



ORDINARY MINUTES

DATE: Tuesday, 19 July 2016

TIME: 3:00pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

Resolution numbers: 130/16 to 145/16

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:00pm 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 L Handasyde	Councillor
Cr J Moir	Councillor
Cr M O'Dea	Councillor
Cr J Oldfield	Councillor

In Attendance:

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

Apologies:

Nil

Leave of absence:

Cr C Pavlovich

Members of the Public Present:

There was one member of the public present.

Previously Approved Leave of Absence:

Cr C Pavlovich – 12 July to 26 July 2016 inclusive.

Cr B Bell – 28 July to 19 September 2016 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

Part 5 Division 6 Local Government Act 1995

Cr J Moir

Item:	9.1.1
Type:	Code of Conduct disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct).
Nature:	The applicant and I are members of the Mount Barker Golf Club
Extent:	Membership in common

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES**7.1 MINUTES ORDINARY MEETING HELD 21 JUNE 2016 - CONFIRMATION**

Moved Cr B Bell, seconded Cr L Handasyde:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 21 June 2016 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 130/16

7.2 MINUTES SPECIAL MEETING HELD 12 JULY 2016 - CONFIRMATION

Moved Cr J Oldfield, seconded Cr J Hamblin:

That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 12 July 2016 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 131/16

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 519 CARBARUP ROAD, KENDENUP - TRANSPORT DEPOT

Cr J Moir

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

Nature: The applicant and I are members of the Mount Barker Golf Club

Extent: Membership in common

File Ref: **N38264**

Attachments: [Location Plan](#)
[Site Plan](#)
[EPA Buffer](#)
[Summary of Submissions](#)

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

Author: **Vincent Jenkins**
Planning Officer

Proposed Meeting Date: **19 July 2016**

Applicant: **Ian Davis**

PURPOSE

The purpose of this report is to consider an application for 'Transport depot' at Lot 519 Carbarup Road, Kendenup.

BACKGROUND

Council records show the registered owners of Lot 519 are J and S Paes. The applicant is currently in the process of buying the property subject to Council approval to develop a 'Transport depot'. The landowners granted authority to the applicant to submit this Planning Consent application.

The proponent is seeking approval for the parking of two heavy vehicles and trailers and one skid steer machine. The proposal does not involve the storage of goods, loading/unloading, wash-down, or any associated vehicle repairs or servicing.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

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

Clause 5.2 of TPS3 provides the Council with the ability to vary development standards for development other than residential development. That power may only be exercised by the Council if it is satisfied that:

- (a) *approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) *the spirit and purpose of the requirement or standard will not be departed thereby.'*

Schedule 1, Interpretations state:

'Transport Depot - means land used for the garaging of road motor vehicles used or intended to be used for carrying goods for hire or reward or for any consideration, or for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes maintenance and repair of the vehicles used, but not of other vehicles'

Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005 (EPA 2005).

This document provides generic buffer (separation) distances referred to in the State Buffer Policy 1997 (Government of Western Australia). These generic distances set out in Appendix 1 are based on the experience of the DER and other regulatory authorities for industries that historically have been associated with amenity impacts from gaseous, dust, noise and odorous emissions as well as with elevated levels of off-site risk to the public.

Appendix 1

Industry	Description of industry	DoE Licence or Registration category (*)	Buffer distance in metres and qualifying notes
Transport vehicles depot	Buses, trucks and other heavy vehicles depot	-	200

The key issue of concern for transport depots is not to give rise to odour, gaseous, dust and noise nuisances with the recommended buffer distance to sensitive land uses being between 200m.

EXTERNAL CONSULTATION

The proponent as part of lodging this application, sought comment from the landowners of adjoining Lot 520 Carbarup Road to the south. These landowners raised no objection to the proposal.

Further Council consultation included letters to three other adjoining landowners for a 14 day period closing on 14 June 2016. One of these adjoining landowners raised objection to the proposal. The landowners of Lot 520 Carbarup Road after viewing

the supporting information to the proposal withdrew their support and now object to the proposal.

Concerns raised by landowners in their submissions included amenity, noise, odour, dust and road safety matters. Further concerns raised lifestyle and land value matters.

FINANCIAL IMPLICATIONS

The application fee of \$147.00 has been paid.

POLICY IMPLICATIONS

The Shire of Plantagenet Town Planning Scheme Policy No. 19 - Kendenup Rural Surrounds - the subject land is located within the 'Future Rural Residential Areas'. In assessing land use and subdivision proposals within the 'Future Rural Residential Areas' in the Kendenup rural surrounds, the following policy criteria below will be considered.

Policy Criteria 7 reads:

'Key objectives of these areas will be to:

- d) Integrate development with the landscape whilst providing for bushfire protection and management; and*
- e) Minimise the risk of land use conflict.'*

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 2.1.4:

'Encourage and promote the use of good agricultural land for food production'

And

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

Strategy 2.2.2:

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

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

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

By supporting the officer recommendation the KPI will be met.

OFFICER COMMENT

The subject land is located approximately 3.8km south of the Kendenup Townsite on Carbarup Road. Lot 519 is 8.94ha in area and is currently used for pasture.

The transport depot proposal involves the parking of two heavy vehicles and trailers and one skid steer machine. The largest vehicle is a three axle prime mover with associated two axle semi-trailer and four axle dog trailer. With both trailers connected to the prime mover the vehicle is approximately 24.5m in length. The other vehicle is a three axle tip truck with associated three axle dog trailer. With the trailer connected to the tip truck the vehicle is approximately 20.5m in length.

The proposed transport depot area is setback 50m from the side property boundary with Lot 518 Carbarup Road to the north and 70m from the side property boundary with Lot 520 Carbarup Road to the south. The proposed transport depot area is setback 275m from the rear property boundary with Lot 512 Hudson Road to the west and diverges from 50m to 80m along the front property boundary with Carbarup Road to the east.

The proponent in his application did not justify the location of the proposed transport depot use. However, the proponent in a meeting with the Council's Planning Officer on 5 July 2016 advised that the area shown on the site plan for the transport depot use is the only area on the subject land that is appropriate for the proposed use. The subject land slopes 20m from the north-east corner at Carbarup Road to the south-west corner towards Lot 512 Hudson Road. The reason provided for the proposed transport depot location is that the remainder of the site is too steep for heavy vehicle access.

Existing development at the property consists of one rainwater tank and six garden type outbuildings randomly scattered around the property. The subject land includes some scattered remnant vegetation along the north-east property boundary with Carbarup Road. The undulating nature of the topography in the location means the subject land is visually exposed and it is highly unlikely that the proposed transport depot location can be effectively screened from any direction.

The Environmental Protection Authority (EPA) requires a 200m buffer for transport depots involving buses, trucks and other heavy vehicles. The key issue of concern for transport depots is adverse impacts due to odour, gaseous, dust and noise nuisances. Given the size of the lot being 8.94ha it is likely that the adjoining landowners of Lots 518 and 520 will be affected by the emission of noise, odour, fumes and dust. In addition, the EPA buffer requirement will encroach on Lots 518 and 520 and restrict the options for these landowners in respect to the location of new dwellings.

The proposal is not supported as it is likely to adversely affect the amenity of the locality. Also, it does not provide a positive contribution to the character and appearance of the area and it is unlikely to sensitively integrate with the area as well as its wider context.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed transport depot use be refused on the grounds that:

1. It is inconsistent with the policy criteria for the future rural residential areas set in Town Planning Scheme No. 19 (Kendenup Surrounds).
2. It is inconsistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality.
3. The proposal will have an adverse effect upon inhabitants of the locality.
4. It would set a precedent for this form of development in the future rural residential and rural smallholding areas included in Town Planning Scheme No. 19 (Kendenup Surrounds).

ALTERNATIVE RECOMMENDATION

Moved Cr J Moir, seconded Cr B Bell:

That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3 and clauses 66, 67, 68 and 70 to 74 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed transport depot use at Lot 519 Carbarup Road, Kendenup be approved subject to:

1. The development being in accordance with the application dated 3 May 2016.
2. No servicing of or repairs to vehicles is to be carried out on site.
3. The area around the vehicle parking area is to be landscaped with planting of native vegetation to screen the activity from view from neighbouring properties. Such planting is to be established upon commencement of the activity and maintained thereafter.
4. The vehicle crossover being constructed, drained and sealed to the satisfaction of the Manager Works and Services.
5. No ancillary storage of goods used in association with the transport depot.

CARRIED (6/2)

NO. 132/16

Reason for Change

Councillors were of the opinion that the proposed activity is of a small enough scale to manage with appropriate conditions.

9.1.2 LOT 250 MEMORIAL ROAD MOUNT BARKER - PLANTAGENET DISTRICT HALL REFURBISHMENT PROJECT STAGE ONE

File Ref:	N38231
Attachments:	<u>Plantagenet District Hall Refurbishment Project Stage 1 Plan</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Glenise Bailey Grants Officer
Proposed Meeting Date:	19 July 2016

PURPOSE

The purpose of this report is to recommend to the Council that alternative plans for the Plantagenet District Hall Refurbishment Project be supported.

BACKGROUND

A report submitted to the Council at its meeting held 25 June 2013 identified a proposal from Plantagenet Players to lease and refurbish the Plantagenet District Hall. At that meeting, the Council resolved:

'The concept plans for the refurbishment of the Plantagenet District Hall dated May 2013, be noted.'

Following this decision applications were made to Lotterywest for funding for Stage One of the project. Once funds were secured, tenders were called in March 2016.

At its meeting held 24 May 2016, the Council resolved:

'That with regard to the Tender C04-1516 Refurbishment of District Hall:

1. *No tender be accepted; and*
2. *No further tender process be conducted.'*

The designer was then requested to prepare alternative plans for the design to reduce the cost. Councillors undertook a site tour of the District Hall on 21 June 2016 to discuss two options for the stage location.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Section 3.57 of the Act relates to the local government tendering process. Regulation 18(5) permits a local government to decline to accept any tender.

Regulation 11(2)(c)(i) refers to tenders and when they have to be publicly invited. It provides that a local government does not need to put a project to tender if it has

already concluded this process within the previous six months and declined all submissions.

In regard to the Council managing the project and acting as the builder by engaging contractors, the Building Commission has confirmed that the Council is exempt from registration.

EXTERNAL CONSULTATION

Consultation has occurred with Maxwell Designs for the development of the Floor Plan. Meetings have been held with representatives from Plantagenet Players who are the proposed lessees.

FINANCIAL IMPLICATIONS

The total budget for Stage One of the Plantagenet District Hall Refurbishment Project is \$275,575.00 (excluding GST). Funding has been confirmed from the following:

- Lotterywest \$212,000.00;
- Plantagenet Players \$40,000.00;
- Shire of Plantagenet \$10,000.00 – Financial; and
- Shire of Plantagenet \$13,575.00 – In kind.

The overall cost of the project can be controlled with the alternative design and strategies can be implemented by internal project management to ensure that expenses be maintained within budget constraints.

POLICY IMPLICATIONS

The Council's Policy on Sporting and Community Organisations using Council and vested land - Rateability (A/PA/14) provides that any organisation leasing or renting land and/or facilities from the Council shall be rateable, unless provisions of the Local Government Act 1995 provide for them to be non-rateable. However, it is expected that the rates would be subject to a 100% waiver due to the public service component on behalf of the Shire. This matter will need to be formally decided by the Council when the lease is being considered.

ASSET MANAGEMENT IMPLICATIONS

The Shire of Plantagenet is the owner of the Plantagenet District Hall. The intention is to lease the building to the Plantagenet Players.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 2.5 (Council buildings and facilities that meet community needs) the following Strategy 2.5.1:

Strategy 2.5.1:

'Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard'

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

The Shire of Plantagenet Corporate Business Plan 2015/2016 – 2019/2020 includes Action 2.5.1.1:

'Ensure all Council buildings are maintained and secured to defined service levels (in line with Asset Management Plan and Building Maintenance Program).'

STRATEGIC RISK IMPLICATIONS

The Shire's Strategic Risk Register provides at Risk No.1.6.1 'Failure to manage assets for the future.' The relevant implications of this strategic risk include the failure to plan and manage the financial life-cycle of the asset.

The management action plans to mitigate this risk by:

1. Having a long term (10 year) Financial Plan; and
2. Carrying out regular asset management planning.

OFFICER COMMENT

The Plantagenet District Hall Refurbishment Project is to be completed in three stages.

Stage One includes:

- The construction of a 'bio box' (theatre technical box for lighting, sound, music and noise effects);
- Modification of the existing stage and the construction of a lower stage south of the existing stage, but still at the northern end of the hall;
- Installation of disabled toilets in the foyer and to the rear of the stage;
- New changeroom and storeroom areas at the rear of the stage; and
- New entry and disabled access on the western side of the building.

Stage Two includes:

- Stage Curtaining,
- Stage equipment;
- Acoustic wall treatments; and
- Retractable tiered seating

Stage Three includes:

- Bio Box fitout;
- Audio equipment;
- Lighting equipment; and
- Backstage soundproofing.

It is considered that a staged approach to this project would facilitate the use of in-house expertise, involving project management, supervision, sub-contracting and completion of some works.

Stage One is the subject of this report and is fully funded. Stages two and three will be undertaken once funding is secured.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

That the Plantagenet District Hall Refurbishment Project Stage One Plan, dated June 2016, be endorsed.

PROCEDURAL MOTION

Motion to Adjourn the Question

Moved Cr B Bell, seconded Cr J Moir:

That the question be adjourned to enable the CEO to arrange for fresh drawings including disabled access; lowered ceiling; elevations and an alternative plan for the existing entrance from Memorial Drive to be presented to the Council at its meeting on 16 August 2016.

CARRIED (8/0)

NO. 133/16

9.2 WORKS AND SERVICES REPORTS

Nil

9.3 COMMUNITY SERVICES REPORTS

9.3.1 RESERVE 27184 (LOT 577) MC DONALD AVENUE – CHANGE OF RESERVE PURPOSE TO RECREATION

File Ref: N38310
Attachments: [Reserve A27184](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Fiona Saurin
Manager Community Services
Proposed Meeting Date: 19 July 2016

PURPOSE

The purpose of this report is to recommend that a change of purpose for A Class Reserve 27184 (Lot 577) located on the corner of McDonald Avenue and Marmion Street, Mount Barker, from 'Vehicle Parking' to 'Recreation' be supported.

BACKGROUND

Reserve 27184 (Lot 577) is located on the corner of McDonald Avenue and Marmion Street, Mount Barker. It was previously used as the Woogenellup Polocrosse Field prior to the club moving to the Frost Park Equine facility. Approximately half of the reserve is cleared. The western end is bush and partially cleared.

The reserve is now used by the Plantagenet Company of Archers (PCA) for target shooting. The club has approached the Shire seeking permission to expand its use to include field shooting. Field shooting involves targets being placed in natural bush areas and over uneven terrain with target distance ranging from 15 to 60 metres.

Reserve 27184 is also used by the Mount Barker Turf Club for overflow parking on race days.

The Reserve is under a management order in favour of the Shire for the purposes of 'Vehicle Parking'.

STATUTORY ENVIRONMENT

Land Administration Act 1997 – Section 42(4)(c) - Reserves are vested in Local Government Authorities for specific purposes pursuant to a Vesting or Management Order. The Act provides for the process to change the purpose of an A Class reserve through tabling before both Houses of Parliament.

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No.3 – Reserve 27184 is zoned 'Rural'

EXTERNAL CONSULTATION

Discussions have taken place with the Department of Lands.

The author of this report has been informed that the reserve use, if changed to a recreation reserve, would still be able to be used for occasional vehicle parking.

PCA has also been consulted regarding the change of purpose and the group is supportive of this course of action.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 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:

Strategy 1.5.2:

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

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

OFFICER COMMENT

The primary use of Reserve 27184 is for recreation, although it is vested use is 'Vehicle Parking'.

The Mount Barker Turf Club has occasional use of the reserve for parking on race days. It has been determined by the Department of Lands that occasional vehicle parking will remain as an allowable use for Reserve 27184 should the purpose of the reserve change to Recreation.

Therefore, changing the purpose of the reserve will not impact on the Mount Barker Turf Club's use of the reserve on race days.

Reserve 27184 is used by the PCA for target archery. However, the reserve has not been designated as an area for the activity of archery, pursuant to the Shire's Local Government Property Local Law, 2008.

A determination by the Council is being sought through a separate report to allow this use in accordance with the Shire's Local Government Property Local Law, 2008.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That as the predominant use of A Class Reserve 27184 (Lot 577) situated on the south western corner of Marmion Street and McDonald Avenue is recreational, a change of use from 'Vehicle Parking' to 'Recreation' be sought from the Department of Lands.

CARRIED (8/0)

NO. 134/16

**9.3.2 RESERVE 27184 (LOT 577) AND FROST PARK SHEEP PAVILION ON
RESERVE 1790 MCDONALD AVENUE- DETERMINATION FOR THE USE
OF ARCHERY**

File Ref: N38099
Attachments: [Archery areas](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Fiona Saurin
Manager Community Services
Proposed Meeting Date: 19 July 2016

PURPOSE

The purpose of this report is to recommend that a determination pursuant to the Council's Local Government Property Local Law, 2008 be made such that the activity of archery be a permitted use on A Class Reserve 27184 (Lot 577), situated on the corner of Marmion Street and McDonald Avenue, Mount Barker. Further, it is recommended that a similar determination be made for the Frost Park Sheep Pavilion.

BACKGROUND

Reserve 27184 is vested to the Shire of Plantagenet for the purpose of 'Vehicle Parking'.

The reserve was used as the Woogenellup Polocrosse Club grounds until the equestrian facilities at Frost Park were developed and the polocrosse club moved to Frost Park.

The Plantagenet Company of Archers (PCA) has been using the cleared part of the reserve for archery practice and competitions. The PCA is also using the Frost Park Sheep Pavilion for practice during inclement weather.

The PCA has made an approach to Shire staff to seek permission to expand its facilities into the partially cleared area of Reserve 27184, for field archery practice and competitions. Field shooting involves targets being placed in natural bush areas and over uneven terrain with target distance ranging from 15 to 60 metres.

Pursuant to the Shire of Plantagenet Local Government Property Local Law 2008, the local government may make a determination to set aside specified local government property for the pursuit of certain activities. Section 2.7 (1) states that; '*A determination may provide that specified local government property is set aside as an area on which a person may (among other things) -*

- (f) play or practice –*
- (i) golf or archery'*

The Council has not made such a determination in relation to the activities carried out by the PCA at Reserve 27184, or in the Frost Park Sheep Pavilion which is located on Reserve 1790 McDonald Avenue.

The process for making a determination requires that a public notice is given of its intention to make a determination, and that written submissions are sought within 21 days of the publication of notice.

A further report will be required at the conclusion of the public submission period.

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Plantagenet Property Local Law 2008.

EXTERNAL CONSULTATION

The PCA has been consulted in regards to their use of Frost Park Sheep Pavilion and Reserve 27184.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 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:

Strategy 1.5.2:

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

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

OFFICER COMMENT

The PCA has been operating from the Frost Park Sheep Pavilion and Reserve 27184 for some years. However, designation of these areas for archery has not been sought from the Council.

Therefore, the recommendation if adopted will formalise the use of the Frost Park Sheep Pavilion and Reserve 27184 pursuant to the Shire of Plantagenet's Property Local Law 2008.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr S Etherington:

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

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

CARRIED (8/0)

NO. 135/16

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS - JUNE 2016

File Ref: N38192
Attachment: [Financial Statements \(separate attachment\)](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Alison Kendrick
Senior Administration Officer - Finance
Proposed Meeting Date: 19 July 2016

PURPOSE

The purpose of this report is to present the unaudited financial position of the Shire of Plantagenet for the period ending 30 June 2016.

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 L Handasyde, seconded Cr M O'Dea:

That the unaudited Financial Statement for the period ending 30 June 2016 be received.

CARRIED (8/0)

NO. 136/16

9.4.2 LIST OF ACCOUNTS – JUNE 2016

File Ref:	N38021
Attachment:	<u>June 2016</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	19 July 2016

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of June 2016.

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 (23 June 2015). 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 M O'Dea, seconded Cr J Moir:**

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 2016 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$901,616.00;
2. Municipal Cheques 45618 – 45634 and 45660 - 45676 totalling \$331,913.72; and
3. Cancelled Cheques 45635 - 45659.

CARRIED (8/0)**NO. 137/16**

9.4.3 LOT 98 MARION STREET/MONTEM STREET, MOUNT BARKER - LIONS VENTURE VILLAGE - DISCHARGE OF MORTGAGE

File Ref: N38251
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 19 July 2016

PURPOSE

The purpose of this report is to seek approval to affix the Common Seal of the Council to a Discharge of Mortgage over Lot 98 Marion Street/Montem Street, Mount Barker, relating to a self supporting loan to Plantagenet Village Homes.

BACKGROUND

In December 2000, the Shire took out a self supporting loan of \$15,000.00 for Plantagenet Village Homes to assist with the purchase of land (Lot 98 Marion Street/Montem Street, Mount Barker) for the Lions Venture Village. The Shire entered into a repayment agreement with Plantagenet Village Homes and took out a mortgage on the land.

In July 2008, the Council allocated a financial assistance grant to Plantagenet Village Homes totalling \$4,663.93, which enabled the loan to be repaid earlier than the end date of December 2010.

A request has been received from Plantagenet Village Homes for the title deeds of the property to be returned. Prior to this occurring, the mortgage will need to be removed from the certificate of title.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report. Plantagenet Village Homes have been requested to pay the Landgate lodgement fees of \$164.00.

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 1.3 (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

No objections are raised to executing the relevant Discharge of Mortgage as the self-supporting loan to Plantagenet Village Homes for the purchase of the land for the Lions Venture Village has been fully repaid.

Following registration of the document with Landgate, the title deeds for the property can be returned to Plantagenet Village Homes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That the Shire President and Chief Executive Officer be authorised to affix the Common Seal of the Council to a Discharge of Mortgage over Lot 98 Marion Street/Montem Street, Mount Barker.

CARRIED (8/0)

NO. 138/16

9.4.4 POLICY REVIEW - RATING OF COUNCIL OWNED LAND - SPORTING AND COMMUNITY ORGANISATIONS

File Ref: N38014
Attachments: [Policy with amendments](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 19 July 2016

PURPOSE

The purpose of this report is to review Council Policy No A/PA/14 – Sporting and Community Organisations Using Council and Vested Land – Rateability.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 24 June 2014.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Section 6.26 refers to the rateability of land. Section 6.26(2)(b) provides that land is not rateable where it is the property of the Crown and is being used or held for a public purpose. There is no definition of 'public purpose' in the Act.

FINANCIAL IMPLICATIONS

In phasing in this policy, the Council will, for a number of years, raise rates on its leasehold properties, but pay those rates itself. This is a 'zero sum game', although the Council would have the right to impose rates on a number of these lessees when the leases are renewed.

POLICY IMPLICATIONS

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

LEGAL IMPLICATIONS

The Shire received some legal advice in 2014 when it renewed its standard lease for community groups, as follows:

'The general position is that land occupied by a private club would not be described as being used for "public purpose". See Swan Yacht Club Inc v Town of East Fremantle [2005] WASCA99 – which is a decision of the Court of Appeal of the WA Supreme Court.

As you would be aware, a local government Council is authorised under section 6.47 of the Act to waive a rate but that would be a decision taken by the Council from year to year.

Consequently, I think that it is appropriate for the lease to provide that the lessee must pay rates (if there are rates to be paid and they have not been waived).'

Section 6.47 of the Act allows a local government, at the time of imposing a rate or at a later date, to waive a rate or grant other concessions in relation to a rate (An absolute majority is required).

The Council may also donate back to the ratepayer a value equivalent to rates (or part thereof). This is an 'ex gratia' payment, rather than done in accordance with any statutory provision.

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.'

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

'Strategy 4.6.3 - Maintain, develop and monitor rating and property strategies'

and

'Strategy 4.6.6 - Ensure the Shire's property, administration and records systems are managed effectively and efficiently'.

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

OFFICER COMMENT

The Council adopted the current policy position to address anomalies regarding the rating status of sporting and community associations occupying Council land through leasing arrangements.

The policy has been amended to reflect that the policy provisions have now been put in place. The provisions relating to the Mount Barker Playgroup have also been deleted as the lease with that group has been finalised.

The address details for the Kendenup Community Grounds Committee Inc have been updated to reflect the amalgamation of Lots 15 and 16 Beverley Road into Lot 150. Also, the title of the Mount Barker Community Resource Centre has been corrected (from Mount Barker Community Centre).

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Oldfield:

That amended Council Policy A/PA/14 – Sporting and Community Organisations Using Council and Vested Land – Rateability, as follows:

'OBJECTIVE':

To ensure that all organisations leasing property owned by or vested in the Council are treated equitably with regard to rating and other charges.

POLICY:

1. Any organisation leasing or renting land and/or facilities from the Council shall be rateable, unless provisions of the Local Government Act 1995 provide for them to be non-rateable.
2. The Shire will be responsible for paying the applicable Shire rates on properties leased to the following until the expiry of the respective leases:

Facility	Lessee
Mount Barker Speedway	Mount Barker Speedway Club
West Plantagenet Pony Club Grounds	West Plantagenet Pony Club
Mount Barker Men's Shed	Plantagenet Men's Shed
Narpanup Golf Course	Narpanup Golf Club
Mount Barker Communications Tower	Bevan Lang
Kendenup Golf Course and Country Club	Kendenup Country Club
Mount Barker Historic Museum	Plantagenet Historical Society
Mount Barker Railway Station	Mount Barker Tourist Bureau
Mount Barker Tennis Courts	Mount Barker Tennis Club
Arts Centre (Mitchell House)	Plantagenet Arts Council
Kendenup Tennis Courts	Kendenup Tennis Club
Cattle Saleyards - Shed	Albany Cattle Association
Cattle Saleyards - Cattle Yards	M & J Mitchell Pty Ltd
Cattle Saleyards - Canteen	E Mitchell
Mount Barker Community Resource Centre (excl Library)	Mount Barker Community Resource Centre / Baptist Union of WA
Kendenup Community Grounds Committee Inc	Lot 150 Beverley Road Kendenup
Mount Barker Bulls Football Club	Sounness Park Clubrooms

3. Following the expiry and renewal of the leases in Part 2 above, the leased properties will be categorised as follows:

- a. **Charitable Status – 100% Waiver**

Annual declaration required to exempt from rates due to charitable or public purpose status.

Facility	Lessee
Kendenup First Responders Building	St John Ambulance
Mount Barker Child Care Centre	Wanslea Early Learning and Development Inc
Cattle Saleyards - Shed	Albany Cattle Association

- b. **State Government Service or Purpose – 100% Waiver**

Annual declaration required to exempt from rates due to charitable or public purpose status.

Facility	Lessee
Plantagenet District Hall - Lesser Hall	WA Country Health Service

c. Service to the public on behalf of the Shire – 100% Waiver

Facility	Lessee
Mount Barker Historic Museum	Plantagenet Historical Society
Woogenellup Progress Association Inc	Woogenellup Hall

d. Other Service Organisation/Sporting Club

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.

Facility	Lessee
Mount Barker Speedway	Mount Barker Speedway Club
West Plantagenet Pony Club Grounds	West Plantagenet Pony Club
Mount Barker Men's Shed	Plantagenet Men's Shed
Narpanup Golf Course	Narpanup Golf Club
Mount Barker Communications Tower	Bevan Lang
Kendenup Golf Course and Country Club	Kendenup Country Club
Mount Barker Railway Station	Mount Barker Tourist Bureau
Mount Barker Tennis Courts	Mount Barker Tennis Club
Arts Centre (Mitchell House)	Plantagenet Arts Council
Kendenup Tennis Courts	Kendenup Tennis Club
Mount Barker Community Resource Centre (excl Library)	Mount Barker Community Resource Centre / Baptist Union of WA
Kendenup Community Grounds Committee Inc	Lot 150 Beverley Road Kendenup
Mount Barker Bulls Football Club	Sounness Park Clubrooms

e. Commercial entities or persons running a profit making business – Lessee responsible for rates

Facility	Lessee
Cattle Saleyards - Cattle Yards	M & J Mitchell Pty Ltd
Cattle Saleyards - Canteen	E Mitchell

4. Future leases with sporting and community groups or other persons/organisations will include provision for the lessee to be responsible for paying the applicable Shire rates, however a decision is to be made regarding any waiver applicable in accordance with Clause 3 of this policy.
5. All lessees are responsible for fees and charges otherwise applicable, such as rubbish collection charges and the Emergency Services Levy.
6. Lessees responsible for paying Shire rates are not eligible to apply for an annual donation, in lieu of the rates, as a part of the Shire's annual Financial Assistance Grants process.'

be endorsed.

CARRIED (8/0)

NO. 139/16

9.4.5 CEMETERY ACTIVITIES REPORT - 2015/2016

File Ref: N38230
Responsible Officer: John Fathers
Author: Roxanne Mills
Proposed Meeting Date: 19 July 2016

PURPOSE

The purpose of this report is to provide an update of activities associated with the Shire of Plantagenet cemeteries for 2015/2016.

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)	\$10,108	\$3,152	\$13,729	\$26,989
Mount Barker (West)	\$8,097	\$9,022	\$24,404	\$41,523
Kendenup	\$7,259	\$1,165	\$7,374	\$15,798
Rocky Gully	\$3,820	\$550	\$580	\$4,950
TOTAL	\$29,284	\$13,889	\$46,087	\$89,260

The table below shows operating income for cemeteries:

Cemetery	Total Income
Mount Barker (East)	\$17,490
Mount Barker (West)	\$13,267
Kendenup	\$5,926
Rocky Gully	\$56
General Income	\$988
TOTAL	\$37,727

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 2015/2016 financial year, the following interments took place in Shire cemeteries:

- Eight burials in Mount Barker (East) Cemetery;
- Five interments of ashes in Mount Barker (East) Cemetery;
- Four burials in the Mount Barker (West) Cemetery; and
- Three burials in the Kendenup Cemetery.

Four pre-needs grants (grave or niche reservations) and 10 new grants of right of burial were issued. Eight niche plaques and five grave plaques were installed. One exhumation and re-burial was carried out in the Rocky Gully Cemetery.

Mapping of the Mount Barker (West) Cemetery Niche Gardens was completed, including placement of number identifiers on the kerbing at the cemetery. Maps have been produced showing the numbering, which now assists clients in choosing locations for their loved ones.

Due to instances where plaques were being moved from their allotted locations, the mounting of plaques in the gardens next to the lawn cemetery was changed to make them more secure. Plaques had previously been placed on concrete plinths abutting the garden kerb. Those plaques were removed from their plinths and permanently attached to the kerbing in the correct position.

Guidelines and information pamphlets relating to the cemeteries have been updated. These guidelines and pamphlets have been developed to assist family members in understanding not only what is available in the Shire of Plantagenet cemeteries, but also the legal aspects of placing remains in a cemetery.

Information contained within these pamphlets includes but are not limited to:

- Purchasing of a Grant of Right of Burial/Memorial and what that means;
- Choosing the section/type of interments; and
- Choosing the correct monument.

The Cemeteries and Crematoria Association of Western Australia (of which the Council is a member) recently held its 2016 Annual Seminar, which was attended by one member of staff. The Seminar this year was titled 'Building Stronger Relationships' with keynote speakers Peter Hughes (Bali Bombing Survivor) and Kelvin Matthews (CEO of the Shire of Christmas Island).

Topics covered, but were not limited to, pre-needs grants, safe working practices, and a presentation by the winners of an award for a Heritage and Restoration Project on Christmas Island. The day closed with a visit to Karrakatta Cemetery to tour the crematorium and other areas including the renewal areas (lifting and lowering of remains to enable site to be re-used).

The administration is currently working 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. Part of the updating and upgrading of the facilities includes a memorial garden in the Rocky Gully Cemetery, adjacent to the gazebo.

A number of proposals are also being considered to improve the presentation of the Mount Barker (East) Cemetery. These works may include:

- Removal and replacement of trees;
- Renewal of the gazebo roof over the niche wall;
- Removal of the bench at the niche wall and replacement with something more appropriate;
- Installation of a modular ashes system and gardens and garden walks.

The addition of gardens and a modular ashes system would increase the life of the cemetery. Many families still wish to be interred in the Mount Barker (East) Cemetery and a new modular system could allow for hundreds of new interments. The beautification works will aim to promote more visitation and reduce maintenance costs through propagation of wildflowers. Options are being explored for the use of grant funding to undertake the bulk of this work.

These works are currently in the early stages of the design process and further information and costing will be provided at a later date.

In addition to this, the Manager Works and Services is investigating the options and costs associated with linking a gravel footpath from Lowood Road to the Mount Barker Cemeteries.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That the report of activities within the Shire of Plantagenet Cemeteries for 2015/2016, be noted.

CARRIED (8/0)

NO. 140/16

9.4.6 POLICY REVIEW - TELECOMMUNICATIONS - COUNCILLORS AND STAFF

File Ref: N38196
Attachments: [Policy with amendments](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 19 July 2016

PURPOSE

The purpose of this report is to review Council Policy F/FM/4 – Telecommunications – Councillors and Staff.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 22 July 2014.

STATUTORY ENVIRONMENT

The Local Government Act 1995 (sections 5.98 to 5.102) and Local Government (Administration) Regulations 30 to 34 prescribe the payment of expenses and allowances to elected members.

FINANCIAL IMPLICATIONS

The budget for Councillors' telecommunications and incidental expenses for 2016/2017 is \$20,000.00.

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 4.1.5 – 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

It is considered that the current policy is sufficient and should be endorsed, subject to amending the annual telecommunications allowance for elected members to be \$2,000.00. This allowance was increased from \$1,000.00 to \$2,000.00 in 2015/2016 to accommodate elected members purchasing their own laptop computer, ipad or similar in order to receive council documentation electronically.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr J Oldfield:

That amended Council Policy F/FM/4 – Telecommunications – Councillors and Staff, as follows:

'OBJECTIVE':

To ensure that councillors and staff who are required to be contactable 24 hours a day are reimbursed adequately for their availability.

POLICY:**Elected Members**

1. Elected members shall be paid an annual telecommunications allowance of \$2,000.00.
2. The annual allowance is to be paid monthly in arrears.
3. Reimbursement of member expenses in excess of the annual allowance made under this policy are required to be substantiated by the claimant through the production of receipts.
4. The Chief Executive Officer is authorised to reimburse member expenses in excess of the annual allowance in accordance with this policy.
5. That a mobile telephone be supplied to the Shire President by the Council with all related costs to be borne by the Council.

Staff

1. The Council will accept responsibility for the reimbursement of telephone costs as detailed below:
 - a) Works Supervisor: All Service and Equipment Rental Charges;
 - b) Ranger: All Service and Equipment Rental Charges.
2. Rental charges incurred by a designated staff member in relation to one telephone at his or her place of residence shall be reimbursed on submission of receipts.
3. The Chief Executive Officer may include telephone allowances and / or provision of mobile phones in employment contracts with senior staff.'
be endorsed.

AMENDMENT

Moved Cr J Moir, seconded Cr J Oldfield:

That under the heading 'Elected Members' at part 1, the figure \$2,000.00 be deleted and replaced with the figure \$1,500.00.

LOST (2/6)

COUNCIL DECISION

The motion was then put.

CARRIED (8/0)

NO. 141/16

9.4.7 POLICY ADOPTION - REGIONAL PRICE PREFERENCE

File Ref: N38208
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 19 July 2016

PURPOSE

The purpose of this report is to recommend the adoption of a Regional Price Preference Policy and to begin the advertising process required to adopt such a policy.

BACKGROUND

In February 2000, the Local Government (Functions and General) Regulations 1996 were amended to allow non-metropolitan local governments to offer a price preference to regional suppliers when deciding which quotation or tender to accept. A price preference can only be applied if a local government has adopted a regional price preference policy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

Regulations 24 A to G provide that a local government located outside the metropolitan area may give a regional price preference to a 'regional' tenderer and specifies the process for implementing this. Statewide public notice must be given of the intention to have a price preference policy. The applicable region needs to be defined in the policy, which must be (or include) the entire district of the local government.

A policy cannot be adopted by a local government until it has considered all submissions that are received and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered policy. An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.

Regulation 24B (2) states that:

'(2) A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part if—

- (a) that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or
- (b) some or all of the goods or services are to be supplied from regional sources.'

Regulation 24D states that:

- ‘(1) A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the price bids were reduced by—
 - (a) up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or
 - (b) up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000; or
 - (c) up to 10% — where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500 000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.
- (2) Although goods or services that form a part of a tender submitted by a tenderer (who is a regional tenderer by virtue of regulation 24B(2)(b)) may be—
 - (a) wholly supplied from regional sources; or
 - (b) partly supplied from regional sources, and partly supplied from non-regional sources, only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when a regional price preference policy is in operation.
- (3) Despite subregulation (1), price is only one of the factors to be assessed when the local government is to decide which of the tenders it thinks would be most advantageous to that local government to accept under regulation 18(4).’

EXTERNAL CONSULTATION

External consultation has occurred with the City of Albany and Shire of Denmark in respect to adoption of similar price preference policies.

FINANCIAL IMPLICATIONS

Under the proposed policy, a price preference will apply to quotations of \$30,000.00 value or greater and all tenders invited by the Shire of Plantagenet. Setting a regional price preference may result in a higher priced goods or services being sourced than would otherwise be the case.

POLICY IMPLICATIONS

This report recommends the adoption of 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

The proposed policy will give guidance to the Council and staff in relation to the provision of a preference to local suppliers when a purchasing decision is made. The policy will allow a quoted or tendered price from a 'Local Business/Contractor' to be reduced for the purposes of comparison with submissions from outside the region, in most instances to a maximum price reduction of \$50,000.00.

In line with the Regulation 24D(1)(c), the policy provides up to a maximum price reduction of \$500,000.00, if the Council is seeking tenders for the provision of goods or services for the first time, due to those goods or services having been, until then, undertaken by the Council. This might relate to road construction services as an example.

The aim is to stimulate economic activity and growth in the defined regional pricing area by giving added weight to the use of competitive local businesses in supplying goods, services and works purchased or contracted on behalf of the Shire.

This policy does not provide that a local provider who supplies the lowest quote after the price preference has been taken into account will automatically be selected. There are a range of factors taken into account when determining the appropriate supplier of goods.

A 'Local Business/Contractor' is defined in this policy as being a business with a permanent office in the Prescribed Area for at least six months prior to bids being sought. The business must have permanent staff based in the Prescribed Area and bidding and management/delivery of the majority of the contract outcomes will be carried out from the business location in the Prescribed Area.

The proposed price preference will also apply to suppliers based outside the Shire of Plantagenet in the event that some or all of the goods, materials or services are to be supplied from sources within the Prescribed Area. In this instance, the preference only applies to that part of the tender or quote that has been supplied from those sources which needs to be specified in the tender submission.

Businesses outside of the Prescribed Area who claim that they will use regional business in the delivery of the contract outcomes will be required, as part of the contract conditions, to demonstrate that they have actually used them.

In line with the spirit of regional co-operation with the Southern Link Voluntary Regional Organisation of Councils (VROC) and Lower Great Southern Alliance, it has been recommended that the 'Prescribed Area' include the Shire of Plantagenet as well as local governments within those regions, namely:

- Southern Link VROC - Broomehill-Tambellup, Cranbrook and Kojonup; and
- Lower Great Southern Alliance – Albany, Denmark and Jerramungup.

In addition, it is considered appropriate to also include the other local government areas which share a border with the Shire of Plantagenet, namely Gnowangerup and Manjimup.

Examples of how this policy will operate are shown below:

Example 1

Consider a scenario where the following three tenders to supply goods or services, are received, with a 10% rate of preference.

- Tender 1 is from a tenderer based within the Prescribed Area (as defined by the Council in its policy).
- Tender 2 is from a metropolitan based firm and uses goods and services sourced from the metropolitan area.
- Tender 3 is from a metropolitan based firm but uses \$50,000.00 worth of goods and services sourced from the Prescribed Area.

Tenders Received	Price of Tender	Price Reduction at 10% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$100,000.00	\$10,000.00 (10% of \$100,000.00)	\$90,000.00 (i.e. \$100,000.00 less \$10,000.00)
Tender 2	\$95,000.00	No preference applicable	\$95,000.00
Tender 3	\$97,500.00	\$5,000.00 (10% of \$50,00.00)	\$92,500.00 (i.e. \$97,500.00 less \$5,000.00)

As can be seen from the table, in terms of price, the tender from the regional tenderer (Tender 1) is the most advantageous once the preference has been applied.

Example 2

This example highlights how the maximum price reduction affects the assessment of tenders. The following is a scenario where tenders are called to supply construction (building) services (based on a 5% rate of preference).

- Tender 1 is from a tenderer based within the Prescribed Area.
- Tender 2 is from a metropolitan based firm that sources materials from the metropolitan area.

Tenders Received	Price of Tender	Price Reduction at 5% rate of preference	Adjusted price used for evaluation purposes
Tender 1	\$1,200,000.00	Less 5% of \$1,200,000.00 = \$60,000.00. However the maximum price reduction is limited to \$50,000.	\$1,150,000.00 (i.e. \$1,200,00.00 less \$50,000.00)
Tender 2	\$1,145,000.00	No preference applicable	\$1,145,000.00

In this case, in terms of price alone, Tender 2 is the most advantageous.

In line with Section 24E of the Local Government (Functions and General) Regulations 1996 it is recommended that Statewide public notice be given of the intention to adopt the Regional Price Preference Policy.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

That:

- 1. Council Policy F/14 – Regional Price Preference, as follows:**

'OBJECTIVE:

To encourage the use of competitive local businesses in goods, services and works purchased or contracted on behalf of the Shire of Plantagenet.

POLICY:

- 1. Policy Statement**

- 1.1 A price preference will apply to quotations of \$30,000.00 value or greater and all tenders invited by the Shire of Plantagenet, for the supply of goods and services and construction services, unless the Council resolves that this policy not apply to a particular quotation or tender.**
- 1.2 The following levels of preference will be applied under this policy:**
 - (a) Goods or services up to a maximum price reduction of \$50,000.00:**
10% to businesses located within the Prescribed Area.
 - (b) Construction (building) services up to a maximum price reduction of \$50,000.00:**
5% to businesses located within the Prescribed Area.
 - (c) Goods or Services, including construction (building) services, up to a maximum price reduction of \$500,000.00, if the Council is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the Council:**
10% to businesses located within the Prescribed Area.

- 2. The levels of preference outlined in 1.2 above, will be applied as either a regional business preference or as a regional content preference, as follows:**

2.1 Regional Business Preference

- (a) This preference enables businesses/contractors within local governments in the Prescribed Area to claim a price preference for their whole bid, regardless of the origin of the labour or materials, as all labour and materials are deemed to be regional content.**

- (b) The price of the bids from the local businesses/contractors will be reduced (for evaluation purposes only), by the amounts set out in section 1.2 of this policy.

2.2 Regional Content Preference

- (a) This preference provides an incentive for businesses/contractors outside the Prescribed Area to purchase goods, services and construction from within the Prescribed Area. The preference applies to the value of the goods, materials or services purchased from within the Prescribed Area and used in the Shire of Plantagenet and are referred to as "Regional Content". The preference percentages are as set out in section 1.2 of this policy.
- (b) Travel and accommodation costs associated with sending staff or sub-contractors from outside the Prescribed Area to work on a regional contract, are not considered regional content and are not eligible for the "Regional Content Preference".
- (c) Businesses outside the Prescribed Area, who claim that they will use regional businesses (Regional Content) in the delivery of the contract outcomes, may be required, as part of the contract conditions, to demonstrate that they have actually used them.

2.3 Businesses wishing to claim a price preference in Clause 2 must complete a preference questionnaire/response form that is distributed with each quotation of \$30,000.00 value or greater and which is also included in tender documentation. Eligible businesses within the Prescribed Area must clearly state their full business location and postal address.

- 3. Price is only one factor to be considered when assessing quotations and tender submissions. Consideration will also be given to the principles outlined in Council Policy F/FM/7 – Purchasing and Tendering.

4. Definitions

4.1 A "Local Business/Contractor" must meet the following conditions:

- (a) Have a permanent office in the Prescribed Area for at least six months prior to bids being sought;
- (b) Have permanent staff based in the Prescribed Area; and
- (c) That bidding and management/delivery of the majority of the contract outcomes will be carried out from the business location in the Prescribed Area.

4.2 Prescribed Area: The local government areas of Albany, Broomehill-Tambellup, Cranbrook, Denmark, Kojonup, Plantagenet, Jerramungup, Gnowangerup and Manjimup.'

be adopted for advertising purposes; and

- 2. Pursuant to Section 24E of the Local Government (Functions and General) Regulations 1996, Statewide public notice be given of the intention to adopt the Regional Price Preference Policy.

3. At the completion of advertising, a further report be prepared for the consideration of the Council on or before its meeting scheduled for 11 October 2016.

AMENDMENT

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

That the word and punctuation 'Katanning' be added after the word 'Gnowangerup' in part 4.2.

LOST (3/5)

COUNCIL DECISION

The motion was then put.

CARRIED (8/0)

NO. 142/16

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 HEAVY HAULAGE COMMITTEE - COUNCILLOR RESIGNATION AND APPOINTMENT

File Ref:	N38411
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	19 July 2016

PURPOSE

The purpose of this report is to acknowledge the resignation of Cr C Pavlovich from the Heavy Haulage Committee and appoint a replacement Councillor to that Committee.

BACKGROUND

At the Special Meeting of the Council held on 27 October 2015 the Council resolved as follows:

'That Cr M O'Dea, Cr C Pavlovich, Cr B Bell and Cr J Oldfield be appointed as members of the Heavy Haulage Committee.'

The brief of the Heavy Haulage Committee is as follows:

'The duties of the committee shall be to:

- Advise the Council relating to heavy haulage movement within the Shire of Plantagenet; and*
- Make recommendations to the Council relating to the use of local roads by classes of heavy vehicles.'*

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 5.10

Local Government Act 1995 – Section 5.11(1)b

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Strategy 4.1.4:

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

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

OFFICER COMMENT

Cr Pavlovich tendered his resignation from the Heavy Haulage Committee to the CEO through an email dated 30 June 2016. Cr Pavlovich's resignation is in accordance with the requirements of Section 5.11(1)b of the Local Government Act 1995. It is recommended that a Councillor be appointed to replace the vacancy on this Committee.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

- 1. The resignation of Cr C Pavlovich from the Heavy Haulage Committee be noted; and**
- 2. Cr ... be appointed as a member of the Heavy Haulage Committee.**

Breaking Down of Complex Question

Pursuant to Standing Order 9.4 the Presiding Member directed that the motion be considered as two separate motions in the order 1 and 2.

Moved Cr J Moir, seconded Cr S Etherington:

That the resignation of Cr C Pavlovich from the Heavy Haulage Committee be noted.

CARRIED (8/0)

NO. 143/16

Absolute Majority

Moved Cr Bell, seconded Cr S Etherington:

That Cr Handasyde be appointed as a member of the Heavy Haulage Committee.

CARRIED (8/0)

NO. 144/16

Absolute Majority

9.5.2 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) GREAT SOUTHERN ZONE - COUNCILLOR DEPUTY FOR MEETINGS AND CONFERENCE – COUNCILLOR RESIGNATION AND APPOINTMENT

File Ref: N38233

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Linda Sounness
Executive Secretary

Proposed Meeting Date: 19 July 2016

PURPOSE

The purpose of this report is to note Cr J Moir's resignation from the position as a Deputy for Cr C Clements to Western Australian Local Government Association (WALGA) Great Southern Zone Meetings and Conference and to appoint another Deputy.

BACKGROUND

At its Special Meeting held on 27 October 2015 the Council resolved:

'That:

1. *Cr K Clements and Cr L Handasyde be appointed as the Council's voting delegates for Western Australian Local Government Association (WALGA) Annual Conference and Zone Meetings.*
2. *Cr J Moir be appointed as Deputy to act on behalf of Cr K Clements when Cr Clements is unable to attend; and*
3. *Cr B Bell be appointed as Deputy to act on behalf of Cr L Handasyde when Cr Handasyde is unable to attend.'*

The WA Local Government Association (WALGA) lobbies and negotiates on behalf of the Local Government industry in WA.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy No. CE/CS/1 applies. This policy notes that elected members shall receive reimbursement 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 4.2 (Effective engagement with the community and stakeholders) the following Strategy:

Strategy 4.2.4:

'Promote the profile of the District and the Region at appropriate regional, State and Federal Forums.'

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

OFFICER COMMENT

Cr Moir has indicated that he is no longer able to undertake the role as Deputy for Cr Clements at WALGA Zone Meetings and Conferences.

Historically the Deputy is not called upon very often to act however any Deputy is welcome to attend meetings as an observer.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr J Oldfield:

Cr S Etherington be appointed as Deputy to act on behalf of Cr K Clements at Western Australian Local Government Association Great Southern Zone Meetings and Conferences when Cr Clements is unable to attend.

CARRIED (8/0)

NO. 145/16

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

Nil

13 CLOSURE OF MEETING

3:44pm The Presiding Member declared the meeting closed.

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