



# ORDINARY MINUTES

**DATE:** Tuesday, 18 July 2017

**TIME:** 3:00pm

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

**Rob Stewart**  
**CHIEF EXECUTIVE OFFICER**

Resolution Nos. 147/17 to 165/17

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:00 pm The Presiding Member declared the meeting open.

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

### Members Present:

Cr B Bell	Councillor
Cr S Etherington	Councillor
Cr J Hamblin	Councillor
Cr L Handasyde	Councillor (Presiding Member)
Cr J Moir	Councillor
Cr M O'Dea	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 Linda Sounness	Executive Secretary

### Apologies:

Cr K Clements

### Members of the Public Present:

There were three members of the public present.

### Previously Approved Leave of Absence:

Cr L Handasyde – 6 August to 31 August 2017 inclusive

Cr M O'Dea – 15 August 2017

### 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**

#### **4.1 CHESS SCULPTURES AND BROOKFIELD RAIL LICENCE**

Mr David Williamson informed the Council on the progress of the development of the Chess Sculptures in Kendenup.

Mr Williamson also commented on Item 9.3.1 – Lease of Brookfield Rail. Grateful for the use of this land however commented on the changes within the lease, especially with regard to the costs involved.

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Cr Pavlovich

Item: 9.4.2

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

Nature: Financial Code of Conduct

Extent: Employer receiving payments for gravel and services

## **6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Cr C Pavlovich has requested Leave of Absence from 16 August 2017 to 31 August 2017 inclusive.

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

**That Cr Pavlovich be granted Leave of Absence from 16 August 2017 to 31 August 2017 inclusive.**

**CARRIED (8/0)**

**NO. 147/17**

## **7 CONFIRMATION OF MINUTES**

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

**That:**

- 1. The Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 20 June 2017 as circulated, be taken as read and adopted as a correct record; and**
- 2. A typographical error in the Minutes of the Council Meeting held 23 May 2017 Council Decision at Item 9.5.1 Retail Trading Hours – Extension (Res. 106/17), which refers to Sunday trading hours as ‘9.00am to 4.00pm’, should have read ‘9.00am to 5.00pm’, be noted.**

**CARRIED (8/0)**

**NO. 148/17**

## **8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

The Shire President had distributed notes separately.

The Presiding Member Cr Handasyde welcomed Cr Pam Heaton visitor from the York Shire Council in the audience along with two other members of the public.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 DEVELOPMENT SERVICES REPORTS

#### 9.1.1 LOCAL PLANNING SCHEME NO. 5 - RESOLUTION TO PREPARE A NEW SCHEME

<b>File Ref:</b>	<b>N41744</b>
<b>Attachments:</b>	<a href="#">Resolution Deciding to Prepare a Local Planning Scheme</a> <a href="#">Western Australian Planning Commission Form 1A Scheme Area Map</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>18 July 2017</b>

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#### **PURPOSE**

The purpose of this report is to obtain a resolution from the Council for the preparation of a new Local Planning Scheme No. 5.

#### **BACKGROUND**

Town Planning Scheme No. 3 was published in the Government Gazette on 4 October 1991. Over the years several Amendments have been carried out to the Scheme some of which introduced current practices and procedures to ensure the Scheme was as up to date as possible.

In October 1998 the Minister for Planning granted the Council an exemption from preparing a consolidated Scheme, noted an examination report and supported the Council's intention to prepare a new Scheme based on the Model Scheme Text. The Minister also supported the Council's intention to prepare a Local Planning Strategy as the basis of the Scheme.

The Council at its meeting held on 23 March 1999 when considering the preparation of the new Town Planning Scheme No. 4 resolved:

*'That Council, in pursuance of Section 7 of the Town Planning and Development Act, 1928 (as amended), prepare Shire of Plantagenet Town Planning Scheme No. 4 with reference to an area situated wholly within the Shire of Plantagenet and enclosed within the Scheme Area Map.'*

In July 1999, the Western Australian Planning Commission (WAPC) advised it had no objection to the objects and intentions of the new Town Planning Scheme No. 4 and it supported the anticipated format of the new Scheme.

Councillors are aware that the preparation and approval process for the Local Planning Strategy (Strategy) took some time. The Strategy is the basis of the preparation of a new Scheme. The Council's Strategy was submitted to the

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Department of Planning (Albany) for the WAPC approval in 2008 and it received the WAPC approval on 13 August 2013.

Since the Council resolution of 23 March 1999 there have been several statutory developments take place. These include the gazettal of the new Planning and Development Act in 2005 and the gazettal of the Planning and Development (Local Planning Schemes) Regulations 2015. In amongst many changes to the model Scheme provisions and the inclusion of the deemed provisions, the words Town Planning Scheme have been changed to Local Planning Scheme.

It is now considered appropriate not to continue with the terminology Town Planning Scheme No. 4 but rather utilise Local Planning Scheme No. 5 in accordance with the current Act and Regulations.

### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulation 2015 – these Regulations contain the requirements for a Local Planning Scheme preparation, the model Local Planning Scheme Text and the Deemed Provisions which are automatically included in all Schemes by reference. It is intended this new Local Planning Scheme No. 5 closely follows the format of the Model Scheme text.

### **EXTERNAL CONSULTATION**

Extensive consultation was carried out during the preparation of the Council's Local Planning Strategy which was approved in 2013.

The preparation of new Local Planning Scheme No. 5 will include firstly workshops with Councillors and then public consultation.

This resolution to prepare a Scheme will need to be advertised in the press and to State agencies giving them 21 days to comment.

### **FINANCIAL IMPLICATIONS**

It is planned to prepare the new Local Planning Scheme No. 5 – Scheme Text in house. There will be the requirement to have the new Scheme Maps prepared by the Department of Planning Perth office. An estimate for the mapping is in the order of \$3,000.00.

The WAPC State Planning Policy 3.7 may require the preparation of a Bush Fire Management Strategy and as such the sum of \$30,000.00 has been included in the Council's Budget for 2017-2018.

### **POLICY IMPLICATIONS**

Town Planning Scheme Policy No. 18.1 (Planning Vision) was adopted in April 2014. This document is more strategic than the Local Planning Strategy and includes more localised concepts for planning in the Shire area.

## **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.1 (Long term planning and development guided by the Planning Vision) the following Strategy:

Strategy 2.1.3:

*‘Collaborate with the State Government to ensure that local planning development and long term growth needs are met.’*

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

The Council’s Corporate Plan – Goal 2 – Enhanced Natural and Built Environment notes an outcome of 2.1 ‘Long term planning and development guided by the Planning Vision’. The KPI is 2.1 ‘Percentage of Council planning decisions in line with the Planning Vision’.

By supporting the officer recommendation this KPI will be met.

## **OFFICER COMMENT**

Staff have commenced the preparation of the Local Planning Scheme No. 5 – Scheme Text and have had early preliminary discussions with the Department of Planning, Planning Director from Bunbury and a newly appointed Senior Planning Officer in Albany.

The Council’s current Town Planning Scheme No. 3 has been kept reasonably up to date over the recent years with two omnibus amendments that have introduced new model provisions as they were developed by the WAPC. These omnibus amendments were finalised in 2007 and 2012.

With changes to the planning legislation including new Regulations in 2015 the Council must now prepare a new Local Planning Scheme. This Scheme will be numbered 5 to avoid any confusion with the 1999 resolution to prepare a new Town Planning Scheme No. 4. Existing Town Planning Scheme No. 3 will remain in place until the new Local Planning Scheme No. 5 is finalised and published in the Government Gazette.

The legislative process now requires the Council to resolve to prepare Local Planning Scheme No. 5 and to endorse a Statement of Intent, Aims and Format of the new Scheme. The required resolution is attached.

Once the resolution is made it will be referred to the WAPC for its approval. Notice of the resolution will be advertised in the press and to State agencies providing 21 days for comment. Should no significant adverse comments be received, staff will continue with the preparation of the new draft Local Planning Scheme and workshops with Councillors.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

Moved Cr S Etherington, seconded Cr C Pavlovich:

That in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015:

1. The Council agrees to the attached Resolution Deciding to Prepare a Local Planning Scheme.
2. The resolution at 1. above and the attached Western Australian Planning Commission Form 1A and Scheme Area Map be referred to the Western Australian Planning Commission.
3. Once the Western Australian Planning Commission approves the resolution above the necessary 21 day advertising be commenced.

**AMENDMENT**

Moved Cr J Moir, seconded Cr J Oldfield:

That in part 1 after the word 'Scheme', the words:

'subject to the following words being added:

In part a) of the Proposed Aims of the Scheme, after the words "natural environment" the words "and the agricultural base of the District", be added'

CARRIED (8/0)

NO. 149/17

**COUNCIL DECISION**

That in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015:

1. The Council agrees to the attached Resolution Deciding to Prepare a Local Planning Scheme subject to the following words being added:  
  
In part a) of the Proposed Aims of the Scheme, after the words "natural environment" the words "and the agricultural base of the District", be added.
2. The resolution at 1. above and the attached Western Australian Planning Commission Form 1A and Scheme Area Map be referred to the Western Australian Planning Commission.
3. Once the Western Australian Planning Commission approves the resolution above the necessary 21 day advertising be commenced.

CARRIED (8/0)

NO. 150/17

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### 9.1.2 LOTS 200 AND 9000 PORONGURUP ROAD CORNER STONEY CREEK ROAD PORONGURUP - DEED OF RESTRICTIVE COVENANT FOR SIGNING

<b>File Ref:</b>	<b>N41841</b>
<b>Attachments:</b>	<a href="#">Location Plan</a> <a href="#">Deposited Plan</a> <a href="#">Subdivision Guide Plan</a> <a href="#">Plan of Subdivision</a>
<b>Responsible Officer:</b>	<b>Peter Duncan</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Vincent Jenkins</b> <b>Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>18 July 2017</b>
<b>Applicant:</b>	<b>John Kinnear and Associates</b>

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#### **PURPOSE**

The purpose of this report is to seek authority for the Shire President and Chief Executive Officer to affix the Common Seal of the Council to a Deed of Restrictive Covenant for new Lots 200 and 9000 on Deposited Plan 410621 Porongurup Road corner Stoney Creek Road, Porongurup.

#### **BACKGROUND**

Council records show the registered owners of the overall original Lot 4853 Porongurup Road corner Stoney Creek Road, Porongurup are E and M Harma.

Lots 200 and 9000 Porongurup Road corner Stoney Creek Road are new lot numbers proposed by the subdivision of Lot 4853 Porongurup Road corner Stoney Creek Road, Porongurup into two lots.

The Council considered the proposed 12 lot subdivision (WAPC 150644) of Lot 4853 Porongurup Road corner Stoney Creek Road, Porongurup at its meeting held on 14 October 2014. This subdivision proposal involved creating of 11 rural residential lots and one Special Site lot. The subdivision application was supported subject to a number of conditions.

The subdivision application was approved by the Western Australian Planning Commission (WAPC) on 1 December 2014 subject to a number of conditions including:

*'A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the Transfer of Land Act 1893, is to be placed on the certificates of title of the proposed lots advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:*

*"No development is to take place outside the defined building envelopes, unless otherwise approved by the local government."*

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The action to affix the Common Seal of the Council to the Deed of Restrictive Covenant forms part of the process to satisfy the conditions of subdivision approval and create one Title each for the Special Site zone (Lot 200) and the Rural Residential zone (Lot 9000).

### **STATUTORY ENVIRONMENT**

Land Administration Act 1997

Local Government Act 1995

Transfer of Land Act 1893

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Special Site and Rural Residential.

### **FINANCIAL IMPLICATIONS**

The subdivision clearance fee of \$146.00 has been paid.

### **POLICY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

The restrictive covenant will confine all development to the defined building envelopes in accordance with the approved subdivision guide plan for this Rural Residential zone as part of the finalisation of the subdivision. The restrictive covenant notification will be placed on the Certificate of Title of Lot 9000. Essentially the restrictive covenant requires any development outside of the defined building envelopes to acquire consent from the Council.

The Common Seal of the Council can only be affixed to the Restrictive Covenant with Council authority. Authority is now sought for the Common Seal to be applied to enable registration of the restrictive covenant to be effected.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr J Hamblin, seconded Cr M O'Dea:**

**That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Deed of Restrictive Covenant under Section 129BA of the Transfer of Land Act 1893 pertaining to Lots 200 and 9000 Porongurup Road corner Stoney Creek Road, Porongurup on Deposited Plan 410621.**

**CARRIED (8/0)**

**NO. 151/17**

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 WASTE AND RECYCLE CONFERENCE 2017

<b>File Ref:</b>	<b>N42073</b>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>18 July 2017</b>

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#### **PURPOSE**

The purpose of this report is to recommend Councillor representation at the Waste and Recycle Conference 2017. This event is scheduled to be held at the Crown Hotel, Burswood from 13 to 15 September 2017.

#### **BACKGROUND**

The Waste and Recycle Conference is held each year in Perth and a Plantagenet elected representative and officer normally attends. Councillor O'Dea and the Chief Executive Officer attended the conference in 2016.

#### **FINANCIAL IMPLICATIONS**

A number of conference attendance packages are available including networking events and site tours of recycling facilities in the metropolitan area. The cost of early registration for the three day conference is \$950.00, which includes access to all sessions.

Accommodation, transport and meal costs for attendance at the three day conference will be in the vicinity of \$1,700.00 with costs being charged to account Members of Council, Councillor Conferences, Training and Accommodation.

#### **POLICY IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

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

Strategy 4.1.5:

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

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

**OFFICER COMMENT**

Hosted by the Waste Management Association of Australia (WMAA), Department of Environment Regulation (DER), and Western Australian Local Government Association (WALGA) the conference is an annual event.

This year's theme for the conference is 'Sorting our Waste: Valuing it as a resource' reflecting a changing view of waste from seeing it as a discarded product to a resource in its own right.

The conference includes the announcement of the Winners of the 2017 Infinity Awards .The Infinity Awards provide public recognition and encouragement to individuals, business, local/regional government and State Government agencies and community organisations that demonstrate innovation and commitment to reducing waste and increasing re-use and recycling.

It is therefore recommended that a Councillor attend the 2017 Waste and Recycle conference. Councillor Bell has advised his interest in attending.

The Shire President also recommends that the Chief Executive Officer attend this conference.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. Authority be granted for Councillor Bell to attend the 2017 Waste and recycling conference in Perth from 13 to 15 September 2017.**
- 2. All costs including accommodation, transport, meals and registration costs met from account Members of Council - Councillor Conferences Training and Accommodation pursuant to Council Policy CE/CS/1 - Elected Members Expenses to be reimbursed.**

**CARRIED (8/0)**

**NO. 152/17**



## 9.2.2 POLICY REVIEW - NOTICE OF ENTRY FOR PUBLIC SERVICE AND UTILITIES

<b>File Ref:</b>	<b>N41995</b>
<b>Attachments:</b>	<a href="#">Policy with Amendments</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>18 July 2017</b>

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### PURPOSE

The purpose of this report is to review Council Policy I/R/12 Notice of Entry for Public Services and Utilities.

### BACKGROUND

This policy was last reviewed by the Council at its meeting held on 23 June 2015.

The Shire receives an average of two notifications per week from public utilities to advise they will be undertaking works on land which is under the care, control and management of the Shire of Plantagenet. A copy of this policy is provided to all correspondence sent by the Shire to utility service providers.

### STATUTORY ENVIRONMENT

Land Administration Act 1997, Part 9 Division 4 – ‘Entry on to land’

### 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 2.4.1:

*‘Maintain and further develop roads and pathways at appropriate standards’.*

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 2.4.1.6:

*‘Construct and maintain Shire roads and associated infrastructure to the standard adopted by the Council and in accordance with requirements of State agencies.’*

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan.

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**OFFICER COMMENT**

Pursuant to the Land Administration Act 1997, public utilities may be authorised by the Minister to occupy and use any land temporarily for the purpose of constructing or repairing any public work. While Local Governments do not have any authority to refuse entry to land under their control for this purpose, this policy forms part of a suite of documents which reflect the preferred practice for the undertaking of public service and utility works within the Shire of Plantagenet.

The Utility Providers Code of Practice for Western Australia (2015), developed by the Utility Providers Services Committee, provides a reference for industry best practice in managing and undertaking works associated with the provision of underground utility services in road reserves.

The Restoration and Reinstatement Specifications for Local Governments (2002), developed by the Institute of Public Works Engineering Australia, provides detailed information on the specifications expected of public utility providers in trafficable and non-trafficable areas.

In conjunction with the two previously mentioned documents, this policy provides utility providers with clear information on the expectations of the Shire of Plantagenet in terms of the quality of work undertaking within the Shire. While it is recognised that this policy does not carry any legislative weight, it is recommended that this policy be retained, with some minor changes as noted to improve the clarity and flow of the document. No delegation is required as there is no legislative authority provided to Local Government in this area.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That amended Council Policy No. I/R/12 - Notice of Entry for Public Services and Utilities as follows:**

**OBJECTIVE**

**To provide clear guidelines to the Council, its officers and public utility companies and their contractors regarding the undertaking of public service and utility work within the Shire of Plantagenet.**

**POLICY****1. Scope**

**This policy relates to works undertaken by public service and utility companies on land which is under the care, control and management of the Shire of Plantagenet.**

**2. Application of Policy**

**Public service and utility companies must provide appropriate prior notice for any works to be undertaken within the Shire of Plantagenet.**

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The Council will provide a letter of response, outlining the following conditions:

- a) Should it be necessary to carry out the installation of underground services beneath a road pavement, approval must be sought from the Manager Works and Services prior to undertaking the works.

Where underground services are to be placed beneath the road pavement and any existing conduits or culverts cannot be used, preference will be given to the use of trenchless technology methods. In the case of trench excavation and reinstatement, an appropriate 'defects liability period' will be applied to the reinstated work.

- b) All trenches located within the road reserve shall be backfilled with quality material and suitably compacted following installation of plant or underground services. The finished surface level of the compacted backfill material shall generally match the existing surface profile of the road reserve.
- c) All disturbed areas shall be reinstated to pre-existing conditions following completion of the works. As a minimum, areas denuded by installation of plant or underground services shall be top soiled, turfed and regularly watered following completion of the works.
- d) All utility holes, inspection points and/or other permanent above ground features, which are to be located within the road reserve, shall be flush with the natural ground to avoid potential trip hazards.
- e) No fixed plant (pits, inspection holes, inspection points etc) or cabling shall be constructed either near or within existing road formation. This will ensure that, should the Council ever widen the road, the fixed plant/cable is sufficiently clear of the works.
- f) All cabling shall be laid to the following depths:
- i) Under roads - minimum 1.0 metre;
  - ii) Within verges - minimum 0.75 metre; and
  - iii) Within public open space - minimum 0.75 metre.
- g) Where work is likely to affect vehicular access to private properties, every attempt shall be made to accommodate the needs of landowners/residents regarding entry and/or exit from the property.
- h) A minimum of one trafficable lane shall remain open to the public at all times and traffic control shall be employed during the course of the works. A copy of the Traffic Management Plan shall be forwarded to the Manager Works and Services for consideration.
- i) The finished condition of the road and/or road reserve shall be to the satisfaction of the Manager Works and Services.

- j) Where work is to be carried out within privately or publicly owned land, the affected property owners shall be notified in writing of the utility's intent to install plant/cabling. All areas denuded or affected by the works within privately owned land or public open space shall be made good upon completion of the works.
- k) Where any removal of vegetation is required then the relevant clearing permits must be obtained from the Department of Environment Regulation prior to the seeking of consent from the Council.
- l) All works are to comply with the Utility Providers Code of Practice for Western Australia, effective 1 June 2015, and the Restoration and Reinstatement Specification for Local Governments in Western Australia, effective October 2002.'

be adopted.

**CARRIED (8/0)**

**NO. 153/17**

### 9.2.3 POLICY REVIEW - VEHICLE CROSSOVERS

<b>File Ref:</b>	<b>N41994</b>
<b>Attachments:</b>	<a href="#">Policy with Amendments</a>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Amy Chadbourne Senior Administration/Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>18 July 2017</b>

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#### **PURPOSE**

The purpose of this report is to review Council Policy I/R/13 Vehicle Crossovers, and recommend an amendment to the Shire of Plantagenet Delegations Register.

#### **BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 21 July 2015.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995, Section 3.54 – ‘Reserves under control of local government’

Local Government (Uniform Local Provisions) Regulations 1996 as follows:

Regulation 12 – ‘Crossing from public thoroughfare to private land or private thoroughfare’;

Regulation 13 – ‘Requirement to construct or repair crossing’; and

Regulation 15 – ‘Contribution to cost of crossing’.

#### **FINANCIAL IMPLICATIONS**

An amount of \$3,000.00 has been included in the 2017/18 Council budget for the Council’s costs associated with contributions to vehicle crossovers.

#### **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 2.4.1:

*‘Maintain and further develop roads and pathways at appropriate standards’.*

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 2.4.1.6:

*'Construct and maintain Shire roads and associated infrastructure to the standard adopted by the Council and in accordance with requirements of State agencies'.*

Accordingly, the recommended outcome for the report aligns with the Corporate Business Plan.

### **OFFICER COMMENT**

The intent of this policy is considered relevant and works well in practice. However, some changes are recommended for clarification, to improve the flow of the document and to ensure compliance with the requirements of the relevant legislation.

The scope of the policy has been extended to include modifications to crossovers, as it is considered appropriate that Council approval is sought prior to any significant changes to existing crossovers in addition to the construction of new crossovers.

Regulation 15 (2) of the Local Government (Uniform Local Provisions) Regulations 1996 requires local governments to define a standard crossover. The purpose of this is to provide the Council with a basis on which to calculate the cost of such a crossover, which will in turn provide the amount which a landowner can claim from the Council as a subsidy. To comply with this requirement, definitions of standard crossovers are included in the policy.

It should be noted that these are the minimum standards required in each scenario. Landowners may choose to construct a crossover that exceeds these standards, however the subsidy amount will still be calculated on the applicable standard crossover.

The revised policy includes a time limit of two years for approved crossovers to be constructed, and a limit of six months from the time of completion of the crossover for the Council contribution to be claimed.

Other changes to the policy have been made to remove duplication and improve readability.

In addition, it is recommended that an amendment be made to the Shire of Plantagenet Delegation Register. During the recent review of the register, a number of changes were made to combine like areas into a single delegation. Delegation 5.1 – Closure of Streets, Thoroughfares, Control of Reserves and Unvested Facilities includes the delegation of authority to the Chief Executive Officer to:

*'Control and manage land that is vested to the Shire in accordance with s3.54 of the Local Government Act.'*

While it was the intention of this delegation to provide authority to the Chief Executive Officer relating to crossovers, it has become apparent that the delegation does not make reference to the appropriate piece of legislation. It is the Local Government (Uniform Local Provisions) Regulations 1996 Regulations 12, 13 and 15 respectively which provides the legislative framework for the approval and subsidy of crossovers.

Therefore a further report will be prepared for the Council's consideration addressing this issue.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr M O'Dea, seconded Cr C Pavlovich:

That:

1. **Amended Council Policy No. I/R/13 – Vehicle Crossovers as follows:**

**'OBJECTIVE**

To define the Council's requirements and financial obligations for the construction of vehicle crossovers in road reserves.

**POLICY**

1. **Scope**

This policy applies to the installation and modification of crossovers for properties within the Shire of Plantagenet. This policy shall be applied for decisions made pursuant to Shire of Plantagenet Delegations 5.1 and 5.1A.

2. **Legislation**

Local Government Act 1995, Section 3.54 – 'Reserves under control of local government'

Local Government (Uniform Local Provisions) Regulations 1996 as follows:

- a) Regulation 12 – 'Crossing from public thoroughfare to private land or private thoroughfare';
- b) Regulation 13 – 'Requirement to construct or repair crossing'; and
- c) Regulation 15 – 'Contribution to cost of crossing'.

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008.

3. **Definitions**

**Crossover** Has the same meaning as 'crossing' as outlined in the Activities in Thoroughfares and Public Places and Trading Local Law 2008 and means a crossing giving access from a public thoroughfare to private land, or a private thoroughfare serving private land.

**Standard crossover** Pursuant to Regulation 15 (2) of the Local Government (Uniform Local Provisions) Regulations 1996, the Council defines a minimum standard crossover as follows:

- a) **Urban – sealed:** 3.0m wide (excluding splays), constructed in grey pre-mixed concrete.

- b) **Urban – unsealed: 3.0m wide (excluding splays), constructed in gravel with a minimum thickness of 200mm.**
- c) **Rural – unsealed: 4.5m wide (excluding splays), constructed in gravel with a minimum thickness of 200mm.**

#### **4. Application of Policy**

- 4.1 Property owners are required to complete and submit an Application for Approval to Construct a Vehicle Crossover for assessment before a crossover is constructed or modified. Construction may not commence until written permission has been granted by the Council.**

**Approval to construct a crossover is valid for a two-year period from the date it is issued. If construction of the crossover has not been commenced within this period, a new application must be submitted to the Council for consideration.**

- 4.2 All crossovers must be constructed in accordance with the Council’s Specification for the Construction of Vehicle Crossovers. Where a crossing adjoins a sealed road within a townsite, a sealed crossover must be constructed. In all other cases, a sealed or unsealed crossover is permitted.**

- 4.3 Upon application from the property owner, the Council will contribute half the cost of a standard crossover to a maximum as set out in the Council’s adopted fees and charges, provided that:**

- a) **The crossover is installed in accordance with the Council’s specifications;**
- b) **The contribution relates only to the first crossover to service the property; and**
- c) **Applications for any subsidies are received within 6 months of the completion of the crossover.**
- d) **The Council contribution will not apply to properties where the conditions of subdivision or development approval have included the provision of appropriate crossovers.**

- 4.4 Once constructed, crossovers are to be maintained at the expense of the property owner. The Council may issue a notice in writing pursuant to the Local Government (Uniform Local Provisions) Regulations 1996 to the owner or occupier of private land requiring the person to repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.’**

**be endorsed.**



2. A further report be prepared for the Council's consideration addressing legislative issues regarding Delegation 5.1 – Closure of Streets, Thoroughfares, Control of Reserves and Unvested Facilities, such report to be presented no later than the Council meeting scheduled for 12 September 2017.

**CARRIED (8/0)**

**NO. 154/17**

## 9.3 COMMUNITY SERVICES REPORTS

### 9.3.1 KENDENUP SKATE PARK - AUTHORITY TO AFFIX COMMON SEAL - BROOKFIELD RAIL LICENCE TO USE AND OCCUPY CORRIDOR LAND

<b>File Ref:</b>	<b>N42007</b>
<b>Attachments:</b>	<a href="#">Licence</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Fiona Pengel</b> <b>Manager Community Services</b>
<b>Proposed Meeting Date:</b>	<b>18 July 2017</b>

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#### **PURPOSE**

The purpose of this report is to seek approval for the Common Seal of the Council to be applied to a Brookfield Rail Licence to Use and Occupy Land for the Kendenup Skate Park precinct.

#### **BACKGROUND**

In 2010, the Council entered into a licence agreement with Brookfield Rail for use of the land east of Hassell Avenue that forms a portion of the railway corridor within the Kendenup townsite.

This agreement provided tenure of the land which enabled the Shire to access funds for the construction of the Kendenup skate park and basketball / netball half court.

The term of the licence was five years and it expired in 2015.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – Division 3, Section 9.49A (2) - Application of Common Seal.

#### **EXTERNAL CONSULTATION**

Negotiations have taken place with the land managers, Brookfield Rail.

#### **FINANCIAL IMPLICATIONS**

A charge of \$1,000.00 for the preparation of the licence agreement will be payable to Brookfield Rail.

An ongoing annual fee of \$500.00 per annum for the use of the land will also be charged by Brookfield Rail.

#### **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 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following Strategy:

Strategy 1.5.1:

*'Maintain and improve sporting and recreation facilities in the District based on catchment needs'*

And;

At Outcome 1.4 (Opportunities for the development and participation of our youth) the following Strategy:

Strategy 1.4.2:

*'Provide and promote appropriate and accessible facilities and activities for youth'*

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

**OFFICER COMMENT**

The terms of the new licence have changed from the original agreement. The original licence did not have any costs associated with it.

An additional five year option has been negotiated to reduce the legal costs to the Shire over the ten year licence term. The annual fee of \$500.00 was unable to be reduced.

The permitted uses of the subject land are; Skate Park, picnic tables and chairs, playground facilities, walk trails and other community use.

The skate park and basketball half court are used by the young people in the Kendenup community. Shire-run skate workshops held at Kendenup are well attended.

Whilst it is acknowledged the new licence agreement will increase the cost to the Shire, the skate park is a valuable asset for the Kendenup community.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Licence to Use and Occupy Corridor Land for the Kendenup skate park precinct.**

**CARRIED (7/1)**

**NO. 155/17**

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 FINANCIAL STATEMENTS – JUNE 2017

<b>File Ref:</b>	<b>N42024</b>
<b>Attachment:</b>	<a href="#">Financial Statements</a>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Alison Kendrick</b> <b>Senior Administration Officer - Finance</b>
<b>Proposed Meeting Date:</b>	<b>18 July 2017</b>

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#### **PURPOSE**

The purpose of this report is to present the preliminary financial position of the Shire of Plantagenet for the period ending 30 June 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 M O'Dea, seconded Cr C Pavlovich:**

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

**CARRIED (8/0)**

**NO. 156/17**

**9.4.2 LIST OF ACCOUNTS – JUNE 2017**Cr C Pavlovich

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

Nature: Financial – Code of Conduct

Extent: Employer receiving payments for gravel and services

**File Ref:** N42037

**Attachment:** [June 2017](#)

**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer

**Author:** Vanessa Hillman  
Accounts Officer

**Proposed Meeting Date:** 18 July 2017

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**PURPOSE**

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

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr S Etherington:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 June 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 \$1,570,609.07; and
2. Municipal Cheques 45945 – 45977 totalling \$137,586.58.

**CARRIED (8/0)**

**NO. 157/17**



**9.4.3 POLICY ADOPTION – RELATED PARTY DISCLOSURES**

<b>File Ref:</b>	<b>N42027</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>18 July 2017</b>

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**PURPOSE**

The purpose of this report is to recommend adoption of a new policy (F/FM/16) relating to new disclosure requirements for Councillors and senior staff in regard to related parties.

**BACKGROUND**

For periods commencing on 1 July 2016, the requirements of Australian Accounting Standards Board 124 - Related Party Disclosures (AASB 124) will apply to financial statements prepared by local governments within Western Australia.

AASB 124 requires local governments to make specific disclosures in relation to transactions and balances (including commitments) with related parties. The application of the standard to the sector for the first time has led the Shire's auditor, Moore Stephens, to produce guidance material to clarify expectations to ensure consistency across the sector.

The auditor recommends the adoption of a policy that specifies the Shire's Key Management Personnel, who are subject to disclosure under the new requirements. The policy will also define ordinary citizen transactions, which are exempted from reporting.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report, although it should be noted that the new requirements are subject to audit compliance under the Australian Accounting Standards.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

This report seeks to adopt a new policy.

**STRATEGIC IMPLICATIONS**

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

Strategy 4.6.1:

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

---

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

### **OFFICER COMMENT**

A councillor workshop was held on 20 June 2017, to provide background on a new disclosure requirement for Councillors and senior staff.

The following disclosure is required for related parties:

#### Details of Parent Company, Subsidiaries and Associates

Details of the parent company along with a list of each subsidiary and associate, along with a cross reference to where details of the subsidiaries and associates are disclosed. (This is not currently relevant to the Shire of Plantagenet)

#### Details of Key Management Personnel

A table detailing (by name) each Councillor and their period of office along with the number of management personnel included in the Key Management Personnel classification.

#### Remuneration of Key Management Personnel

A table detailing in aggregate remuneration, classified as short-term employee benefits, long-term employment benefits and termination benefits. Also, a table detailing the individual total remuneration for Key Management Personnel, in increments of \$10,000.00, is to be included.

#### Transactions with related parties

This section is to disclose two groups of transactions. The first are, to the extent that they are not detailed in other subsidiary or joint venture disclosures, details of transactions with subsidiaries and other jointly controlled operations. The second are those related to transactions between the Council and:

1. Key Management Personnel;
2. Close family members of Key Management Personnel; and/or
3. Entities controlled or jointly controlled by 1 or 2.

Details of all material transactions (revenue and expenditure) between the Council and related parties, grouped by transaction type, are to be disclosed in aggregate except when separate disclosure is necessary for an understanding of the effects of related party transactions on the financial statements of the Council.

Within a local government, it is expected that Key Management Personnel would normally include:

- All Councillors;
- Chief Executive Officer; and
- The next level of management (Directors/Managers).

For the Shire of Plantagenet, it is recommended that this policy include the following as Key Management Personnel:

- All Councillors;
- Chief Executive Officer;

- Deputy Chief Executive Officer;
- Manager Community Services;
- Manager Development Services; and
- Manager Works and Services.

Transactions between the Council and related parties that are typical to any citizens and undertaken in the normal course of council operations and at arm's length, such as payment of rates or other fees and charges, do not require disclosure as related party transactions. In this regard, it is further recommended that this policy exempts the following transactions from reporting:

- Paying rates and Emergency Services Levy (and associated charges and interest);
- Fines;
- Use of Shire owned facilities such as Rec.Centre, Mount Barker Memorial Swimming Pool, Mount Barker Library, halls and public buildings, parks, ovals and other public open spaces (whether charged a fee or not); and
- Attending Council functions that are open to the public.

In relation to specific examples discussed at the councillor workshop, transactions relating to buying and selling of cattle at the Mount Barker Regional Saleyards will not be subject to reporting, as such transactions are between the Shire and stock agents. Transactions for purchase of gravel or sand by the Shire are reportable.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That new Council Policy F/FM/16 'Related Party Disclosures':**

### **'OBJECTIVE**

**The objective of this Policy is to specify the Shire's Key Management Personnel, who are subject to disclosure under the requirements of Accounting Standards Board 124 - Related Party Disclosures and to define ordinary citizen transactions, which are exempted from reporting.**

### **POLICY**

**In regard to the requirements of Australian Accounting Standards Board 124 - Related Party Disclosures, the Council will:**

- 1. Specify the following as Key Management Personnel:**
  - a) All Councillors;**
  - b) Chief Executive Officer;**
  - c) Deputy Chief Executive Officer;**
  - d) Manager Community Services;**

- e) **Manager Development Services; and**
- f) **Manager Works and Services.**

**2. Exempt the following transactions from reporting:**

- a) **Paying rates and Emergency Services Levy (and associated charges and interest);**
- b) **Fines;**
- c) **Use of Shire owned facilities such as Rec.Centre, Mount Barker Memorial Swimming Pool, Mount Barker Library, halls and public buildings, parks, ovals and other public open spaces (whether charged a fee or not); and**
- d) **Attending Council functions that are open to the public.'**

**be adopted.**

**CARRIED (8/0)**

**NO. 158/17**

**9.4.4 POLICY REVIEW - RATE INCENTIVE PRIZE**

<b>File Ref:</b>	<b>N41920</b>
<b>Responsible Officer:</b>	<b>John Fathers Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Leanne Briggs Rates Officer</b>
<b>Proposed Meeting Date:</b>	<b>18 July 2017</b>

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**PURPOSE**

The purpose of this report is to review Council Policy No A/PA/8 – Rate Incentive Prize.

**BACKGROUND**

Council Policy A/PA/8 was last reviewed by the Council at its meeting held on 21 July 2015.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Strategy 4.6.3:

*‘Maintain, develop and monitor rating and property strategies’.*

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

**OFFICER COMMENT**

No delegations relate to this policy. This policy is considered appropriate and should be endorsed.

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr C Pavlovich:

That Council Policy A/PA/8 – Rate Incentive Prize:

**‘OBJECTIVE:**

To encourage ratepayers to pay the full amount of their assessed rates and charges by the due date.

**POLICY:**

1. An annual Rate Incentive Prize will be offered by the Council.
2. Prizes will be awarded to first, second (and third if applicable) entries drawn at random.
3. Only ratepayers with their rate account paid in full by the due date will be eligible.
4. One entry per assessment notice (not per ratepayer) is to be entered into the draw.
5. Rateable properties which any Councillor, senior member of staff or manager has an ownership interest in will be ineligible. The Shire of Plantagenet reserves the right to decide, in its absolute discretion whether or not the entry requirements have been fulfilled.
6. First prize will be a bank account / voucher with the Mount Barker Bendigo Community Bank. The Council will seek sponsorship from local organisations and a Perth hotel for the remaining Rate Incentive Prizes.’

be endorsed.

**CARRIED (8/0)**

**NO. 159/17**

**9.5 EXECUTIVE SERVICES REPORTS**

Nil

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****10.1 WESTERN AUSTRALIA'S RATE OF RETURN FROM THE FEDERAL GOVERNMENT**

Cr Brett Bell gave previous 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:**

- 1. Council write to the Prime Minister of Australia, Mr Malcolm Turnbull, and the Leader of the Opposition Mr Bill Shorten, to demand a better return of our GST back to Western Australia;**
- 2. The rate of return be set at no less than 70 cents in the dollar back to Western Australia;**
- 3. Council contact in writing all other Cities and Shires in Western Australia and ask for their support in this most important matter. That this be done in a coordinated way so as the 138 letters arrive at a similar time;**
- 4. The amended GST distribution back to Western Australia be dealt with as a matter of urgency; and**
- 5. All Western Australian Federal Ministers also receive the same correspondence.'**

**CARRIED (6/2)**

**NO. 160/17**

Councillor Comment

The diminished return of our GST is having a direct impact on all Western Australians. This impact will flow through to the next generation if not corrected now.

The State Government is cost shifting and reducing services due to an ever increasing deficit. This is without a doubt, having and going to have, a long lasting impact on all Local Governments.

We are the elected representatives of our rate payers and we owe it to them to try to remedy this unfair distribution of GST.



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

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

That new business of an urgent nature, namely:

Road Dedication – Lake Matilda Road

be introduced to the meeting.

CARRIED (8/0)

NO. 161/17

### 11.1 ROAD DEDICATION - LAKE MATILDA ROAD

**File Ref:** N42005  
**Attachments:** [Location Map](#)  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Alexandra Tucker  
Environmental Officer  
**Proposed Meeting Date:** 18 July 2017

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#### PURPOSE

The purpose of this report is to obtain a formal Council resolution for the dedication of the land parcel Lot 100 on Diagram 5655, Kendenup (CT841/192) that runs adjacent to Lake Matilda Road, as road reserve.

#### BACKGROUND

Lot 100 on Diagram 5665, Kendenup, currently belongs to the Public Transport Authority (PTA) and forms part of the Brookfield rail corridor. To accommodate the intersection improvement works at Red Gum Pass and Lake Matilda Roads the Shire requested an excision of approximately 0.3 hectares. Whilst seeking approval for this excision, the Public Transport Authority identified that the remaining parcel of this land to the south (approximately 1.8 hectares) is not required for rail corridor purposes and as such has asked if the Shire would like to accept the whole of Lot 100 on Diagram 5665, Kendenup.

#### STATUTORY ENVIRONMENT

Land Administration Act 1997, Section 56 (1) (a) and (c) – relates to the dedication of land as a road.

#### EXTERNAL CONSULTATION

Consultation has occurred with the Public Transport Authority and the Department of Lands.

**FINANCIAL IMPLICATIONS**

All costs associated with the dedication of the subject land as road will be the responsibility of the Shire. These costs will include surveying of the new boundary and this is estimated at \$3,500.00.

It is also worth noting that once the whole land parcel becomes road reserve it will be required to be managed as a part of our annual roadside maintenance operations which is estimated to cost an additional \$500.00 per annum.

**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 2.4 (Safe and reliable transport infrastructure) the following Strategy:

Strategy 2.4.1:

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

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

**OFFICER COMMENT**

It is recommended that the Council accept the whole of Lot 100 on Diagram 5665, Kendenup and support the dedication to change the status of the road.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr M O'Dea, seconded Cr J Moir:**

**That:**

- 1. Pursuant to Section 56 (1) (a) of the Land Administration Act 1997, the Minister for Lands be requested to dedicate the parcel of land Lot 100 on Diagram 5665, Kendenup (CT841/192) as road (see attachment).**
- 2. The Minister for Lands be indemnified against any costs, including any claims for compensation and costs that may reasonably be incurred by the Minister in considering and granting the request to dedicate the land as road.**

**CARRIED (8/0)**

**NO. 162/17**

**12 CONFIDENTIAL****12.1 COMMUNITY SERVICES REPORTS****12.1.1 LOT 3 THE SPRINGS ROAD - DENBARKER FIRE BRIGADE SHED -  
TENDERS RECEIVED FOR CONSTRUCTION**

**File Ref:** N42049  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Fiona Saurin  
Manager Community Services  
**Proposed Meeting Date:** 18 July 2017

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**PURPOSE**

The purpose of this report is to consider tenders received for the construction of a one bay shed for use by the Denbarker Bush Fire Brigade at Lot 3 (portion of Location 2159) The Springs Road, Denbarker.

**MOTION TO PROCEED BEHIND THE CLOSED DOORS**

**Moved Cr S Etherington, seconded Cr C Pavlovich:**

**4:20pm** 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 (8/0)**

**NO. 163/17**

**MOTION TO PROCEED IN PUBLIC**

**4:45pm** **Moved Cr S Etherington, seconded Cr C Pavlovich:**

**That the meeting proceed in public.**

**CARRIED (8/0)**

**NO. 164/17**

**COUNCIL DECISION**

Moved Cr B Bell, seconded Cr C Pavlovich:

That:

1. The tender of \$132,660.00 submitted by Plantagenet Sheds and Steel for the Construction of the Denbarker Bush Fire Brigade shed at Lot 3 The Springs Road, Denbarker be accepted.
2. The Chief Executive Officer be authorised to negotiate a suitable start date for the works.

**CARRIED (8/0)**

**NO. 165/17**

**13 CLOSURE OF MEETING**

4:49pm The Presiding Member declared the meeting closed.

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