



ORDINARY MINUTES

DATE: Tuesday, 15 August 2017

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution Nos. 166/17 to 186/17

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME	2
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
5	DISCLOSURE OF INTEREST	2
6	APPLICATIONS FOR LEAVE OF ABSENCE	3
7	CONFIRMATION OF MINUTES.....	3
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	3
9	REPORTS OF COMMITTEES AND OFFICERS.....	4
9.1	DEVELOPMENT SERVICES REPORTS.....	4
9.2	WORKS AND SERVICES REPORTS.....	5
9.2.1	POLICY REVIEW - PRIVATE WORKS - EXTERNAL	5
9.2.2	POLICY REVIEW - STOCK ON LOCAL ROADS	8
9.2.3	POLICY REVIEW (REVOCATION) - PRIVATE WORKS - INTERNAL.....	19
9.3	COMMUNITY SERVICES REPORTS	22
9.4	CORPORATE SERVICES REPORTS	23
9.4.1	BUDGET REVIEW - JULY 2017.....	23
9.4.2	FINANCIAL STATEMENTS – JULY 2017	28
9.4.3	LIST OF ACCOUNTS – JULY 2017	30

- 9.4.4 LOT 137 (37) WESTFIELD STREET, ROCKY GULLY -
TRANSFER OF LAND FOR NON-PAYMENT OF RATES..... 32
- 9.4.5 CEMETERY ACTIVITIES REPORT - 2016/2017 35
- 9.5 EXECUTIVE SERVICES REPORTS..... 38**
- 9.5.1 RENEWAL OF LEASE - MOUNT BARKER TENNIS CLUB..... 38
- 9.5.2 RENEWAL OF LEASE - WEST PLANTAGENET PONY CLUB 41
- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 44**
- 10.1 AIRSTRIP NORTH OF MOUNT BARKER..... 44
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING..... 45**
- 11.1 2017 WA REGIONAL TOURISM CONFERENCE –
SPONSORSHIP OF LOCAL INDUSTRY REPRESENTATIVES.. 45
- 11.2 SALEYARDS NATIONAL AWARDS..... 48
- 12 CONFIDENTIAL 49**
- 12.1 WORKS AND SERVICES REPORTS..... 49
- 12.1.1 TENDER - EXTENSION - SUPPLY AND DELIVERY OF
SPRAY BITUMEN SURFACING 49
- 13 CLOSURE OF MEETING..... 51**

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:10pm The Presiding Member declared the meeting open.

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

Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor
Cr S Etherington	Councillor
Cr J Hamblin	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
Mr Dominic Le Cerf	Manager Works and Services
Ms Fiona Pengel	Manager Community Services
Mrs Cobie MacLean	Administration Officer (Planning)

Apologies:

Nil

Members of the Public Present:

There were nil member(s) of the public in attendance.

There were nil member(s) of the media in attendance.

Previously Approved Leave of Absence:

Cr L Handasyde – 6 August to 31 August 2017 inclusive

Cr M O’Dea – 15 August 2017

Cr C Pavlovich – 16 August to 31 August 2017 inclusive

Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

5 Division 6 Local Government Act 1995

Cr Pavlovich

Item: 9.2.1

Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests. (Clause 2.3 Code of Conduct.

Nature: Company has engaged services of the Shire of Plantagenet.

Extent: Locate and identify location of recycled water pipeline.

Cr Pavlovich

Item: 9.2.3

Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests. (Clause 2.3 Code of Conduct.

Nature: Company has engaged services of the Shire of Plantagenet.

Extent: Locate and identify location of recycled water pipeline.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Cr J Moir has requested Leave of Absence from 4 September 2017 to 14 September 2017 inclusive.

Moved Cr B Bell, seconded Cr C Pavlovich:

That Cr Moir be granted Leave of Absence from 4 September 2017 to 14 September 2017 inclusive.

CARRIED (7/0)

NO. 166/17

7 CONFIRMATION OF MINUTES

Moved Cr J Moir, seconded Cr B Bell:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 18 July 2017 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 167/17

Moved Cr J Oldfield, seconded Cr J Moir:

That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 11 July 2017 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 168/17

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

Nil

9.2 WORKS AND SERVICES REPORTS

9.2.1 POLICY REVIEW - PRIVATE WORKS - EXTERNAL

Cr Pavlovich

Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests. (Clause 2.3 Code of Conduct.

Nature: Company has engaged services of the Shire of Plantagenet.

Extent: Locate and identify location of recycled water pipeline.

File Ref: N42320

Attachments: [Policy with Amendments](#)

Responsible Officer: Dominic Le Cerf
Manager Works and Services

Author: Amy Chadbourne
Senior Administration/Project Officer Works and Services

Proposed Meeting Date: 15 August 2017

PURPOSE

The purpose of this report is to review Council Policy I/PW/1 Private Works – External.

BACKGROUND

This Policy was last reviewed by the Council at its meeting held on 3 March 2015.

The changes to this policy are recommended in conjunction with a separate report to the Council which recommends the revocation of Council Policy I/PW/2 Private Works – Internal.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 3.59 – ‘Commercial enterprises undertaken by local government’

This section provides guidance on activities carried out by Local Governments with a view to producing a profit, however, the private works undertaken by the Shire of Plantagenet do not constitute a major trading undertaking as defined by the Act.

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 4.1 (Effective governance and leadership) the following Strategy:

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'.

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 4.1.6.1:

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

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

OFFICER COMMENT

It is recommended that this policy be significantly revised to enable a single policy to cover both internal and external private works undertaken by the Shire.

Much of the content and intent of existing policies I/PW/1 Private Works – External and I/PW/2 Private Works – Internal is duplicated. This revised policy provides a clear set of guidelines which apply to both scenarios, with additional inclusions where necessary to reflect alternative procedures that apply only to internal clients.

It should be noted that the Private Works – Internal policy makes reference to the Western Australian Government Policy Statement on Competitive Neutrality. This has been removed from the revised combined policy, as the private works activities undertaken by the Shire of Plantagenet do not meet the definition of significant government business activity as provided in the policy statement.

The scope of the revised policy includes a limitation on private works up to the value of \$10,000.00 that can be undertaken before Council approval is required. This excludes works that are undertaken for a Federal or State Government Department, or another Local Government.

The adoption of this revised policy will provide a clear and consistent approach to all private works undertaken by the Shire.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That Council Policy I/PW/1 Private Works – External be renamed Policy I/PW/1 Private Works and amended as follows:

'OBJECTIVE

To provide guidelines for the undertaking of private works by the Council.

POLICY**1. Scope**

This policy applies to the undertaking of works by the Council resulting from requests received from individuals, organisations or businesses. This includes Shire employees and Councillors.

Private works of a value in excess of \$10,000.00 may not be undertaken without prior Council approval, unless the works are being undertaken for a Federal or State Government Department or another Local Government.

2. Application of Policy

2.1. Private works will only be undertaken when there is no detriment to the Council's own works program.

2.2. The Council will avoid, where possible, carrying out private works where involvement in such works would place the Council in competition with private suppliers.

2.3. All requests for private works are to be submitted on a completed application form. In the case of Shire employees, the request must be forwarded to their supervisor. In the case of the Chief Executive Officer and Councillors, the request must be referred to the Shire President.

2.4. An estimate of costs will be provided for the proposed works, in accordance with the Council's schedule of fees and charges.

2.5. Plant and equipment must only be hired on a 'wet hire' basis, meaning that an approved Shire employee must operate the plant or equipment.

2.6. Payment of 100% of the estimated cost is required before works can commence, along with an agreement that any additional costs will be paid within 7 days of the completion of the works. Any variations must be authorised by the client in writing before they are performed.

2.7. A timeframe shall be provided to the client as to when the works can be undertaken. No private works shall take precedence over the completion of the Council's annual works program.

2.8. Shire employees or Councillors who have requested private works must not be involved in any part of the process other than from the perspective of the client. All private works will be performed, supervised, timesheets checked and accounts issued independently of the employee or Councillor.'

be endorsed.

CARRIED (7/0)

NO. 169/17

9.2.2 POLICY REVIEW - STOCK ON LOCAL ROADS

File Ref:	N41996
Attachments:	Policy with Amendments
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Amy Chadbourne Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	15 August 2017

PURPOSE

The purpose of this report is to review Council Policy I/R/18 Stock on Local Roads.

BACKGROUND

Following the release of the Main Roads WA (MRWA) Guidelines for Stock on Roads in 2005, a model policy for local roads was developed by the Western Australian Local Government Association (WALGA). The model policy corresponded almost exactly to the MRWA guidelines, with some minor adjustments to fit the Local Government sector context.

The Council adopted the model policy in 2006, and since then the policy has been reviewed a number of times with only minor changes made. This policy was last reviewed by the Council at its meeting held on 28 April 2015.

STATUTORY ENVIRONMENT

Road Traffic Code 2000

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 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'

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

OFFICER COMMENT

The existing policy provides a high level of operational and technical detail. The information is based on the technical guidelines developed by MRWA and can be found on its website. The Council does not play a role in determining or updating the specifications relating to the movement of stock on roads; rather, it simply

To ensure compliance with the Road Traffic Code 2000, a person driving stock on roads shall:

- a) Not leave stock unattended;
- b) Take all reasonable precautions to warn approaching traffic of the presence of the stock; and
- c) Arrange the moving of the stock at such times, and in such numbers, and establish such control of the stock on the road, as is likely to prevent it causing unreasonable delay to the passage of other traffic.

3.1.2 Reasonable Precautions

Individuals should refer to information provided by Main Roads WA (refer to Stock Crossings, Part C (Technical Guidelines)) for information on reasonable precautions to warn approaching traffic with warning signs and devices.

The person in charge of the stock is responsible for the supply, installation and removal of the road traffic signs and devices associated with the stock movement on a road.

3.2 Stock Underpasses under Local Roads

A person wishing to install a stock underpass under a local road must submit an application to the Council. Approval may be granted, subject to the following conditions:

- a) The applicant shall be responsible for all costs associated with the design and construction of the underpass structure;
- b) Approval of an application shall include a condition that a Stock Underpass Agreement be signed by both the applicant and the Council before commencement of any work in the road reserve;
- c) For sections of the underpass that are within and at the boundary of the road reserve, the design shall be approved by the Council and the construction shall be undertaken by the Council or Council approved consultants and/or contractors; and
- d) The applicant shall maintain the underpass. The maintenance of the underpass by the applicant includes removal of fouling and repair of any damage to the road infrastructure within the road reserve.'

be endorsed.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That Council Policy I/R/18 – Stock on Local Roads:

‘OBJECTIVE

The purpose of this Policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline the Council’s requirements for provision of stock underpasses on local roads.

POLICY

1. POLICY STATEMENT

Main Roads will provide guidance on reasonable precautions that should be taken when driving stock across or along a state road and will also permit stock underpasses under state roads subject to the underpass meeting Main Roads' requirements.

The Council will provide guidance on reasonable precautions that should be taken when driving stock across or along a local road and will also permit stock underpasses under local roads subject to the underpass meeting Main Roads' requirements.

These guidelines do not address the issue of straying stock in unfenced pastoral areas.

2. APPLICATION & APPROVAL GUIDELINES

2.1 Definitions

Unless otherwise indicated in the text of this Policy:

- | | |
|-------------------------------|---|
| AS | - means Australian Standards. |
| Livestock Waybill | - means a form completed by the livestock owner recording details of the animal movement (Contact Department of Agriculture and Food). |
| Local Road | - means a road under the control of a Local Government. |
| Main Roads | - means Main Roads of Western Australia. |
| RTC 2000 | - means Road Traffic Code 2000. |
| Special Permit to Move | - means a permit issued by a Department of Agriculture and Food Inspector approving the movement of stock between two properties without a waybill. |
| State Road | - means a highway and main road under the control of Main Roads WA and includes national highways. |
| Traffic signs | - means a sign as recognised in the Australian Standards or Main Roads' Signs Index. |

2.2 Background

The purpose of this Policy is to provide reasonable precautions that should be taken by a person when moving stock on local roads, and to outline the Council's requirements for provision of stock underpasses on local roads.

The person in charge of moving stock across or along a road does not need formal permission from the Council except for the following statutory requirements:

- For roads with declared Control of Access the consent of Main Roads is required (Main Roads Act 1930, Section 28A (4)); and
- For roads within a town the permission of the Director General is required (RTC 2000).

A person in charge of moving stock across or along a road must carry either a:

- Livestock Waybill; or
- Special Permit to Move.

Further information can be obtained from the local Department of Agriculture and Food.

A person driving stock on roads shall:

- Not leave stock unattended (RTC 2000 Regulation 275); and
- Provide reasonable warning and not cause unreasonable delay to approaching traffic (RTC 2000 Regulations 276).

The RTC 2000 requires the person in charge of moving stock on a road to install temporary road warning signs (Regulations 297 & 276), and to display a yellow flashing warning light on a vehicle (Regulation 289).

2.3 Application

2.3.1 Precautions for Taking Stock onto a Local Road

2.3.1.1 General

The RTC 2000 requires the person in charge of stock on a road to:

- Take all reasonable precautions to warn approaching traffic of the presence of the stock; and
- Arrange the moving of the stock at such times, and in such numbers, and establishes such control of the stock on the road, as is likely to prevent it causing unreasonable delay to the passage of other traffic.

2.3.1.2 Reasonable Warning

Reasonable precautions to warn approaching traffic with warning signs and devices is provided in the Technical Guideline (Part C).

2.3.1.3 Unreasonable Delay

The following circumstances are considered to be cause for unreasonable delay:

- The duration of road closure is greater than five minutes; and for multiple crossing movements, all queued vehicles are not cleared before the commencement of the next crossing movement;
- The stock movement is on a dual carriageway road;
- The crossing is closer than one km to a stock underpass servicing the same landowner; or

- The road's annual average daily traffic volume is greater than 2,500 vehicles per day.

2.3.1.4 Costs

The person in charge of the stock is responsible for the supply, installation and removal of the road traffic signs and devices associated with the stock movement on a road.

2.3.1.5 Roads with High Traffic Volumes

Where a road's annual average daily traffic volume is greater than 2,500 vehicles per day, a stock underpass is the preferred method of moving stock across the road.

2.3.2 Stock Underpasses under Local Roads

2.3.2.1 General

A stockowner may install an underpass under a local road subject to compliance with the requirements of these guidelines. There are conditions on the design, construction, and maintenance.

2.3.2.2 Costs

There is no fee for the Council to process an application. The applicant shall be responsible for all costs associated with the design, construction and maintenance of the underpass structure.

2.3.2.3 Design and Construction

For sections of the underpass that are within and at the boundary of the road reserve, the design shall be approved by the Council and the construction shall be undertaken by the Council or Council approved consultants and / or contractors.

2.3.2.4 Maintenance

The applicant shall maintain the underpass. The maintenance of the underpass by the applicant includes removal of fouling and repair of any damage to the road infrastructure within the road reserve.

2.4 Approval – Stock Underpasses

2.4.1 Applications

A person wishing to install a stock underpass must submit an application to the Council.

2.4.2 Approval

Approval of an application shall include a condition that a Stock Underpass Agreement be signed by both the applicant and the Council before commencement of any work in the road reserve and shall indicate the extent, if any, of the Council's contribution to funding the underpass.

3. TECHNICAL GUIDELINES

3.1 General

The removal or covering of stock crossing signs when not in use is mandatory. Signs that are displayed while not in use may bring all signing into disrepute and may result in motorists disregarding important warnings. Signs should be covered such that they are not visible in all light conditions.

3.2 Stock Crossings

3.2.1 Stock Crossings with Sight Distance greater than 300m

Where a stock crossing is located such that approaching motorists can see the stock crossing point from more than 300m away, signing should be as per Figure 1.

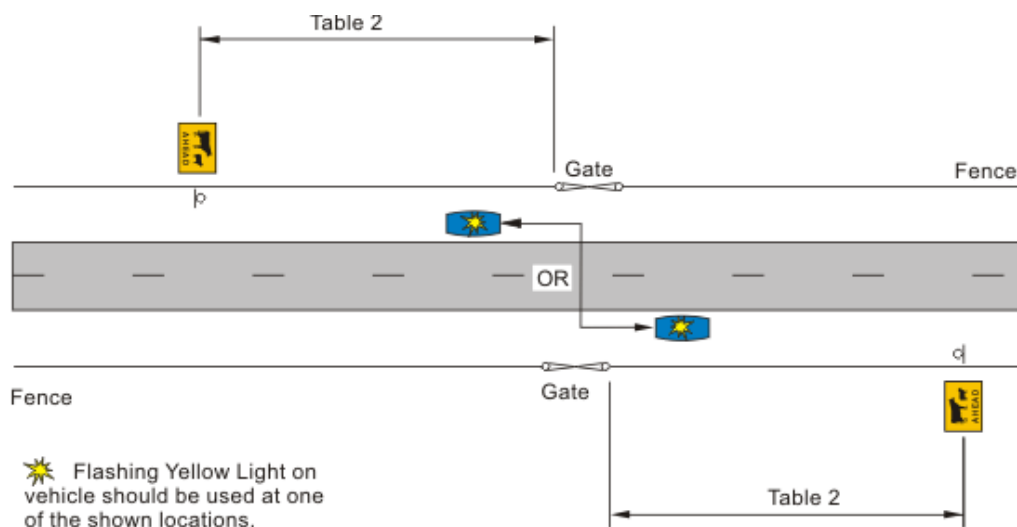


Figure 1 - Typical Stock Crossing Site

The crossing should desirably not be used when sun glare will interfere with drivers' view of the traffic signs or stock on the road.

Where stock movements are adjacent to or encompass an intersection, STOCK AHEAD and ON SIDE ROAD signs should be used on the side roads, to alert motorists entering the road that there is stock on the road. The location of the STOCK AHEAD sign should be based on a distance from the stock crossing as shown in Table 2.

Posted Speed Limit km/hr	Minimum Spacing Distance Metres (m)
60	120m
70	140m
80	160m
90	180m
100	200m
110 / STATE LIMIT	220m

Table 2 – Placement of STOCK AHEAD Signs

3.2.2 Stock Crossings with Sight Distance Less Than 300m

If the stock crossing site is positioned such that approaching motorists cannot see the stock crossing point from at least a minimum of 300m away during the day, then signage should be as shown in figure 2.

The REDUCE SPEED and the STOCK AHEAD signs should be visible at the same time to the approaching motorist.

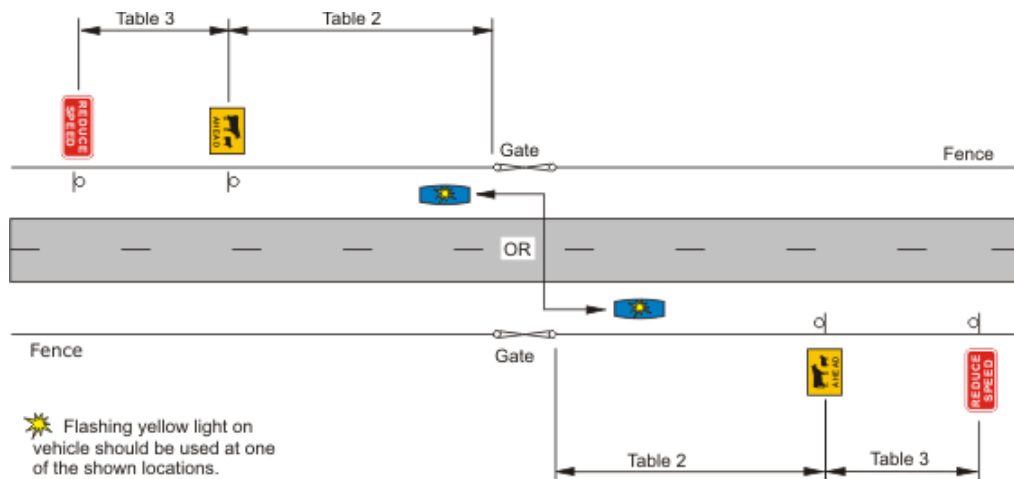


Figure 2 - Signing at Stock Crossings with Sight Distance Less Than 300m

Posted Speed Limit km/hr	Minimum Spacing Distance Metres (m)
60	30m
70	35m
80	40m
90	45m
100	50m
110 / State Limit	55m

Table 3 - Placement of REDUCE SPEED Signs

3.2.3 Use of Stock Crossings during Night-Time, Periods of Poor Visibility or Hazardous Locations

Daylight use of stock crossings is preferred. Where the stock crossing is proposed to be used during night-time, periods of poor visibility or in a hazardous location, the following actions should be taken:

- Signing and flashing rotating yellow light should be carried out in accordance with Figure 2 (See also Sections 3.4 and 3.5);
- Any person standing on or adjacent to the road for the purposes of controlling stock should wear clothing with reflective strips;
- Floodlighting shall be provided at the crossing point. The lighting should be sufficient to clearly illuminate stock on the road formation in the vicinity of the crossing point. If the road reserve is wider than 30m then floodlights should be placed on both sides of the road reserve; and
- The Council sign STOCK AHEAD PREPARE TO STOP (MR-WAW-6) should be considered for use.

With reference to Figure 1, the STOCK AHEAD PREPARE TO STOP sign should be positioned in place of the STOCK AHEAD sign.

3.3 Droving of Stock Along a Road

Where it is necessary to move stock more than 100m along a road reserve, signs should be erected along the road shoulder in accordance with Figure 3. In addition, a lead vehicle and / or a tail vehicle should be placed in front and/or at the rear of the stock to warn approaching motorists. The vehicles should be located at a distance from the stock as shown in Table 2.

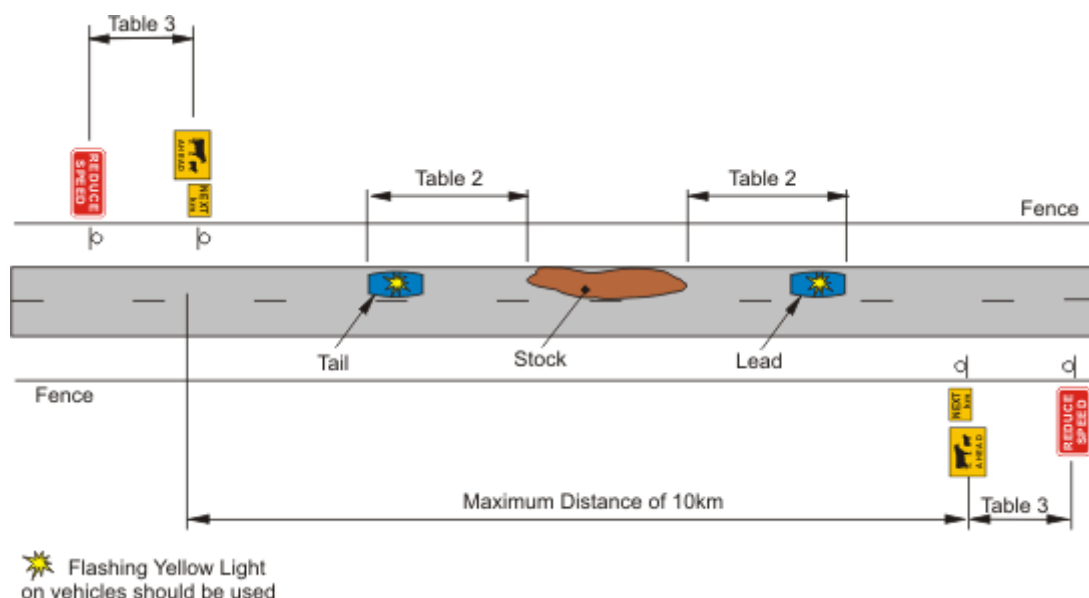


Figure 3 - Signing for Droving of Stock

NOTE: When using the NEXT...KM sign, the value for the distance should be 1km and 10km.

NOTE: Where stock can be moved along the road reserve without stock or vehicles travelling on the carriageway, it remains necessary to adhere to the signage shown in Figure 3.

3.4. Signs

The conditions of the following publications have been described in this guideline:

- Main Roads Signs Index and relevant guidelines;
- Occupational Safety and Health Regulations 1996 Act; and
- Relevant Australian Standards.

This policy provides sufficient guidance for a person wanting to take stock onto a road to comply with the necessary standards. If required, further information can be obtained by contacting Main Roads.

Signs should be erected in accordance with this policy and the Main Roads Standard.

Drawings 9548 - 0106 and 8720 -0762. All signs shall be rigid. The class of retro reflective material used shall be Class 1.

Signing should be displayed prior to and during the stock movement. Signs and flashing yellow warning lights should be positioned and erected so that:

- They are properly displayed and firmly secured so as to prevent them being blown over by the wind or passing traffic; and
- Signs may be placed on the roadside or road shoulder and should be at least one m clear of the road lanes.

The signs and any flashing yellow lights should be displayed or installed immediately prior to the stock being driven on to the road reserve and folded over or removed as soon as the stock are no longer in the road reserve, as per Section 3.1 .

Signs are a specified treatment in this policy, and typical signs are listed in Table 4.






<p>‘STOCK AHEAD’ AS 1742.2 Designation T1-19B Sign Size: 1200 x 900mm (sealed roads) OR 900 x 600mm (unsealed roads)</p>	
<p>‘REDUCE SPEED’ AS 1742.2 Designation G9-9A Sign Size: 1500 x 750mm</p>	
<p>‘NEXT ... KM’ AS 1742.2 Designation W8-17-1B Sign Size: 750 x 450mm</p>	
<p>‘ON SIDE ROAD’ AS 1742.2 Designation W8-3B Sign Size: 750 x 500mm</p>	
<p>‘STOCK AHEAD PREPARE TO STOP’ (with flashing yellow) Main Roads Designation MR-WAW-6B (See Section 2.3) Sign Size: 1100 x 1600mm Sign Dimensions Sign Post Dimensions</p>	

Table 4 - List of Typical Signs for Stock Crossings and Droving of Stock

3.5 Vehicle Mounted Warning Device

The flashing yellow warning light shall comply with the equipment described in the Road Traffic (Vehicle Standards) Regulations 2002. Vehicle indicator lights do not constitute a flashing yellow warning light.

3.6 Stock Underpasses

Stock underpasses generally consist of reinforced concrete box culverts of a size suitable to allow safe passage of the stock and the farmer. Sizes for these structures may, for example, be:

- 1200 x 1200mm - sheep movements;
- 1500 x 1500mm - sheep movements where the stock owner may access the underpass; or
- 1800 x 1800mm - cattle movements and where the stock owner may utilise a vehicle in the underpass.

Fencing details for the underpass to prevent stock from entering the road is available (in the Guide to Design of Fencing and Walls from Main Roads).'

be revoked.

CARRIED (7/0)

NO. 170/17

9.2.3 POLICY REVIEW (REVOCATION) - PRIVATE WORKS - INTERNAL

Cr Pavlovich

Type: Code of Conduct Disclosure (s5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests. (Clause 2.3 Code of Conduct.

Nature: Company has engaged services of the Shire of Plantagenet.

Extent: Locate and identify location of recycled water pipeline.

File Ref: N42319

Responsible Officer: Dominic Le Cerf
Manager Works and Services

Author: Amy Chadbourne
Senior Administration/Project Officer Works and Services

Proposed Meeting Date: 15 August 2017

PURPOSE

The purpose of this report is to recommend revocation of Council Policy I/PW/2 Private Works – Internal.

BACKGROUND

This policy was adopted by the Council at its meeting held on 14 December 2010.

The policy was developed to complement the existing Council Policy I/PW/1 Private Works – External. At the time it was considered necessary to have two separate policies in order to recognise the differences between private works undertaken for internal and external parties.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 3.59 – ‘Commercial enterprises undertaken by local governments’

This section provides guidance on activities carried out by Local Governments with a view to producing a profit, however the private works undertaken by the Shire of Plantagenet do not constitute a major trading undertaking as defined by the Act.

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 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.3:

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

And

Strategy 4.1.6:

‘Provide administrative support to the Shire for Governance functions’.

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

The Shire of Plantagenet Corporate Business Plan 2016/2017 – 2020/2021 includes Action 4.1.6.1:

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

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

OFFICER COMMENT

It is considered that much of this policy unnecessarily duplicates Council Policy I/PW/1 Private Works – External. The basic principles to be followed by the Council for undertaking private works are the same regardless of whether the client is internal or external to the organisation. It is acknowledged that there are some specific clauses which are particular to Shire employees or Councillors who are requesting private works, and these relevant clauses will be included in a revised version of Council Policy I/PW/1, which will be broadened to include all private works.

Revoking this policy will reduce any potential confusion between the two policies, and ensure a clear and consistent approach to all private works undertaken by the Shire.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Oldfield:

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

‘OBJECTIVE

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

POLICY

- 1. Any Councillor or employee wishing to engage the Shire to perform private works (including occasional ‘wet hire’ of plant or equipment), shall in the first instance forward a written request to their supervisor who will then**

refer the matter with the relevant employees responsible for preparing the quote. The Chief Executive Officer and Councillors would refer their request to the Shire President.

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

be revoked.

CARRIED (7/0)

NO. 171/17

9.3 COMMUNITY SERVICES REPORTS

Nil

9.4 CORPORATE SERVICES REPORTS

9.4.1 BUDGET REVIEW - JULY 2017

File Ref:	N42171
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	15 August 2017

PURPOSE

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

BACKGROUND

The 2017/2018 annual budget was adopted by the Council at a special meeting on 11 July 2017. This is the first review of the budget, which is considered to be prudent following some end of year adjustments and updated information on road grant funding.

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 a saving of \$nil.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

Strategy 4.6.1:

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

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

OFFICER COMMENT

Following the adoption of the budget, a number of issues have come to light that are worthy of a budget amendment and the following action is recommended:

- The following adjustment is sought due to end of year accrued expenditure which was unknown at the time of preparing the budget:

Description	GL	Estimated Actual \$	Actual \$	Original Budget \$	New Budget \$
Frost Park - Building Upgrade Stage 1	51691.0251	(56,374)	(72,094)	(93,626)	(77,906)

- It was recently noted that, in regard to Budget Item 'Porongurup Transfer Station - Security Exclusion Fence', the fencing was actually completed in 2016/2017. The allocation of \$25,000.00 in 2017/2018 budget was intended for further gravel capping of the asbestos area, rip mounding and revegetation. A change in the description of the budget item is sought.
- The Council will recall that vehicle licence concessions currently offered to WA Local Governments were to be discontinued by the State Government from 1 July 2017. An additional sum of \$30,000.00 was included in Budget Item Plant Operating Costs - Registration and Budget Item Heavy Plant Replacement Program to accommodate this. A corresponding \$30,000.00 was budgeted for transfer to and from the Plant Replacement Reserve Fund.

When it adopted the budget, the Council was aware of moves by the Government to cut direct road funding grants if vehicle licensing concession plans were overturned. That has now happened with advice that the Shire's Local Road Grant will be reduced by \$80,716.00. It is proposed that the

licensing and plant allocations be reversed, however there is a shortfall of approximately \$21,000.00.

As discussed in recent budget workshops, it is recommended that the road project McDonald Avenue (Council funded) be reduced in scope to include only the works within the industrial area. The realignment works at the eastern end were in line with the overall precinct concept plan, but are more aesthetic than functional. The revised cost for the western section of that road is \$115,000.00, which is \$45,000.00 less than the budgeted amount of \$160,000.00.

This leaves a surplus of \$24,000.00. Councillors may recall that at the budget adoption meeting, it was suggested the Council create a new reserve fund for 'Capital Improvements or Major Refurbishments' of built infrastructure.

The Council already has a Building Renewal Reserve (which is to fund planned major building renewal projects). There has been a recent trend away from having reserves for unknown major projects as the focus of ratio improvement is to spend money on renewing assets, not building new or upgrading assets. However, setting aside a new reserve might assist the Council in taking advantage of unexpected opportunities to undertake a range of new or upgrades to buildings or infrastructure.

If so inclined, the \$24,000.00 could be transferred to a Capital Improvements and Major Refurbishments Reserve. This has been included in the recommended transfers. The other option is to leave the \$24,000.00 unallocated, pending the final outcome of end of year net current assets value.

- The 2017/2018 budget includes a sum of \$397,000.00 for Roads to Recovery projects. A Roads to Recovery circular had previously been received advising of a redistribution of Life of Program funds, which had allocated a further \$395,507.00. This was not included in the budget. Therefore, it is recommended that the following road jobs be added to the works program:
 - Moorilup Road - Entire length – \$75,000.00. This is a busy truck route and this project allows for upgrade to seal on a high traffic road;
 - Langton Road - SLK0.00 to 0.40 - \$45,000.00. This allows for completion of the project with drainage works; and
 - Palmdale Road – SLK 4.32 to 7.07 – \$275,507.00. This project was identified in the five year road program. It will allow for a high freight traffic road to be gravel re-sheeted, drainage work carried out and repairs to the seal.
- The 2017/2018 budget includes a sum of \$5,000.00 for Albany Highway - Roundabout Approaches. At a Council workshop held on 23 May 2017, it was requested that a concept plan be prepared for an upgrade to the roundabout at the junction of Albany Highway and Woogenellup Road. It was suggested that the \$5,000.00 set aside for the approaches be used for the development of landscaping plans, once a concept plan has been agreed. It is recommended that the purpose of this budget item be amended as described.
- The Mount Barker Football Club has discussed with the Chief Executive Officer the possibility of the Shire purchasing three smart televisions and audio visual equipment that it installed in the Sounness Park clubrooms in 2015. The cost of the equipment was \$19,878.57, including installation. Discussions have indicated that the Shire would be prepared to purchase the equipment at an

appropriate price, as this would seem a better option than asking the club to remove the equipment.

The club has provided advice that the written down value of the equipment was \$15,494.00 at the end 2016/2017. Independent advice is that a fair price for the equipment would be \$7,000.00, although there would be some cost for removal. In view of this, it is recommended that \$10,000.00 be offered to the club. Subject to this offer being accepted, it is proposed that a new budget item be created for this purchase, funded by a transfer from Budget Item Parks and Recreation Grounds – Building Maintenance, to which some additional money was added for this purpose.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Oldfield:

That:

1. The budget review for the period 1 July 2017 to 31 July 2017 be adopted and the 2017/2018 Annual Budget be amended as follows:

a)

Account	Description	Original / Amended Budget	New Budget	Net Cash Amount
N/A	Net Current Assets at Start of Financial Year	\$1,107,370	\$1,091,650	(\$15,720)
51691.0251	Frost Park - Building Upgrade Stage 1	(\$93,626)	(\$77,906)	\$15,720
51724.0250	Moorilup Road - Entire length	\$0	(\$75,000)	(\$75,000)
51725.0250	Langton Road – SLK 0.00 to 0.40	\$0	(\$45,000)	(\$45,000)
51726.0250	Palmdale Road - SLK 4.32 to 7.07	\$0	(\$275,507)	(\$275,507)
41201.0204	Direct Road Grants - Roads to Recovery Grants	\$463,870	\$859,377	\$395,507
10008.0212	Local Road Grant - Grants - Direct (Untied)	\$198,950	\$117,950	(\$81,000)
20281.0176	Operating Costs - Registration	(\$50,000)	(\$20,000)	\$30,000
51411.0006	Heavy Plant Replacement Program	(\$782,580)	(\$752,580)	\$30,000
50301.0398	Transfers to Reserve Funds (Plant Replacement)	(\$888,323)	(\$858,323)	\$30,000
50301.0398	Transfers to Reserve Funds (Capital Improvements and Major Refurbishments)	(\$858,323)	(\$882,323)	(\$24,000)
41413.0486	Transfers from Reserve Funds	\$824,227	\$794,227	(\$30,000)
51713.0250	McDonald Avenue - SLK 0.00 to 1.63	(\$160,000)	(\$115,000)	\$45,000
20211.0010	Parks and Rec Grounds - Building Maintenance	(\$45,000)	(\$35,000)	\$10,000
51727.0006	Sounness Park Clubrooms - AV Equipment	\$0	(\$10,000)	(\$10,000)
	TOTAL	\$574,888	\$574,888	\$0

- b) Budget Item 'Porongurup Transfer Station - Security Exclusion Fence' be renamed 'Porongurup Transfer Station – Capping, Ripping and Mounding for Revegetation'; and
- c) Budget Item 'McDonald Avenue - SLK 0.00 to 1.63' be renamed 'McDonald Avenue - SLK 0.75 to 1.63'.

d) Budget Item 'Albany Highway - Roundabout Approaches' be renamed 'Albany Highway / Woogenellup Road Roundabout – Landscaping Plans.

2. Pursuant to section 6.11 of the Local Government Act 1995, the following Reserve Account be established:

Name: Capital Improvements and Major Refurbishments Reserve.

Purpose: To fund new, improvements or refurbishments to existing Shire buildings and / or infrastructure.

CARRIED (7/0)

NO. 172/17

Absolute Majority

9.4.2 FINANCIAL STATEMENTS – JULY 2017

File Ref:	N42171
Attachment:	Financial Statements
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Alison Kendrick Senior Administration Officer - Finance
Proposed Meeting Date:	15 August 2017

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 July 2017.

STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr C Pavlovich:

That the preliminary Financial Statement for the period ending 31 July 2017 be received.

CARRIED (7/0)

NO. 173/17

9.4.3 LIST OF ACCOUNTS – JULY 2017

File Ref:	N42389
Attachment:	July 2017
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Vanessa Hillman Accounts Officer
Proposed Meeting Date:	15 August 2017

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of July 2017.

STATUTORY ENVIRONMENT

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

The Chief Executive Officer has delegated authority to authorise payments (21 June 2016). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr B Bell:

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 31 July 2017 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$730,794.87;
2. Municipal Cheques 45978 – 45983, 45986 – 45996 and 45998 - 46000 totalling \$110,810.21; and
3. Cancelled Cheques 45984, 45985 and 45997.

CARRIED (7/0)

NO. 174/17

9.4.4 LOT 137 (37) WESTFIELD STREET, ROCKY GULLY - TRANSFER OF LAND FOR NON-PAYMENT OF RATES

File Ref:	N41798
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Leanne Briggs Rates Officer
Proposed Meeting Date:	15 August 2017

PURPOSE

The purpose of this report is to recommend that authority be given for the transfer of land at Lot 137 (37) Westfield Street, Rocky Gully to the Shire following unsuccessful auction due to non-payment of rates.

BACKGROUND

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

Proceedings were commenced under delegated authority, however the owner was believed to be in New Zealand and could not be contacted or served with legal proceedings.

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

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

An auction was held on Saturday 28 May 2016, however no bids were received for the property.

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 years.

Section 6.71 grants power to transfer land to the Crown or to the local government if not sold after 12 months. Subsection 1 states as follows:

- ‘(1) If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is not subject to*

the provisions of that Act, transfer or convey the estate in fee simple in the land to -

(a) the Crown in right of the State; or

(b) the local government.'

FINANCIAL IMPLICATIONS

As at 24 July 2017, the total amount outstanding on the property (Assessment No. 137190) is \$21,575.88 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 under delegation.

STRATEGIC IMPLICATIONS

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

Strategy 4.6.3:

'Maintain, develop and monitor rating and property strategies'

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

OFFICER COMMENT

The property is a vacant lot with an area of 2,024m².

Landcorp currently has build development conditions attached to this land. A new buyer would need to enter an agreement with LandCorp requiring them to develop the land within a specified timeframe and granting LandCorp an option to repurchase if their obligations are not met.

The Shire's real estate agent has received two expressions of interest since the failed auction, but only on the basis of there being no build development conditions.

Landcorp has advised that:

'LandCorp's Executive General Manager has considered this matter and in this instance agrees to permanently withdraw caveat J284544 from the certificate of title upon the land be transferred to either the Crown in right of the State; or the local government in accordance with Section 6.71(1)(a)(b) of the Local Government Act 1995.'

In view of this, it is considered that the appropriate course of action is to transfer the lot to the Shire, so that it can be resold in the future. This would result in some of the costs being recouped and with land continuing to be rateable.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That:

- 1. Having failed to sell the property at Lot 137 (37) Westfield Street, Rocky Gully (Assessment No. 137190) for non payment of rates, in accordance with Section 6.71 of Local Government Act 1995, the land be transferred to the Shire of Plantagenet.**
- 2. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Transfer of Land and any other documentation to effect the transfer in Part 1 above.**

CARRIED (7/0)

NO. 175/17

9.4.5 CEMETERY ACTIVITIES REPORT - 2016/2017

File Ref: N42225
Responsible Officer: John Fathers
 Deputy Chief Executive Officer
Author: Roxanne Mills
 Records Officer
Proposed Meeting Date: 15 August 2017

PURPOSE

The purpose of this report is to provide an update of activities associated with the Shire of Plantagenet cemeteries for 2016/2017.

BACKGROUND

This report is provided to the Council in its position of 'Board' of the Shire of Plantagenet cemeteries, under the Cemeteries Local Law 2008.

STATUTORY ENVIRONMENT

Cemeteries Act 1986

Local Government Act 1995

Shire of Plantagenet Cemeteries Local Law 2008

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

The table below shows operating expenditure incurred at the cemeteries during the year (excluding administration allocation and depreciation).

Cemetery	Grave Digging	Monuments / Plaques	Cemetery Operating / Maintenance	Total Expenditure
Mount Barker (East)	\$11,212	\$2,499	\$8,488	\$22,199
Mount Barker (West)	\$9,788	\$5,314	\$32,667	\$47,769
Kendenup	\$12,145	\$885	\$10,780	\$23,810
Rocky Gully	\$1,710	\$0	\$1,733	\$3,443
TOTAL	\$34,855	\$8,698	\$53,668	\$97,221

The table below shows operating income for cemeteries:

Cemetery	Total Income
Mount Barker (East)	\$12,955
Mount Barker (West)	\$34,999
Kendenup	\$14,918
Rocky Gully	\$2,100
General Income	\$5,417
TOTAL	\$70,389

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 2.3.3:

'Provide appropriately maintained cemeteries for our community'

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

OFFICER COMMENT

During the 2016/2017 financial year, the following interments took place in Shire cemeteries:

Burials

- Five in Mount Barker (East) Cemetery;
- Five in the Mount Barker (West) Cemetery;
- Six in the Kendenup Cemetery; and
- One in the Rocky Gully Cemetery.

Interment of Ashes

- Five in Mount Barker (East) Cemetery; and
- One in Mount Barker (West) Cemetery.

Ten headstones were installed or updated.

Eleven pre-needs grants (grave or niche reservations) and 10 new grants of right of burial were issued. Nine niche plaques and two grave plaques were installed.

Minor works have taken place at the Mount Barker (East) Cemetery to rectify some water runoff issues and one of the roads has been re-formed.

The administration is continuing work on planning the future of the Rocky Gully and Kendenup cemeteries to maximise their lifespans. Part of this process is the mapping of grave locations and placement of access roads. Both cemeteries have no set mapping for grave locations, which has meant that best use of space has not always been considered in placing grave sites.

A workshop was held at the Mount Barker Cemetery on 20 June 2017, to review and discuss options for improvements and issues concerning the Mount Barker Cemetery (East and West). A number of proposals were considered, with endorsement of the renewal of the gazebo roof over the niche wall and drainage works in the Mount Barker (East) Cemetery. Also endorsed in principle was a rammed earth entry statement for the Mount Barker (East) Cemetery. These items are all in the adopted 2017/2018 budget.

During the site visit, it was noted that the design of the headstone section was carried out by a former employee of the Metropolitan Cemeteries Board and was done to the specifications used by that Board. The distance between concrete plinths

is 2.44m. Now that all graves in the first row are either used or reserved, the first burial in row 2 has brought to light a problem in that the design does not suit the Shire's grave shoring and equipment.

A distance of 3.5m between plinths is required for Section E. This will enable the Shire's grave shoring to be used and will allow a safe distance for getting the equipment into to the digging. It is proposed to get a re-design done for formal approval.

Two elected members have undertaken to inspect some other cemeteries in the region prior to making any further decisions about other matters presented.

The Cemeteries and Crematoria Association of Western Australia (of which the Council is a member) recently held its 2017 Annual Seminar, which was attended by one member of staff. The Seminar this year was titled 'Helping Ourselves to Help Others'. The Seminar had many interesting speakers. The Key note Speaker this year was Mr Rod Bridge, the Founder of Sideeffect.

Professor Shane Maloney – Head of School of Sciences UWA gave a presentation on the Body Donation Program at UWA. His presentation was a journey through the history of the use of bodies in science including information about how and the causes of legislation changes. The professor was a very good presenter and was particularly informative on the Body Bequest Program.

There were other presenters on the day that addressed various subjects that included:

- Dealing with Grief;
- Operation Safety in the Cemetery; and
- Memorialisation and why we chose to memorialise.

There were also presentations from AFDA (Australian Funeral Directors Association) and ACCA (Australasian Cemetery and Crematoria Association).

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr J Moir:

That the report of activities within the Shire of Plantagenet Cemeteries for 2016/2017, be noted.

CARRIED (7/0)

NO. 176/17

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 RENEWAL OF LEASE - MOUNT BARKER TENNIS CLUB

File Ref:	N42076
Attachments:	Draft Lease -July 2017
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Donna Fawcett Senior Administration/Human Resources Officer
Proposed Meeting Date:	15 August 2017

PURPOSE

The purpose of this report is to recommend the renewal of the lease agreement between the Shire of Plantagenet and the Mount Barker Tennis Club (Tennis Club) for a portion of Lot 152 McDonald Avenue, Mount Barker for the purpose of a tennis club.

BACKGROUND

The current lease agreement between the Shire of Plantagenet and the Tennis Club commenced on 1 July 1996 and expired on 30 June 2017. The lease was amended on 4 March 2014 to incorporate an accurate description of the land subject to the lease.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 3.58 relates to the disposition of local government property.

Local Government (Functions and General) Regulations 1996 – Regulations 30 and 31 govern the disposal of land.

Under the 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 like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions.’

Given the above, the disposal of this land is exempt from the requirements of Section 3.58 of the Act.

EXTERNAL CONSULTATION

Consultation has taken place with Alison Reddington, Secretary of the Tennis Club.

FINANCIAL IMPLICATIONS

The Tennis Club has written to the Shire requesting that the Council reconsider the annual rental component of the lease agreement and for the rent to be reduced to a peppercorn per annum. The current rental amount is \$750.00 per annum.

POLICY IMPLICATIONS

Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability'. The objective of this policy is *'To ensure that all organisations leasing property owned by or vested in the Council are treated equitably with regard to rating and other charges.'*

Section 3.d. of the policy 'Other Service Organisation/Sporting Club' (of which the Mount Barker Tennis Club is identified) states the following:

'Organisations in this category are to be given either a 50% or 100% waiver on their rates to reflect that there is some level of community benefit provided. The decision is to be made by the Council when the respective leases are renewed.'

The degree to which rates should be waived for each of these is considered on a case by case basis, but as a guide the following factors are to be considered:

- *Benefits to the Shire as a whole of activities being provided;*
- *Number of active participants or people benefitting;*
- *Structure of organisation (ie: not for profit or other, membership fees payable, base of operations);*
- *Ability to recoup costs, such as commercial kitchen, bar or fee for service.*
- *Exclusion/inclusion of sections of the community.'*

LEGAL IMPLICATIONS

Councillors are advised that recent legal advice indicates that when the Council leases Council property that the land which is subject to the lease should be rateable.

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.'

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

OFFICER COMMENT

The Mount Barker Tennis Club continues to be well utilised by members of the community of Plantagenet.

It is recommended that the lease agreement be renewed for a further five year term under the same conditions as the current lease, with the exception of the annual rental and Clause 3.20 (1) (a) (i) which provides for an increase in public risk insurance from ten million to twenty million dollars. This increase is being implemented as a standard requirement across the Shire's lease agreements.

The Tennis Club currently pays an annual rental amount of \$750.00. The rental amount was originally incorporated into the lease agreement to compensate for

electricity charges incurred by the Tennis Club which were paid by the Shire. The Tennis Club is now equipped with a sub meter and the club pays its own electricity costs directly to the service provider.

It is recommended that the rental be reduced to an annual peppercorn to bring the lease agreement into line with the majority of the other sporting clubs holding lease agreements with the Shire.

It is also recommended that the Mount Barker Tennis Club receive a 100% waiver on their rates to reflect the level of community benefit provided.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr J Oldfield:

That:

- 1. Authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the lease agreement (as attached) between the Shire of Plantagenet and the Mount Barker Tennis Club for a portion of Lot 152 McDonald Avenue, Mount Barker, for the purpose of a tennis club.**
- 2. For the purposes of interpreting Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability' it is determined, due to the benefits to the Shire, number of active participants and the not for profit status of the Lessee, that a 100% waiver of annual levied rates shall apply.**

CARRIED (7/0)

NO. 177/17

9.5.2 RENEWAL OF LEASE - WEST PLANTAGENET PONY CLUB

File Ref:	N42103
Attachments:	Lease
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Fawcett Senior Administration/Human Resources Officer
Proposed Meeting Date:	15 August 2017

PURPOSE

The purpose of this report is to recommend the renewal of the lease agreement between the Shire of Plantagenet and the West Plantagenet Pony Club Incorporated (Pony Club) for the use of Reserves 13892, 9020 and 13852 Martagallup Road, Kendenup.

BACKGROUND

The Shire entered into a lease agreement with the Pony Club in September 2007 for a term of five years to utilise Reserves 13982, 9020 and 13852 Martagallup Road, Kendenup, for the purposes of a pony club.

The lease was subsequently renewed for a further five year term in September 2012. The current lease agreement expires on 26 September 2017.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 3.58 relates to the disposition of local government property.

Local Government (Functions and General) Regulations 1996 – Regulations 30 and 31 govern the disposal of land.

Under the 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 like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions.’

Given the above, the disposal of this land is exempt from the requirements of Section 3.58 of the Act.

EXTERNAL CONSULTATION

Consultation has taken place with Jason Beveridge, President of the Pony Club.

FINANCIAL IMPLICATIONS

The lease is subject to a peppercorn rent.

POLICY IMPLICATIONS

Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability' applies.

The objective of this policy is *'To ensure that all organisations leasing property owned by or vested in the Council are treated equitably with regard to rating and other charges.'*

Section 3.d. of the policy 'Other Service Organisation/Sporting Club' (of which the West Plantagenet Pony Club is identified) states the following:

'Organisations in this category are to be given either a 50% or 100% waiver on their rates to reflect that there is some level of community benefit provided. The decision is to be made by the Council when the respective leases are renewed.'

The degree to which rates should be waived for each of these is considered on a case by case basis, but as a guide the following factors are to be considered:

- *Benefits to the Shire as a whole of activities being provided;*
- *Number of active participants or people benefitting;*
- *Structure of organisation (ie: not for profit or other, membership fees payable, base of operations);*
- *Ability to recoup costs, such as commercial kitchen, bar or fee for service.*
- *Exclusion/inclusion of sections of the community.'*

LEGAL IMPLICATIONS

Councillors are advised that recent legal advice indicates that when the Council leases Council property that the land which is subject to the lease should be rateable.

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.'

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

OFFICER COMMENT

It is recommended that the lease be renewed for a further five years under the same terms and conditions of the existing lease, with the exception of Clause 3.20 (1) (a) (i) which provides for an increase in public risk insurance from ten million to twenty million dollars. This increase is being implemented as a standard requirement across the Shire's lease agreements.

It is also recommended that the West Plantagenet Pony Club receive a 100% waiver for rates charges.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr J Moir, seconded Cr S Etherington:

That:

1. Authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the lease agreement (as attached) between the Shire of Plantagenet and the West Plantagenet Pony Club Incorporated for Reserves 13982, 9020 and 13852 Martagallup Road, Kendenup, for the purpose of a pony club.
2. For the purposes of interpreting Council Policy A/PA/14 'Sporting and Community Organisations using Council and Vested land – rateability' it is determined, due to the benefits to the Shire, number of active participants and the not for profit status of the Lessee, that a 100% waiver of annual levied rates shall apply.

CARRIED (7/0)

NO. 178/17

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 AIRSTRIP NORTH OF MOUNT BARKER**

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 J Oldfield:

'That:

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

CARRIED (7/0)

NO. 179/17

Councillor Comment

An airstrip to the north of Mount Barker would possibly be a more effective use of the water bombers to the benefit of both Mount Barker and Cranbrook residences.

Working together with Shire of Cranbrook may also improve the chances of securing funding for such a project.

Such an airstrip could be a real benefit in the protection of the Stirling Range National Park.

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

Moved Cr B Bell, seconded Cr J Oldfield:

That new business of an urgent nature, namely:

2017 WA Regional Tourism Conference – Sponsorship of Local Industry Representatives

be introduced to the meeting.

CARRIED (7/0)

NO. 180/17

11.1 2017 WA REGIONAL TOURISM CONFERENCE – SPONSORSHIP OF LOCAL INDUSTRY REPRESENTATIVES

File Ref:	N42456
Attachments:	2017 WA Regional Tourism Conference Program
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	15 August 2017

PURPOSE

The purpose of this report is to recommend that two local tourism industry representatives be sponsored to attend the 2017 WA Regional Tourism Conference to be held in Albany on Monday 11 September to Wednesday 13 September 2017 inclusive.

BACKGROUND

Tourism Council WA is the peak body representing tourism businesses, industries and regions in Western Australia.

The Council promotes the value of tourism, facilitates sustainable tourism development and advocates industry policy on behalf of members.

In 2017 the Tourism Council's Annual Conference is being held in Albany. The Lower Great Southern Alliance through its Destination Marketing - Amazing South Coast is the Platinum Sponsor for this event.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Registration for the Full conference and tour is \$825.00 (non-members) or \$525.00 for members. Tourism industry representatives who are members of the Visitor Centres WA (Mount Barker Tourist Bureau) would register as members.

As part of the Lower Great Southern Alliance – Amazing South Coast sponsorship of this event, the Mayor of Albany and the Shire Presidents of Denmark and Plantagenet have been offered complimentary registration.

POLICY IMPLICATIONS

Council Policy CE/CS/1 - Elected Members Expenses to be reimbursed, states that elected members can receive reimbursements of expenses while attending 'Conferences and training sessions specifically authorised by the Council'.

STRATEGIC IMPLICATIONS

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

Strategy 3.4.1:

'Promote and support local and regional tourism initiatives'

and

Strategy 3.4.2:

'Provide infrastructure and services to support tourism.'

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

REGIONAL IMPLICATIONS

The Conference being held in Albany is due in part to a successful bid by the City of Albany on behalf of the Lower Great Southern Alliance (City of Albany, Shire of Denmark and Plantagenet) through its Destination Marketing Strategy – Amazing South Coast.

OFFICER COMMENT

The main event/day of the Conference coincides with the Council's Ordinary Meeting day. That day though is targeted mainly to tourism industry representatives. The conference is promoted to provide delegates with opportunities for professional and business development, networking and engagement with industry colleagues, and the chance to hear from industry-leading speakers on critical industry issues and innovative ideas.

It is understood that the Lower Great Southern Alliance's Tourism Advisory Group (TAG) goal to form a single regional Local Tourism Organisation will not be realised for some months. The Mount Barker Tourist Bureau has been represented and supportive of the TAG to achieve this goal while also advocating for the Shire of Plantagenet to be recognised alongside its significantly larger counterparts. It is therefore recommended that the Shire of Plantagenet sponsor two local tourism representatives to attend the Conference and to take their learning/experiences back to the Bureau to assist other members.

It would be reasonable to allow the Bureau to choose, from its members, the participants to attend.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Oldfield, seconded Cr C Pavlovich:

That:

- 1. The Shire President be given authority to attend the 2017 WA Regional Tourism Conference to be held in Albany on 11 to 13 September 2017; and**
- 2. Two local industry representative members from the Mount Barker Tourist Bureau Inc be sponsored a registration to attend the 2017 WA Regional Tourism Conference, with a condition that they provide feedback to their membership group on the conference.**

CARRIED (7/0)

NO. 182/17

Moved Cr B Bell, seconded Cr C Pavlovich:
That new business of an urgent nature, namely:
Saleyards National Award
be introduced to the meeting.

CARRIED (7/0)

NO. 181/17

11.2 SALEYARDS NATIONAL AWARDS

Cr J Moir has asked that the Council consider the following Late Item.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That the Council's appreciation be extended to the operational and managerial staff of the Mount Barker Saleyards in recognition of their exemplary achievement in receiving the 2017 National Award for Animal Welfare in Saleyards and Lairages presented by the Australian Livestock Marketing Association.

CARRIED (7/0)

NO. 183/17

12 CONFIDENTIAL

12.1 WORKS AND SERVICES REPORTS

12.1.1 TENDER - EXTENSION - SUPPLY AND DELIVERY OF SPRAY BITUMEN SURFACING

File Ref: N42237
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Amy Chadbourne
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 15 August 2017

PURPOSE

The purpose of this report is to recommend the extension of Tender C02-1516 – Supply and Delivery of Spray Bitumen Surfacing for a further two year period.

MOTION TO PROCEED BEHIND THE CLOSED DOORS

Moved Cr B Bell, seconded Cr C Pavlovich:

4:12pm That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

(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 (7/0)

NO. 184/17

MOTION TO PROCEED IN PUBLIC

4:18pm Moved Cr B Bell, seconded Cr S Etherington:

That the meeting proceed in public.

CARRIED (7/0)

NO. 185/17

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Oldfield:

That:

1. The tender submitted by Fulton Hogan Industries Pty Ltd accepted by the Council at its meeting held on 13 October 2015 for the supply and delivery

of spray bitumen surfacing for a two year period be extended for a further two years; and

2. The existing pricing schedule be adopted, with an immediate Consumer Price Index (All Groups Perth) adjustment and again in twelve months.

CARRIED (7/0)

NO. 186/17

13 CLOSURE OF MEETING

4:18pm The Presiding Member declared the meeting closed.

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