 2014

PURPOSE

The purpose of this report is to recommend the signing of an Interface Agreement between the Shire of Plantagenet, Brookfield Rail Pty Ltd and the Commissioner of Main Roads WA, for the maintenance of public road and rail crossings at grade interfaces within the Shire.

BACKGROUND

Brookfield Rail issued the Shire of Plantagenet with Version 1.0 of the Interface Agreement in early 2013. In response to Amendments to the Rail Safety Act 2010 which came into effect on 1 February 2014, Brookfield Rail issued Version 2.0 of the Interface Agreement which was received at the Shire in January 2014. Main Roads WA also forms part of this agreement.

Whilst some local governments signed Version 2.0, discussion revolved around various aspects of the Agreement. A meeting, directed by WALGA and involving representatives from Brookfield Rail, Office of Rail Safety, Public Transport Authority (PTA) and Main Roads WA was held with Shires from the Wheatbelt South Region in mid April 2014.

As a result of this meeting the Interface Agreement was revised further and Version 2.1 was received by the Shire of Plantagenet in late August 2014.

The Interface Agreement will commence on the date of execution by the last party and will remain valid for five years, unless reviewed within this period.

STATUTORY ENVIRONMENT

The Rail Safety Act 2010 Section 66(1)(c) - 'Interface coordination – road manager – public roads and other roads' states the Road Manager (Shire of Plantagenet) must:

'...for the purpose of managing those risks, seek to enter into an interface agreement with the rail infrastructure manager of the rail infrastructure.'

And further at Section 69 – 'Rail Safety Regulator may give directions' states:

'(1) This section applies if the Rail Safety Regulator is satisfied that a rail transport operator, rail infrastructure manager or road manager referred to in section 63, 64, 65 or 66 –

(a) is unreasonably refusing or failing to enter into an interface agreement with another person as required under this division';

And further under Section 69:

'(4) If a notice is used under subsection (2) and an interface agreement has not been entered into by or on the date specified in the notice, the Rail Safety Regulator –

(c) must specify by when a direction must be complied with.'

The penalty for a body corporate not complying with such a direction from the Rail Safety Regulator is \$550,000.00.

EXTERNAL CONSULTATION

External consultation has taken place with WALGA.

FINANCIAL IMPLICATIONS

The cost of maintenance of the Shire's rail interfaces form part of the annual Road Maintenance Program.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 – 2023 provides at Outcome 2.6 (Assets and infrastructure managed over the long term to meet current and future needs) the following Strategy:

Strategy 2.6.2 - 'Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure.'

OFFICER COMMENT

The Interface Agreement applies to the management of all rail/road interfaces located within the Shire of Plantagenet, as specified in Schedule 1 of the agreement. Version 2.1 of the Agreement sets out the responsibilities of each party in respect to the interfaces including road approach and running rail maintenance, verge clearance and the installation and maintenance of regulatory and warning signs such as flashing lights and boom barriers.

The issues relative to Version 2.0 and the solutions were explained in a memo to Councillors on 29 May 2014 (attached).

It is worth noting that it is a legal requirement for the Council to Sign the Public Road and Rail Crossing at Grade Interfaces Agreement under the Rail Safety Act 2010. It is recommended that the Public Road and Rail Crossing at Grade Interfaces Agreement be signed.

It is considered that there will be little change to current Shire road maintenance practices at grade interfaces.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That authority be granted to the Chief Executive Officer to sign the Interface Agreement, Version 2.1 as attached, between Brookfield Rail Pty Ltd, the Shire of Plantagenet and the Commissioner of Main Roads WA for Public Road and Rail Crossing at Grade Interfaces.

CARRIED (9/0)

NO. 242/14

9.2.4 POLICY REVIEW - ROADS - UNCONSTRUCTED ROADS

File No: N31893
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Kaye Skinner
Administration Officer Works and Services
Proposed Meeting Date: 11 November 2014

PURPOSE

The purpose of this report is to review Council Policy No. I/R/7 – Roads – Unconstructed Roads.

BACKGROUND

This Policy was last reviewed by the Council on 6 November 2012.

STATUTORY ENVIRONMENT

Section 158 of the Planning and Development Act 2005.
Land Administration Act 1997 – Section 55 (2)

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

OFFICER COMMENT

The Works and Services department receive many requests for the construction and maintenance to be carried out on unconstructed roads throughout the Shire. There is a perception that if a road is a gazetted road, then it should receive maintenance. In accordance with this Policy, requests of this nature have been denied due to the numerous kilometres of unconstructed roads within the Shire of Plantagenet.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr S Etherington:

That Council Policy I/R/7 – Roads – Unconstructed Roads as follows:

OBJECTIVE:

To provide clear guidelines regarding requests relating to unconstructed roads.

POLICY:

That:

1. Where a request that the Council undertakes construction and/or maintenance of unconstructed roads in existing road reserves then the request is to be drawn to the Council's attention and listed for budgetary consideration in future road construction or maintenance programs.
2. Where any person makes a request referred to in part 1 and wishes to undertake construction at their expense, the procedure shall be as outlined for subdivisional development by Section 158 of the Planning and Development Act 2005, being either to:
 - a) Arrange for the Council to carry out the work subject to availability; or
 - b) Employ a consulting engineer to design and submit drawings for approval and supervised construction and drainage to the Council's satisfaction.
3. Where the person making the request wishes to undertake the construction, then any Council contribution towards construction will require a decision of the Council.'

be endorsed.

CARRIED (9/0)

NO. 243/14

9.2.5 POLICY REVIEW - TENDERS - CANVASSING OF COUNCILLORS

File No: N31776
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Kaye Skinner
Administration Officer Works and Services
Proposed Meeting Date: 11 November 2014

PURPOSE

The purpose of this report is to review Council Policy No. I/T/1 – Tenders – Canvassing of Councillors.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 6 November 2012.

STATUTORY ENVIRONMENT

The Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 (Section 3.57) apply to the carrying out of the Tender process.

Further, the Council has adopted a Code of Conduct pursuant to Section 5.103 of the Local Government Act 1995, which requires, among other things, personal behaviour by elected members and staff to be of the highest standard.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 4.1.3 - *‘Ensure the Council’s decision making process is effective and transparent.’*

OFFICER COMMENT

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr L Handasyde:

That Council Policy I/T/1 – Tenders – Canvassing of Councillors as follows:

OBJECTIVE

To provide clear guidelines relating to the Council's stance on the canvassing of Councillors for tender purposes.

POLICY

That canvassing of Councillors, when tenders are called to supply to the Council, plant, goods or services, will automatically disqualify the tenderer. 'Canvassing of Councillors by tenderers will automatically disqualify the tenderer' to be displayed on Tender advertisements and associated correspondence.'

be endorsed.

CARRIED (9/0)

NO. 244/14

9.2.6 ROADWISE COMMITTEE - REPLACEMENT OF MEMBER

File No: N32300
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Amy Chadbourne
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 11 November 2014

PURPOSE

The purpose of this report is to note the resignation of a member of the RoadWise Committee and to consider the appointment of a replacement member.

BACKGROUND

The RoadWise Committee was created with the following functions:

- (1) *To provide a structured forum for stakeholders to consider and discuss road safety issues; and*
- (2) *To discuss and make recommendation regarding the identification and appropriate counter measure to negative attitudinal, behavioural and environmental factors linked to enforcement, engineering, education, encouragement and evaluation of road safety initiatives.*

Sergeant Alan Keogh is a member of the RoadWise Committee representing the Mount Barker Police.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.8 'Establishment of committees'.

The RoadWise Committee was formed under Section 5.9(2)(c) which provides that a Committee is to comprise, '...council members, employees and other persons.' These appointments must be adopted by an Absolute Majority.

Sections 5.10 and 5.11 refer to 'Appointment of committee members' and 'Tenure of committee membership' respectively.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 2.4.4 - *'Investigate and respond to road safety and traffic issues throughout the District.'*

OFFICER COMMENT

Sergeant Alan Keogh has relocated to the north of the State and pursuant to Section 5.11 of the Local Government Act 1995, no longer holds the office as a member of the RoadWise Committee. It would be proper to replace Sergeant Keogh and it is suggested the vacancy be filled by his replacement, Sergeant Gailene Hamilton.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That:

1. **Sergeant Gailene Hamilton be appointed as a Committee member on the RoadWise Committee.**
2. **First Class Constable Ken Brown be appointed as deputy for Sergeant Gailene Hamilton.**
3. **Sergeant Alan Keogh be thanked for his service to the Committee.**

CARRIED (9/0)

NO. 245/14

Absolute Majority

9.3 COMMUNITY SERVICES REPORTS

9.3.1 CLUB DEVELOPMENT OFFICER SCHEME - DEPARTMENT OF SPORT AND RECREATION - GRANT AGREEMENT

File No:	N32277
Attachments:	Club Development Officer Scheme Agreement 2014 15
Responsible Officer:	Fiona Saurin Manager Community Services
Author:	Isabelle Draffehn Community Development Officer
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to recommend the renewal of the grant agreement between the Department of Sport and Recreation (DSR) and the Shire of Plantagenet for the Club Development Officer (CDO) Scheme, Financial Year 2014/15

BACKGROUND

The CDO Scheme was introduced in 2006. The Shire of Plantagenet has been sharing a CDO with the Shires of Denmark and Cranbrook since 2008. The CDO's role is to support sport and recreation clubs to become sustainable organisations that deliver diverse opportunities for people to participate in physical activity in their local community, in a safe and welcoming environment. The scheme is a partnership with the DSR and local governments. Agreements are reviewed and renewed on an annual basis. The aim, through the Club Development Framework is to create a collaborative approach to club development by connecting State Sporting Associations, Regional Sport Associations, Local Government and community organisations to provide leadership, education and training.

EXTERNAL CONSULTATION

External consultation has occurred with the DSR, the Shire of Denmark and the Shire of Cranbrook.

FINANCIAL IMPLICATIONS

The DSR provides a total of \$25,000.00 for this project. Each Shire (Plantagenet, Denmark and Cranbrook) will contribute \$5,745.00 towards the program for the 2014/15 Financial Year.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

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

Further, 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.’*

OFFICER COMMENT

The CDO role is currently vacant. Consultation with the Shires of Denmark and Cranbrook resulted in the recommendation to continue with the program. The position will be advertised regionally in early November 2014.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr C Pavlovich:

That the Chief Executive Officer be authorised to sign the grant agreement between the Department of Sport and Recreation and the Shire of Plantagenet for the Club Development Officer Scheme, Financial Year 2014/15.

CARRIED (9/0)

NO. 246/14

9.3.2 FROST PARK USER GROUP - MEMORANDUM OF UNDERSTANDING

File No:	N32314
Attachments:	<u>Memorandum of Understanding Frost Park User Group</u>
Responsible Officer:	Fiona Saurin Manager Community Services
Author:	Isabelle Draffehn Community Development Officer
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to recommend the renewal of the amended Memorandum of Understanding (MOU) between the Shire of Plantagenet and the members of the Frost Park User Group regarding the operation of the shared facilities at Frost Park, Mount Barker.

BACKGROUND

A memorandum of understanding between the Frost Park User Group and the Shire of Plantagenet was adopted by the Council on 14 December 2010. The Frost Park User Group originally comprised of the following parties:

- Australian Stock Horse Society – Great Southern Branch;
- Plantagenet Riding for the Disabled WA Inc (RDA);
- Woogenellup Polocrosse Club;
- Mount Barker Campdraft Club;
- Mount Barker Turf Club Inc;
- West Plantagenet Pony Club;
- Mount Barker Bulls Football Club;
- Mount Barker Agricultural Society; and
- Plantagenet Company of Archers.

The MOU outlined each user group's responsibilities to ensure the smooth, efficient and effective operation of the facility.

The term of the MOU was not limited. Since 2010 the Mount Barker Districts Cricket Club has joined the Frost Park User Group. This change instigated a review of the policy to incorporate additional users, and to enable the MOU to be altered as the Football Club and the Cricket Club will move to Sounness Park.

EXTERNAL CONSULTATION

External consultation has occurred with representatives from the user groups. A Frost Park User Group meeting was held 22 April 2014 to discuss changes to the existing MOU.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy A/PA/1 – Hire of Council Controlled Property applies. This policy relates to functions continuing after 1.00pm needing special permission.

Council Policy A/PA/14 – Sporting and Community Organisations using Council and Vested Land – Rateability applies. This policy relates to sporting or community associations leasing property owned by or vested in the Council being treated equitably with regard to rating and other charges.

Council Policy CS/SC/2 – Skinner Pavilion applies. This policy relates to the use of Skinner Pavilion during the respective seasons of Mount Barker Turf Club, Mount Barker Agricultural Society and Mount Barker Cricket Club without the need for ongoing bookings.

STRATEGIC IMPLICATIONS

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

Strategy 1.5.2 – *‘Promote sporting, recreation and leisure facilities and programs in the District’*; and

Strategy 1.5.4 – *‘Promote the development of Frost Park as a major equine centre in the Great Southern Region’*.

OFFICER COMMENT

The Frost Park User Group MOU acknowledges the roles and responsibilities of each organisation to ensure the smooth operation of the Frost Park Facility.

Due to the Sounness Park Development, it is anticipated that the Mount Barker Cricket Club and the Mount Barker Football Club will relocate to the new facility in the near future. It is suggested that the MOU be reviewed on an annual basis to accommodate changing needs and representation on the Frost Park User Group.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr G Messmer:

That:

- 1. The Memorandum of Understanding for the operation for the shared facility at Frost Park, Mount Barker between the Shire of Plantagenet and the Frost Park User Group be reviewed annually.**
- 2. The Chief Executive Officer be authorised to sign the Memorandum of Understanding between the Shire of Plantagenet and members of the Frost Park User Group for the term commencing 30 April 2014 until 31 March 2015.**

CARRIED (9/0)

NO. 247/14

9.3.3 DENBARKER FIRE BRIGADE SHED - ACQUISITION OF LAND

File No:	N32363
Attachments:	Denbarker BFB Letter The Spring Road subdivision costs Location Map
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Fiona Saurin Manager Community Services
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to consider action required to acquire land in Denbarker for construction of a Bush Fire Brigade shed should funding become available through the Department of Fire and Emergency Services (DFES) Local Government Grants Scheme (LGGs)(formerly the Emergency Services Levy).

Please note that this report was withdrawn from the Agenda for the Council meeting held on 14 October 2014.

BACKGROUND

The Denbarker Bush Fire Brigade (BFB) is the only Brigade that does not have a shed for BFB purposes. The Brigade received a new broad-acre tanker in 2011 which is kept on private property in The Springs Road. All of the Brigade meetings and training sessions also occur on private property.

Consultation with the Denbarker BFB and New Forests Asset Management Pty Ltd (New Forests) resulted in an offer from New Forests to gift a portion of land from Location 2159 The Springs Road, Denbarker, to the Shire for the purposes of the Denbarker BFB. In return for the donated land, the Shire would be responsible for the subdivision and fencing costs.

Due to costs of subdividing, Shire staff have worked to identify other potential shed sites. A Crown reserve located on Pile Road, Reserve 12266 which is approximately 1km north of the Denbarker Brigade district boundary and 4.2km from the Brigades preferred site has been identified. The reserve is vested in the Shire for the purposes of '*Water and Camping.*' Adding '*Fire Shed*' to the purpose is a relatively simple and no cost option open to the Shire.

The Brigade however is not supportive of the reserve location due to the 4.2km distance from their preferred option, which is Lot 2159 The Springs Road.

In 2014, the Council submitted a request to the LGGs for funding to construct a BFB shed that would house the tanker. The Council had also presented business case to DFES for the construction of a BFB Shed in 2013. Both applications were unsuccessful.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 5.41 (d) applies in that a local government cannot delegate to a CEO the power to acquire property valued at an amount exceeding an amount determined by the local government.

EXTERNAL CONSULTATION

Consultation has occurred with the Denbarker BFB members, DFES, PF Olsen Australia (the plantation management company) and New Forests Asset Management Pty Ltd (the land owners of Lot 2159 The Springs Road).

FINANCIAL IMPLICATIONS

The owners of Lot 2159 The Springs Road are willing to gift the land to the Shire for the purpose of housing the Denbarker BFB shed.

Denbarker BFB members have secured in kind support with Brigade members offering to undertake work and provide materials with an estimated value of approximately \$11,000.00. With the original surveyor in kind support now being in doubt as this is seen as a Shire project, the Council would be responsible for all the costs of the subdivision. This is estimated to be between \$6,000.00 and \$14,000.00 dependent on conditions placed on the subdivision by Western Australian Planning Commission (WAPC). These conditions are likely to include underground power connection (which would cost in the order of \$8,000.00), but may also include road traffic assessments and Aboriginal cultural heritage survey.

Subsequently, a clearing permit would be required for portion of Lot 2159 The Springs Road which is likely to require a Flora and Fauna survey at an additional cost in the region of \$5,000.00.

These costs cannot be funded through the LGGS and will need to be funded through the Shire's Emergency Service budget. There are no funds in this year's budget for this purpose.

POLICY IMPLICATIONS

There are no policy implications for this report.

LEGAL IMPLICATIONS

Lot 2159 The Springs Road, if gifted, would need to be ceded to the Crown and vested in the Shire for the purposes of a fire shed with a management order in favour of the Shire.

ASSET MANAGEMENT IMPLICATIONS

All BFB sheds become a Shire asset. Building insurance and maintenance funds are provided through the DFES Local Grants Scheme. The Shire received \$115,000.00 through the Local Grants Scheme in the 2013/2014 financial year to assist with these costs.

STRATEGIC IMPLICATIONS

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

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

OFFICER COMMENT

The Denbarker BFB’s preferred option is for the Shire to agree to take the portion of Lot 2159 The Springs Road, which will be gifted by New Forest. The BFB feel it is the optimal location for the shed due to proximity to brigade members’ properties leading to quicker response times.

At the Council’s meeting on 14 October 2014, the Captain of the Denbarker BFB addressed the Council and provided a letter which is attached to this report. Within this document there is a list of in kind contributions that have been promised by the Brigade members. The in kind contributions listed will go some way to negate the additional costs to the Shire of the Lot 2159 The Springs Road option should the ESL funding become available for shed construction.

Shire staff have identified a Shire vested Reserve (R12266) 4.2 kilometres from the BFB’s preferred shed location. The reasons for considering this option are:

- The Reserve is currently vested in the Shire for the purposes of Water and Camping and would only require a change of purpose to include Fire Shed to be lodged with the Department of Lands which is a quick process that would not incur a cost to the Council;
- The portion of the Reserve identified has been cleared and levelled and would require minimal work should funding become available;
- There would be no requirement on the Shire to provide power to this location, allowing for solar electricity generation to reduce ongoing operational costs;
- The entrance to the site is from a straight sealed road with good visibility, providing a safe egress for vehicles;
- Should funding not become available for the Denbarker fire shed, the Council will not be liable for the management of additional land such as Lot 2159 The Springs Road; and
- No funds will need to be expended prior to ESL funding being approved, and in the case of funding not being forthcoming from DFES for a fire shed, the Shire or local community will not have incurred any unnecessary costs.

It should be noted that Reserve R12266 is approximately one kilometre outside the BFB district boundary. Discussions with DFES have indicated that they do not require fire sheds to be located within brigade boundaries and would be supportive of the option of the use of Reserve 12266.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The preferred location for the erection of a Fire Shed for the Denbarker Bush Fire Brigade be Reserve 12266 Pile Road Denbarker.
2. The Department of Lands be requested to alter the purpose of Reserve 12266 Pile Road Denbarker to include reference to 'Fire Shed'.
3. New Forests Asset Management Pty Ltd be thanked for the generous offer to gift a portion of Location 2159 The Springs Road, as an alternative location for the Denbarker fire shed has been found on Crown land.

ALTERNATIVE RECOMMENDATION**Moved Cr L Handasyde, seconded Cr J Oldfield:**

That:

1. **The preferred location for the erection of a Fire Shed for the Denbarker Bush Fire Brigade be portion of Location 2159 The Spring Road Denbarker, presently owned by New Forests Asset Management Pty Ltd.**
2. **The Chief Executive Officer be authorised to begin the acquisition process of the subject land including excision and all associated costs.**
3. **The Denbarker Bush Fire Brigade be thanked for their sustained effort to assist the Shire to place the Shed in a position to reduce response times.**
4. **Service/Utility Providers be advised of the volunteer nature of the development and the response time issues.**

CARRIED (9/0)**NO. 248/14**Reason for Change

The officer's recommended location is outside the bushfire brigade area and would involve greater lead distance to emergency events.

9.3.4 TOY LIBRARY - MOUNT BARKER - LICENCE AGREEMENT

File No:	N32254
Attachments:	Licence Agreement - Toy Library
Responsible Officer:	Fiona Saurin Manager Community Services
Author:	Donna McDonald Senior Administration/Human Resources Officer
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to recommend the renewal of the licence agreement between the Shire of Plantagenet and the Mount Barker Toy Library Committee (Toy Library) for the use of Lot 8 Marmion Street, Mount Barker.

BACKGROUND

A licence agreement has been in place between the Shire of Plantagenet and the Toy Library Committee for the use of the building situated at the front of Lot 8 Marmion Street, commonly referred to as the 'Old Toy Library' building, since 30 June 2011 and is renewed on an annual basis.

The Toy Library, which operates from the Mount Barker Community Resource Centre, utilises the space at Lot 8 Marmion Street for the storage of toys, equipment and fittings.

The current licence agreement requires no rental fees to be charged, however all service fees are paid by the Toy Library Committee.

The Toy Library Committee is also responsible for insuring all toys, equipment and fittings stored in the building and for keeping current the appropriate level of public liability insurance.

The licence expired on 30 June 2014 and has subsequently been operating on a casual tenancy.

STATUTORY ENVIRONMENT

The Local Government Act 1995 – Section 3.58 applies to the disposition of property, including leasing. Under the Local Government (Functions and General) Regulations a disposition of land is an exempt disposition, and is excluded from the application of Section 3.58, if:

'the land is disposed of to a body, whether incorporated or not – the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not enlisted or permitted to receive a pecuniary profit from the body's transactions.'

The Agreement with the Mount Barker Toy Library Committee is an exempt disposition.

EXTERNAL CONSULTATION

Consultation has occurred with Lisa Lynch, President of the Mount Barker Toy Library Committee.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

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

OFFICER COMMENT

Available space at the Mount Barker Community Resource Centre is limited and the Toy Library Committee requires access to the building at Lot 8 Marmion Street in order to store ‘overflow’ toys and other equipment.

It is recommended that the licence agreement be renewed for a further one year term under the same terms and conditions as the current agreement.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr B Bell:

That authority be granted to the Chief Executive Officer to sign the licence agreement between the Shire of Plantagenet and the Mount Barker Toy Library Committee (as attached) for a one year term commencing from 1 December 2014, for the use of Lot 8 Marmion Street, Mount Barker for Toy Library purposes.

CARRIED (9/0)

NO. 249/14

9.4 CORPORATE SERVICES REPORTS

9.4.1 GENERAL MEETING OF ELECTORS – 2013/2014 ANNUAL REPORT

File No:	N31934
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to set a date for the General Meeting of Electors to receive the Shire of Plantagenet's 2013/2014 Annual Report.

BACKGROUND

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Sections 5.27 – 5.33 govern the holding of electors' meetings. Section 5.27 (1) states:

'(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.'

Section 5.29 (1) further states:

'(1) The CEO is to convene an electors' meeting by giving-
(a) at least 14 days' local public notice; and
(b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.'

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The receipt of the auditor's report is not expected until November 2014. It is expected that the auditor's report will be presented to the meeting of the Council to be held on 9 December 2014.

Annual General Meetings are traditionally held on Tuesdays and ideally, the meeting should be held in this calendar year. Holding off setting a date for the General Meeting of Electors until receipt of the auditor's report will prevent this.

The Mount Barker Community College will hold its annual speech night on Tuesday 16 December 2014. A date and time for the General Meeting of Electors of Tuesday 9 December 2014 at 6.30pm has therefore been recommended. An advertisement would need to be published in a newspaper circulating the district by 24 November 2014.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That subject to the timely receipt of the Shire's audit report, a General Meeting of Electors be held at 6.30pm on 9 December 2014 to receive the 2013/2014 Annual Report.

CARRIED (9/0)

NO. 250/14

9.4.2 BUDGET REVIEW – OCTOBER 2014Cr J Moir

Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)
Nature: Financial
Extent: Cattle Farmer, Employee of Elders

Authority to participate pursuant to Section 5.69(3)(a) and (b) of the Local Government Act 1995

Approval has been received from the Department of Local Government via a letter dated 15 April 2014 giving permission for Councillor J Moir to participate in the discussion and decision making procedures relating to the Mount Barker Regional Saleyards.

Mr R Stewart read aloud the letter, a copy of which is attached to these minutes.

File No: N32342
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 11 November 2014

PURPOSE

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

BACKGROUND

The 2014/2015 annual budget was adopted by the Council at a special meeting on 9 July 2014. This is the first quarterly review of the 2014/2015 Annual Budget. The Local Government (Financial Management) Regulations 1996 require that local governments conduct a budget review between 1 January and 31 March in each financial year.

STATUTORY ENVIRONMENT

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.'*

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

In terms of operating result, operating income is currently 0.5% over (year to date) budget and operating expenditure is 7% below (year to date) budget which is a good result.

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

- The actual surplus carried forward at 30 June 2014, as detailed in the draft audited 2013/2014 annual financial report, was \$445,223.00. The budgeted surplus carried forward was \$566,840.00. A variance of \$121,617.00 exists between the budgeted and actual balance carried forward, which resulted mainly from a higher value in the pre 30 June invoices being received after 1 July 2014 than expected. While some savings identified in this budget review can be used to offset this, it is recommended that the remaining shortfall of approximately \$90,885.00 be covered by a reduction in transfers to reserve funds, as detailed below:

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

- Unbudgeted contributions totalling \$10,185.00 have been received from other local governments for long service leave taken by a staff member in 2013/2014. This income is available for reallocation.
- Two passenger vehicles (CEO and CESM) are not being traded as budgeted. Other vehicles have achieved different than budgeted net costs. The overall savings of \$73,623.00 will be retained in the Plant Replacement Reserve.
- A number of depreciation and amortisation accounts are subject to over-expenditures. Most of these increases relate to substantial increases in values for the Shire's buildings due to 'fair value' revaluations. Some others relate to depreciation on new items of equipment. This is a \$nil cash impact.
- At a recent Council workshop, it was agreed not to carry out the budgeted project to reseal Karrioak airstrip. This leaves \$35,000.00 available for reallocation.
- Grant income from the Department of Fire and Emergency Services for bush fire brigades has been increased to \$120,692.00 from a budgeted \$109,720.00. The relevant income and expenditure accounts have been adjusted.
- A number of additional domestic recycling bins have recently been purchased. These have been allocated against the capital budget item for which there was no allocation. A sum of \$3,800.00 is required.
- Unbudgeted income of approximately \$80,000.00 has been generated from the disposal of a large amount of asbestos at the O'Neill Road refuse site. This amount is available for reallocation.
- The Sounness Park (Stage 1) budget was carried forward with an amount of \$41,803.00. To date \$18,518.00 has been spent leaving a balance of \$23,285.00. At a recent Council workshop, issues with the oval drainage were discussed. While the Council has not made a decision on the approach it is taking with regard to responsibility for these problems, it is recommended that a total of \$70,000.00 be made available if a decision is made to undertake immediate works to resolve the issues. A reallocation of \$48,197.00 is recommended from savings within this review.
- A memorandum has been circulated by the Manager of Works and Services in regard to tenders for Sounness Park (Stages 2 & 3). That memorandum identifies a shortfall of approximately \$40,000.00 on this project budget, given the recommended tenderer. A reallocation of that amount is recommended from savings within this review.
- The Council has received a further \$30,000.00 from the Department of Sport and Recreation for the continuation of the Kidsport Program. The relevant income and expenditure accounts have been adjusted.

- Office of Crime Prevention Grant for Railway Station Lighting totalling \$13,191.00 was received in 2013/2014, so this particular income budget item will need to be reduced accordingly.
- A sum of \$45,000.00 was budgeted for washdown pipe replacement at the saleyards. The Saleyards Advisory Committee has endorsed a proposal to install five section control taps on the western side of the yards, where the wash down lines come in the yards, which would alleviate down time of washdown due to being able to isolate sections when a problem arises. This proposal would only cost around \$6,000.00. The remaining funds will be retained in the Mount Barker Regional Saleyards Capital Improvements Reserve.
- Recently, two metrocount traffic counters were purchased. In addition, two oil dispensing units with pumps for more efficient lubrication of plant and equipment were also purchased. Due to the cost of these units (\$7,500.00 and \$8,700.00 respectively) being above the asset realisation level of \$2,000.00, these items will be capitalised and therefore need to be allocated to capital budget items. The costs can be reallocated from operational budget items.
- A number of other minor adjustments have been recommended.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

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

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
	Balance Carried Forward	\$566,840	\$445,223	(\$121,617)
50301.0398	Transfers to Reserve Funds	(\$717,998)	(\$627,113)	\$90,885
10018.0193	Other Revenue - Contribution to FBT	\$0	\$4,590	\$4,590
10016.0224	Reimbursements - LSL	\$0	\$10,185	\$10,185
50416.0006	Purchase Vehicle - CEO	(\$63,600)	\$0	\$63,600
40416.0105	Trade In Vehicle - CEO	\$26,500	\$0	(\$26,500)
20051.0035	Depreciation - Land & Buildings - Administration	(\$80,960)	(\$116,781)	\$0
50520.0006	Purchase Vehicle - Community Emergency Services Mgr	(\$50,000)	\$0	\$50,000
40520.0105	Trade In Vehicle - Community Emergency Services Mgr	\$25,000	\$0	(\$25,000)
50510.0252	Karriok Airstrip - Reseal	(\$35,000)	\$0	\$35,000
20076.0036	Depreciation - Plant, Machinery & Equip - Fire Prevention	(\$199,325)	(\$281,618)	\$0
20512.0171	Vehicle Running Costs - Repairs & Maintenance	(\$19,770)	(\$30,742)	(\$10,972)
10515.0201	Grant Income - FESA Grant	\$109,720	\$120,692	\$10,972
50721.0006	Purchase of Vehicle - EHO	(\$40,000)	(\$38,649)	\$1,351
40721.0105	Trade In Vehicle - EHO	\$18,000	\$24,091	\$6,091
20125.0035	Depreciation - Land & Buildings - Preventive Services	(\$35,697)	(\$58,503)	\$0
20141.0035	Depreciation - Land & Buildings - Child Care	(\$2,117)	(\$20,125)	\$0
20146.0297	Non Cash Expenses - Amortisation - HACC Day Centre	(\$11,647)	\$0	\$0
50850.0006	Purchase of Domestic Recycling Bins	\$0	(\$3,800)	(\$3,800)
20164.0188	Depreciation - Infrastructure	\$0	(\$7,401)	\$0

10098.0147	Other Revenue - Tipping Fees	\$65,000	\$145,000	\$80,000
51012.0006	Purchase Vehicle - Mgr Development Services	(\$59,500)	(\$50,353)	\$9,147
41011.0105	Trade In Vehicle - Mgr Development Services	\$33,000	\$33,636	\$636
20192.0035	Depreciation - Land & Buildings - Public Halls	(\$12,741)	(\$182,507)	\$0
	Swimming Pool (PC) - Building Renewal	(\$2,500)	(\$4,500)	(\$2,000)
21105.0297	Non Cash Expenses - Amortisation	(\$75,105)	(\$95,152)	\$0
51498.0251	Sounness Park - Implement Recreation Plan (Stage 1)	(\$41,803)	(\$90,000)	(\$48,197)
51576.0251	Sounness Park - Implement Rec'n Plan(Stages 2 & 3)	(\$2,400,000)	(\$2,440,000)	(\$40,000)
20210.0035	Depreciation - Land & Buildings - Parks and Rec Grounds	(\$29,322)	(\$242,533)	\$0
20210.0188	Depreciation - Infrastructure - Parks and Rec Grounds	(\$3,765)	(\$80,745)	\$0
20215.0312	Library - Other Operating Costs	(\$5,000)	(\$6,000)	(\$1,000)
20221.0397	Other Expenses - Kidsport Program	(\$595)	(\$30,595)	(\$30,000)
10126.0397	Grant Income - Kidsport Program	\$0	\$30,000	\$30,000
20223.0035	Depreciation - Land & Buildings - Other Rec and Culture	(\$48,611)	(\$222,491)	\$0
41310.0202	Crime Prevention Grant - Railway Station Lighting	\$13,191	\$0	(\$13,191)
21313.0035	Depreciation - Land & Buildings - Area Promotion	(\$17,909)	(\$47,589)	\$0
51528.0253	Convert Washdown Pipes to Above Ground	(\$45,000)	(\$6,000)	\$39,000
41326.0486	Transfers from Reserve Fund (Saleyards)	\$158,500	\$128,645	(\$29,855)
21324.0035	Depreciation - Land & Buildings - Saleyards	(\$93,890)	(\$444,961)	\$0
51607.0006	Metrocount Classifiers	\$0	(\$7,500)	(\$7,500)
20262.0085	Public Works O'heads - Minor Equipment	(\$17,000)	(\$9,500)	\$7,500
51608.0006	Oil Dispensing Units	\$0	(\$8,700)	(\$8,700)
20281.0373	Operating Costs - Consumables	(\$20,000)	(\$11,300)	\$8,700
20264.0035	Depreciation - Land & Buildings - Public Works O'heads	(\$18,946)	(\$42,080)	\$0
20270.0036	Depreciation - Plant, Machinery & Equip - Plant Op Costs	(\$408,688)	(\$485,034)	\$0
51412.0006	Works Vehicles / Minor Plant Replacement Program	(\$225,267)	(\$218,011)	\$7,256
41412.0105	Trade In Works Vehicles / Minor Plant	\$106,363	\$93,405	(\$12,958)
41413.0486	Transfers from Reserve Funds - Plant Reserve	\$536,500	\$462,877	(\$73,623)
Total		(\$3,123,142)	(\$4,411,939)	\$0

CARRIED (9/0)

NO. 251/14

Absolute Majority

9.4.3 FINANCIAL STATEMENTS – OCTOBER 2014

File No:	N32406
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 October 2014.

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That the Financial Statements for the month ending 31 October 2014 be received.

CARRIED (9/0)

NO. 252/14

9.4.4 LIST OF ACCOUNTS - OCTOBER 2014

File No:	N32419
Attachment:	List of Accounts - October 2014
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	11 November 2014

PURPOSE

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

STATUTORY ENVIRONMENT

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

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

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Oldfield:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended October 2014 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$766,300.16; and
2. Municipal Cheques 44869 - 44934 totalling \$92,244.90.

CARRIED (9/0)

NO. 253/14

9.4.5 POLICY REVIEW - ASSET REGISTER

File No: N32107
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 11 November 2014

PURPOSE

The purpose of this report is to review Council Policy No. F/AMR/1 – Asset Register.

BACKGROUND

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

STATUTORY ENVIRONMENT

Section 5 (1) (d) of the Local Government (Financial Management) Regulations (1996) which relates to Section 6.10 of the Local Government Act 1995 states:

'5 (1) Efficient systems and procedures are to be established by the CEO of a local government –

(d) to ensure proper accounting for municipal or trust –

- (i) revenue received or receivable;*
- (ii) expenses paid or payable; and*
- (iii) assets and liabilities.'*

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

This value continues to be the industry standard for this purpose. It is considered that the current policy is sufficient and should be endorsed without alteration.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That Council Policy No. F/AMR/1- Asset Register as follows:

‘OBJECTIVE: To provide a guideline for the entry of items onto the Council’s Asset Register.

POLICY: The Council will not record assets with an acquisition value of less than two thousand dollars (\$2,000.00), excluding GST, on the Council’s asset register.’

be endorsed.

CARRIED (9/0)

NO. 254/14

9.4.6 POLICY REVIEW - FINANCIAL MANAGEMENT - BORROWING PROGRAM AND ASSET FINANCING

File No:	N32108
Attachment	Policy - Financial Management – Borrowing Program and Asset Financing
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna McDonald Senior Administration/Human Resources Officer
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to review Council Policy F/FM/6 – Financial Management – Borrowing Program and Asset Financing.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 24 July 2012.

STATUTORY ENVIRONMENT

In order to be satisfied that borrowings will not place stress on the Local Government, the Western Australian Treasury Corporation requires financial information to be provided to the Corporation before approving any loans.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.6.1 – *‘Provide a full range of financial services to support Shire’s operations and to meet planning, reporting and accountability requirements.’*

OFFICER COMMENT

It is considered that the elements of the policy relating to circumstances under which borrowing may be considered remain suitable. However, the financial ratios used in the policy are now out of date.

In 2013/2014, the Debt Service Ratio and Gross Debt to Revenue Ratio were phased out in favour of the Debt Service Cover Ratio. Also, the Western Australian

Treasury Corporation (WATC) advises that it uses the Debt Service Cover Ratio and the Net Debt Ratio in assessing loan applications.

The Debt Service Cover Ratio measures a local government's ability to service debt out of its uncommitted or general purpose fund available for its operations. The higher the ratio, the greater the ability to cover the debt. It is calculated as follows:

Annual operating surplus before interest and depreciation
Principal and interest

The Net Debt Ratio illustrates a local government's ability to cover its net debt with its revenue in any given year. The lower the percentage of the ratio, the greater the ability to cover the debt. It is calculated as follows:

Gross debt less cash and cash equivalents
Available operating revenue

As a guide, the WATC indicates that the Debt Service Cover Ratio should be a minimum of 3.0 and the Net Debt Ratio should be less than 50%. However, the WATC's policy is not based purely on the ratios alone. Each loan application is assessed on a case by case basis using the required ratios as a starting point.

In considering the borrowing capacity, a number of factors influence the calculation of the ratios. These include the amount of the borrowings and the repayment structure of the loans (for example the term of the loan, short term or long term, interest only repayments or capital and interest repayments). Other items influencing a local government's capacity include the total operating revenue and expenses, and these items are also taken into consideration by the WATC.

Nevertheless, it is recommended that the WATC guidelines be adopted for the purposes of the policy. The Council's position as at 30 June 2014 sits within these guidelines, with the Debt Service Cover Ratio being 5.2 and the Net Debt Ratio being -9%.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That Council Policy F/FM/6 as follows:

'OBJECTIVE:

To recognise the degree to which borrowing is acceptable, determine in what circumstances borrowing should and should not be utilised, consider funding strategies for major assets and categories of services and satisfy the Western Australian Treasury Corporation that any new borrowings will not place financial stress on the Council.

POLICY:

- 1. Long-term borrowing will not be used to finance current operations or normal maintenance.**
- 2. The Shire will strive to achieve a high reliance on pay-as-you-go financing for its capital improvements.**

3. All debt issued, including by lease purchase methods, will be repaid within a period not to exceed the expected useful lives of the improvements financed by the debt.
4. The Council may consider borrowing proposals on their merits from time to time and give favourable consideration to borrowing money for the acquisition or construction of an asset under the following circumstances:
 - a) Where the asset to be acquired is a new addition to the Council's asset base and the project contributes to the achievement of an identified strategic objective; or
 - b) Where the asset replaces an existing asset and has a useful life of greater than 10 years; or
 - c) Where the asset is required urgently and unexpectedly or a significant community need for the asset has been identified; and
 - d) One of the following funding conditions exists:
 - i) The project will reduce operating costs to an extent sufficient to cover the cost of the project and generate further savings to the Shire;
 - ii) The borrowing cost could be supported by additional revenue over the effective life of the project;
 - iii) All alternative options for undertaking the project without borrowing have been investigated and proven less advantageous to the Council;
 - iv) The income stream from the asset to be acquired or constructed exceeds the cost of borrowing over the life of that asset;
 - v) Repayments will be met by a third party such as self supporting loans and the financial stability of that party meets the criteria as set out in the Self Supporting Loans Policy;
 - vi) To save for the acquisition or construction will result in the actual cost being greater than the cost of borrowing the money and acquiring it today; or
 - vii) To delay a project would jeopardise it due to grant funding restrictions or opportunities.
5. Where surplus funds are available, the decision to repay or reduce borrowings should be made based on the facts available at the time giving due regard to minimising the overall cost to the Council.
6. The Council will, with regard to setting its annual budget and making decisions on borrowings from external agencies, aim to maintain the following financial ratios within the limits stated:
 - a) Debt Service Cover Ratio – More than 3.0
This ratio means:
Annual operating surplus before interest and depreciation

Principal and interest

b) Net Debt Ratio – Less than 50%

This ratio means:

Gross debt less cash and cash equivalents
Available operating revenue'

be endorsed.

CARRIED (9/0)

NO. 255/14

9.4.7 SALE OF LAND FOR NON-PAYMENT OF RATES

File No: N32307
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Leanne Briggs
Rates Officer
Proposed Meeting Date: 11 November 2014

PURPOSE

The purpose of this report is to advise the Council of the debt collection recovery procedures commenced under the Local Government Act (1995) in regard to outstanding rates.

BACKGROUND

Proceedings against the owners of assessments 110130, 137190, 140822, 148577 and 148627 have been commenced under delegated authority. The property owners listed below have failed to pay rates for a period of at least three years and in all cases, other debt collection procedures have proved fruitless.

STATUTORY ENVIRONMENT

Local Government Act (1995)
Local Government (Financial Management) Regulations 1996

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

'6.64.Actions to be taken:

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
 - (a) *from time to time lease the land;*
 - (b) *sell the land;*
 - (c) *cause the land to be transferred to the Crown; or*
 - (d) *cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification, as is prescribed and then to affix on a conspicuous part of the land a notice on the form or substantially in the form prescribed.'*

It is a requirement of section 6.68 that the Local Government must have at least once tried to recover the outstanding amounts unless it has reasonable belief that the cost of debt collection proceedings will equal or exceed the value of the land.

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

FINANCIAL IMPLICATIONS

As at 21 October 2014, the total amount outstanding on the properties listed below amounts to \$43,442.34 including penalties.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The property owners were issued with general procedure claims (summons) in 2013. No payments or response to this action have been received to date.

The general procedure claim for Assessment 137190 has not been served as the owner resides in New Zealand. Similarly, the claims for assessment 148577 and 148627 have not been served as the company has been deregistered.

The properties intended to be sold are as follows:

<u>Assessment</u>	<u>Address</u>	<u>Arrears</u>	<u>Property</u>
110130	26 Westfield Street, Rocky Gully	\$12,539.55	House and Land
137190	37 Westfield Street, Rocky Gully	\$ 5,512.14	House and Land
148577	Lot 812 Stoney Creek, Porongurup	\$ 8,939.62	Vacant Land
148627	Lot 817 Stoney Creek, Porongurup	\$ 9,127.30	Vacant Land
140822	44 Albany Highway, Mount Barker	\$ 7,323.73	Vacant Land

The sale of these properties is the only realistic way of recovering moneys owed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr C Pavlovich:

That the action of the Chief Executive Officer in commencing the sale of land actions against the landowners of the following assessments in accordance with Section 6.64 (1) (b) of the Local Government Act 1995 and pursuant to delegation LG020, be noted:

110130	26 Westfield Street, Rocky Gully;
137190	37 Westfield Street, Rocky Gully;
148577	Lot 812 Stoney Creek Road, Porongurup;
148627	Lot 817 Stoney Creek Road, Porongurup; and
140822	44 Albany Highway, Mount Barker.

CARRIED (9/0)

NO. 256/14

9.4.8 RISK MANAGEMENT, INTERNAL CONTROL AND LEGISLATIVE COMPLIANCE – ORGANISATIONAL REVIEW

File No:	N32150
Attachment:	Assessment Report (Separate attachment) Draft Strategic Risk Register (Separate attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to note the results of a review of the appropriateness and effectiveness of organisational systems and procedures in relation to risk management, internal control and legislative compliance.

BACKGROUND

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

STATUTORY ENVIRONMENT

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

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

The Council has the following policies in place:

- C/RM/1 Risk Management.
 - C/IC/1 Internal Control.
-

- A/L/1 Legislative Compliance.

STRATEGIC IMPLICATIONS

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

Strategy 4.6.1 – *‘Provide a full range of financial services to support Shire’s operations and to meet planning, reporting and accountability requirements.’*

OFFICER COMMENT

It is important to note that legislative compliance relates to all legislation, not just the Local Government Act 1995. It is also important to note the following words in the new regulation: *‘The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures.’*

In terms of appropriateness, the Chief Executive Officer is to decide what processes, systems and controls are appropriate in the context of risk appetite, the internal / external environment and what is suitable for the Shire’s size and operations.

Effectiveness is assessed through monitoring events and testing controls. For systems and procedures to be effective, they must exist. In order to formally create these systems policies and procedures have been established under each of the three categories.

A detailed review of each of these matters is in the attached Assessment Report. A summary of the results is as follows:

Risk Management

When the new Risk Management Policy was adopted, it was noted that a number of systems and processes need to be developed in order to be able to review and assess risk management. The first step is to create a policy, from which other elements will flow.

The objectives of the policy were to:

- Adopt and implement a risk management framework that integrates risk management into the organisation and provides the mandate, resources and management systems.
- Foster and develop a risk management culture that influences all activities and decision making.
- Improve the way assets, functions and services are managed and delivered to achieve objectives and reduce potential harm to the Shire.

The policy notes that the Shire will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity. In particular, it will be applied to:

- Strategic planning;
- Expenditure of large amounts of money;
- New strategies and procedures;
- Management of projects, tenders and proposals;
- Introducing significant change; and

- The management of sensitive issues.

The Shire recognises that to be effective, risk management must become part of the Shire's culture, integrated into the Shire's corporate and business plans and everyday activities. Further, risk management must become the responsibility of every employee, contractor, volunteer and elected member of the Council.

Prior to the adoption of the policy, this framework has, to some extent, been implemented at the Shire of Plantagenet in an informal manner. The Shire has developed significant processes and procedures in regard to occupational health and safety, including an active OSH Committee over the last 10 or so years.

Guidelines and procedures have also been developed in regard to Internal Controls and Legislative Compliance. Those existing systems can be considered to form part of the overall risk management framework. However, the implementation of a formal and documented framework for other risk areas will take some time to embed within the organisation.

The policy requires that the Shire will implement a robust reporting and recording system that will be regularly monitored to ensure closeout of risks and identification of ongoing issues and trends.

In this regard, a risk register has now been developed and will be maintained for strategic risks. Some project and operational risks will also be considered and evaluated, however the Shire will adopt a relatively simple approach and only do a formal assessment of new projects and operational risks where deemed appropriate by appropriate by the Chief Executive Officer or a Manager.

Ideally, all capital works projects greater than say \$500,000 in value will, on assessment, have a specific risk assessment undertaken. However, at this stage, the Shire will not act to this extent, particularly due to resource constraints and in addition, Shire staff are not qualified to properly assess the full gambit of risks that might potentially impact.

It is the opinion of the CEO that the policy and procedures in place for risk management are generally appropriate for an organisation of this size of the Shire of Plantagenet. However, as indicated above, the implementation of a formal and documented framework will take some time to embed within the organisation.

Effectiveness is assessed through monitoring events and testing controls. As the risk management framework has only recently been adopted and still being developed, it is too early to make any firm conclusions about its effectiveness. Nevertheless, at this stage, the following indicators can be a guide:

The Shire has developed a Strategic Community Plan and uses associated software which is assisting the Council to progress its strategic objectives. The first report coming out of the software will form part of the 2013/2014 annual report. It shows that the Shire is making good progress towards meeting strategic objectives.

An analysis of events by risk category for the last three years has been carried out. The list of events is considered to represent a relatively small number of incidents. In dollar terms, the overall cost is considered to represent a minor impact on the Shire's resources. The effectiveness of the current measures, which have recently been formalised by way of policy and procedures are considered to be quite robust.

Internal Control

The Shire's Internal Control Policy indicates that the following are considered to be fundamental characteristics of a good internal control system:

Staffing and segregation of duties

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

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

If these duties are not separated then errors are more likely to go undiscovered, fraud is also much easier to conceal and mistakes are more likely to occur. In small local governments it is not always practical to maintain a strict separation of duties due to resource constraints. These circumstances require a greater degree of compensatory controls to be put in place. At the Shire of Plantagenet, some segregation of duties has been achieved, although not to the degree available in an ideal world due to the size of the organisation. Other controls have been put in place to mitigate relevant risks as a result.

The level of experience and qualification held by staff has a substantial impact on the effectiveness of internal controls. Experienced staff who know the processes and systems are more likely to identify errors and mistakes before they have a detrimental impact. Generally, at the Shire of Plantagenet, staff in key positions are well qualified and / or highly experienced.

High levels of staff turnover leading to inexperienced staff will place additional pressure on internal controls and reduce their reliability. At these times increased staff training is vital to reduce the risk of failure in documented internal controls. High staff turnover can also lead to a fall in staff recruitment standards resulting in false qualifications and experience levels going undetected. At the Shire of Plantagenet, staff turnover has been very low for a number of years, particularly in key positions.

Information Technology (IT) Controls

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

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

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

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

At the Shire of Plantagenet, IT controls within the Civica Authority system are robust and administrator roles are very limited.

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

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

At the Shire of Plantagenet, a culture of formal documentation exists and procedures are in place for a significant number of processes.

Out of the 81 controls listed above, 76 are being carried out (94%). It is the opinion of the CEO that the policy and procedures in place for internal control are largely appropriate for an organisation of this size of the Shire of Plantagenet.

Effectiveness is assessed through monitoring events and testing controls. In recent times, the report of the auditor in respect to annual financial statements and interim audit results have been very good. A financial management review was undertaken by the external auditor in May 2014. Overall, the result of that review were also very good. There were five minor adverse findings made within the report, three of which related to the need for policy development, which has been carried out.

The effectiveness of the current measures, which have recently been formalised by way of policy and procedures are considered to be very robust.

Legislative Compliance

The Shire's Legislative Compliance Policy indicates that the following are important elements of a an appropriate legislative compliance framework:

- A legislative compliance risk register with a risk rating.
- A formal process to implement new legislation.
- Formal responsibility for monitoring legislative compliance.
- Communication and training of elected members, staff, contractors and volunteers in terms of their responsibility to comply with legislation in the workplace and report breaches.
- A formal process for reporting and recording breaches of legislation.
- Legislative compliance demonstrably supported by senior management.

All of these measures have been adopted. It is the opinion of the CEO that the policy and procedures in place for legislative compliance are entirely appropriate for an organisation of this size of the Shire of Plantagenet.

Effectiveness is assessed through monitoring events and testing controls. At this stage, no incidents of non-compliance have been recorded in the register (which has only recently been established). However, the Compliance Audit required pursuant to Section 7.13 of the Local Government Act 1995 has not recorded any areas of non-compliance since the 2008 return. The effectiveness of the current measures, which

have recently been formalised by way of policy and procedures can therefore be assumed to be robust.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That the results of a review of the appropriateness and effectiveness of organisational systems and procedures in relation to risk management, internal control and legislative compliance be noted.

CARRIED (9/0)

NO. 257/14

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 DELEGATIONS - REVIEW OF DELEGATION LG 035 - IMPLEMENTATION OF TOWN PLANNING SCHEME

File No:	N32060
Attachment:	Delegation LG035 with amendments
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to seek an amendment to Delegation LG 035 relating to 'SA' planning consent applications.

BACKGROUND

Delegations are granted to the Chief Executive Officer (CEO) and other Officers in some instances, to assist in the efficient and effective running of the organisation so as to preclude many minor matters from coming before the Council and to maximise service to members of the public, residents and ratepayers.

Delegations were endorsed by the Council at its meeting held on 27 May 2014 with an amendment to Delegation LG 035 (subdivisions).

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 5.42 provides for a Local Government to delegate to the CEO the exercise of any of its powers or the discharge of its duties (Absolute Majority required).

The Act also provides, at Section 5.43, a number of powers or duties that cannot be delegated. Furthermore, pursuant to Section 5.44 of the Act, the CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Such delegation must be in writing (Section 5.46).

Importantly, Section 5.45 of the Act provides that a delegation has effect for the period of time specified in the delegation or, where no period has been specified, indefinitely.

Nevertheless, at least once every financial year, delegations are to be reviewed by the delegator. Any delegation granted by the Council to the CEO must be reviewed once every financial year.

A person to whom a power or duty is delegated under the Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.7 Delegation of Functions reads as follows:

- ‘7.7.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.*
- 7.7.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under clause 7.7.1.*
- 7.7.3 The exercise of the power of delegation under clause 7.7.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.*
- 7.7.4 Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.’*

– Clause 3.2.2 describes a ‘SA’ use as:

‘SA’ means that the Council may, at its discretion, permit the use after Notice of Application has been given in accordance with Clause 6.2.’

– Clause 6.2 relates to the advertising of applications and reads:

‘6.2 ADVERTISING OF APPLICATIONS

- 6.2.1 Where an application is made for planning consent to commence or carry out development which involves an ‘SA’ use the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this Clause.*
- 6.2.2 Where an application is made for planning consent to commence or carry out development which involves an ‘AA’ use, or for any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of this Clause.*
- 6.2.3 Where the Council is required or decides to give notice of any application for planning consent the Council shall cause one or more of the following to be carried out:*
- (a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent stating*

that submissions may be made to the Council within twenty-one days of the service of such notice;

- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;*
- (c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days stating that submissions may be made to the Council within the display period.*

6.2.4 The notice referred to in Clause 6.2.3(a) and (b) shall be in the form contained in Schedule No. VII with such modifications as circumstances require.

6.2.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.'

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 4.1.3 – *'Ensure the Council's decision making process is effective and transparent';* and

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

OFFICER COMMENT

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

- '(3) Initiate the necessary public advertising of 'SA' planning consent applications prior to determination by the Council.'*

There are 27 uses that are classified as 'SA' in various zones in TPS3 where there is potential to impact on neighbours and/or the locality. Those uses are: abattoir, aquaculture, automotive panel beating, automotive wrecking, bed and breakfast, caravan park, cellar sales, chalet, consulting rooms, craft shop and gallery, dry cleaning premises, feedlot, gallery/restaurant, home business, hospital, hotel, industry – extractive, industry – hazardous, industry – light, industry – noxious,

motel, grouped dwelling, restaurant, shop, tavern, tourist accommodation and winery.

What is now proposed in respect to this subject part (3) of Delegation No. LG 035 is to introduce the ability for decision on particular low key aspects of 'SA' proposals to be issued by staff. The particular uses are:

- bed and breakfast;
- cellar sales;
- chalet – up to a maximum of four;
- grouped dwellings – up to a maximum of four; and
- home business.

All 'SA' proposals will still be advertised for comment, but the five uses above will then be able to be determined by the Manager Development Services once the matter has been on-delegated from the Chief Executive Officer. If valid public objections are raised during the advertising, these proposals will then be placed before the Council for a determination.

It is recommended that altered part (3) of Delegation LG 035 be endorsed.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Moir:

That:

- 1. Part (3) of Delegation LG 035 be amended to read:**
 - '(3) 'SA' planning consent applications:**
 - (i) Initiate the necessary public advertising of such applications.**
 - (ii) Determination of planning consent applications for Bed and Breakfast, Cellar Sales, up to four Chalets, Home Business and up to four Grouped Dwellings subject to compliance with the Council's Town Planning Scheme Policies, Town Planning Scheme No. 3 and no valid objections being received during the public advertising.'**
- 2. Delegation LG 035 to the Chief Executive Officer be endorsed.**

CARRIED (9/0)

NO. 258/14

Absolute Majority

9.5.2 DELEGATIONS - REVIEW OF DELEGATION LG 039 - PERMITS FOR STALLHOLDERS

File No:	N32066
Attachment:	Delegation LG039 with amendments
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	11 November 2014

PURPOSE

The purpose of this report is to seek an amendment to Delegation LG 039 relating to permits for stallholders, traders and outdoor eating facilities.

BACKGROUND

Delegations are granted to the Chief Executive Officer (CEO) and other Officers in some instances, to assist in the efficient and effective running of the organisation so as to preclude many minor matters from coming before the Council and to maximise service to members of the public, residents and ratepayers.

Delegations were endorsed by the Council at its meeting held on 27 May 2014 with an amendment to Delegation LG 035 (subdivisions).

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 5.42 provides for a Local Government to delegate to the CEO the exercise of any of its powers or the discharge of its duties (Absolute Majority required).

The Act also provides, at Section 5.43, a number of powers or duties that cannot be delegated. Furthermore, pursuant to Section 5.44 of the Act, the CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Such delegation must be in writing (Section 5.46).

Importantly, Section 5.45 of the Act provides that a delegation has effect for the period of time specified in the delegation or, where no period has been specified, indefinitely.

Nevertheless, at least once every financial year, delegations are to be reviewed by the delegator. Any delegation granted by the Council to the CEO must be reviewed once every financial year.

A person to whom a power or duty is delegated under the Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Activities in Thoroughfares and Public Places and Trading Local Law 2008 – This Local Law at Part 6 requires permits to be issued for traders and stallholders and such permits need to be renewed annually.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 4.1.3 – *‘Ensure the Council’s decision making process is effective and transparent’*; and

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

OFFICER COMMENT

An amendment is now sought to Delegation No. LG 039 which deals with permits for stallholders, traders and/or outdoor eating facilities.

Delegation LG 039 currently states:

‘Authority be delegated to the Chief Executive Officer pursuant to Section 5.42 of the Local Government Act 1995 for the issue of renewal of permits where the Council has previously approved the activity of the stallholder, trader and/or the outdoor eating facility provided that activity has been operating in accordance with the Council imposed conditions.’

The change now proposed is to include in the delegation the reference to the issue of new permits for the activities of stallholders, traders and/or outdoor eating facilities. The delegation will then address the issue of new permits as well as the renewal of existing permits.

Alfresco trading and stallholding is an area where the Council has been keen to promote as it adds to the business appeal of town centre areas particularly in Mount Barker, Kendenup and Porongurup. Such activities need to comply with the standards set in the relevant Local Law. They also are required to apply for permit renewals on an annual basis. It is considered there are adequate controls in place for the establishment and monitoring of these kinds of trading activities.

It is recommended that altered Delegation LG 039 be endorsed.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Pavlovich, seconded Cr G Messmer:

That:

1. Delegation LG 039 be amended to read:

Delegation Number	LG 039
Legislative Power	Local Government Act 1995 Activities in Thoroughfares and Public Places and Trading Local Law 2008
Delegation Subject	Permits for Stallholder, Trader and/or Outdoor Eating Facility
Delegate	Chief Executive Officer

Authority be delegated to the Chief Executive Officer pursuant to Section 5.42 of the Local Government Act 1995 for the issue of new permits or renewal of permits for the activity of a stallholder, trader and/or an outdoor eating facility provided that activity operates in accordance with the imposed conditions and the Activities in Thoroughfares and Public Places and Trading Local Law 2008.

2. Delegation LG 039 to the Chief Executive Officer be endorsed.

CARRIED (9/0)

NO. 259/14

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 CHRISTMAS CLOSURE**

Cr S Etherington has given notice of her intention to move the following motions pursuant to Clause 3.7 of Standing Orders:

Moved Cr S Etherington, seconded Cr B Bell:

That:

Resolution No. 227/14, at the Council meeting held on 14 October 2014 as follows;

'That:

- 1. The Shire of Plantagenet's Administration Office and Mount Barker Public Library be closed from close of business on Wednesday 24 December 2014 with the resumption of services on Friday 2 January 2015.**
- 2. The Rec.Centre be closed from Wednesday 24 December 2014 until Thursday 1 January 2015 inclusive.**
- 3. The O'Neill Road Waste Management Facility be closed on Thursday 25 December 2014.**
- 4. The Mount Barker Swimming Pool be closed on Thursday 25 December 2014.**
- 5. The closures inclusive of public holidays be advertised locally.'**

be revoked.

CARRIED (9/0)

NO. 260/14

Absolute Majority

Moved Cr S Etherington, seconded Cr L Handasyde:

That:

- 1. The Shire of Plantagenet's Administration Office and Mount Barker Public Library be closed from close of business on Wednesday 24 December 2014 with the resumption of services on Monday 5 January 2015.**
- 2. The Rec.Centre be closed from Wednesday 24 December 2014 until Friday 2 January 2015 inclusive.**
- 3. The O'Neill Road Waste Management Facility be closed on Thursday 25 December 2014.**

4. The Mount Barker Swimming Pool be closed on Thursday 25 December 2014.
5. The closures inclusive of public holidays be advertised locally.

CARRIED (9/0)

NO. 261/14

COUNCILLOR COMMENT

I will be proposing that although the original officer's recommendation was for the administration office, library and recreation centre to re-open Friday 2 January 2015, a skeleton staff will be available and scheduled exercise classes commence the following week. Shires that will be closed on Friday 2 January 2015 are as follows:

Shire of Broomehill/Tambellup
Shire of Denmark
Shire of Manjimup
Shire of Kojonup
Shire of Gnowangerup
Shire of Jerramungup
Shire of Donnybrook

Shires with intentions to be closed (to be put before Council) on the Friday 2 January 2015 closure as follows:

Shire of Cranbrook
Shire of Katanning
Shire of Kent
Shire of Woodanilling

Further, I propose that this closure is a 'good will' gesture from the Council towards the staff; the closure would necessitate staff to utilise leave entitlements with no financial impact on the Shire and previous closures during this period have not received any negative feedback from the community.

OFFICER COMMENT

At the time of this report, staffing on Friday 2 January 2015 as follows:

CEO
Manager Development Services
Manager Community Services
Ranger
Accountant
Planning Officer
1 x works administration
1 x customer service officer (front counter)
Telephonist (relief front counter)
Senior Admin/HR Officer
1 x Rec Officer (Rec Centre)
Manager Library and Information Services (Library)
1 x Library Officer (Library)

10.2 WAR MEMORIAL REDEVELOPMENT

Cr B 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 S Etherington:

That Council extend their appreciation to Jamie Rutter and his gardening staff and all other council staff involved in the redevelopment of our War Memorial.

CARRIED (9/0)

NO. 262/14

COUNCILLOR COMMENT

The work on the War Memorial is a credit to all staff involved. The project is of immense importance and reflects our gratitude to all who have served in our Defence Services.

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

Nil

12 CONFIDENTIAL

12.1 WORKS AND SERVICES REPORTS

12.1.1 TENDER CO1/1415 - SUPPLY AND INSTALL SYNTHETIC HOCKEY FIELD WITH LIGHTS

Cr K Clements

Type: Closely Associated Person (Section 5.62 LGA)
Nature: Wife works for one of the tenderers.
Extent: Not required

4:48pm Cr K Clements withdrew from the meeting.

Deputy Shire President Cr L Handasyde assumed the Chair.

File No: N32149
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 11 November 2014

PURPOSE

The purpose of this report is to consider submissions for the advertising of Tender CO/1415 – Supply and Install Synthetic Hockey Field with Lights at the Sounness Park Sport and Recreation Precinct Development.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr B Bell:

4:48pm That the meeting be closed to members of the public pursuant to Section 5.23 (2)(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED (8/0)

NO. 263/14

OFFICER RECOMMENDATION

That:

1. The alternate tender submitted by Woodlands/ABS Sports Fields Pty Ltd for Tender CO1/1415 - Supply and Install Synthetic Hockey Field with Lights at the Sounness Park Sport and Recreation Precinct, for \$1,809,090.00 (GST exclusive) be accepted.
2. The Chief Executive Office be authorised to negotiate a suitable contract.

4:54pm Cr S Etherington withdrew from the meeting.

4:56 pm Cr S Etherington returned to the meeting.

5:04pm Cr S Etherington withdrew from the meeting.

5:06pm Cr S Etherington returned to the meeting.

ADJOURNMENT OF THE MEETING

That Presiding member adjourned the meeting at 5:12pm to recommence at 5:25pm.

RESUMPTION

5.25pm The meeting resumed.

Members Present:

Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Mr Peter Duncan	Manager Development Services
Mrs Linda Sounness	Executive Secretary
Ms Amy Chadbourne	Senior Admin/Project Officer – Works and Services

MOTION TO PROCEED IN PUBLIC**Moved Cr B Bell, seconded Cr G Messmer:****5:29pm That the meeting proceed in public.****CARRIED (9/0)****NO. 266/14****ALTERNATIVE RECOMMENDATION****Moved Cr C Pavlovich, seconded Cr J Moir:****That:**

- 1. Woodlands ABS Sports Fields Pty Ltd be the preferred Tenderer for Tender C01/1415 – Supply and Install Synthetic Hockey Field with Lights at the Sounness Park Sport and Recreation Precinct on the basis of having provided the most advantageous outcome and best value for money to the Shire of Plantagenet.**
- 2. The CEO be given delegated authority to undertake minor negotiations on the Preferred Tenderer's pricing structure.**
- 3. The Council be provided with**
 - a) Concept and schematic plans for both stages 2 and 3 of Sounness Park**
 - b) Drainage plans for sub surface water movement from the southern boundary of Sounness Park**
- 4. Feedback be sought from the Mount Barker Hockey Club in relation to proposed fees and charges and 'whole of life costs'.**
- 6. Costings on additional capital works outside of the tender scope be provided**
- 7. A workshop be held with Councillors at 4pm on 2 December 2014 in the Council Chambers.**

CARRIED (8/0)**NO. 264/14**Reason for Change

Councillors were of the opinion that further negotiations should occur with a preferred tenderer prior to the awarding of a contract.

5:29pm Cr K Clements returned to the meeting and assumed the Chair

13 CLOSURE OF MEETING

5:32pm The Presiding Member declared the meeting closed.

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