



## ORDINARY MINUTES

**DATE:** Tuesday, 24 June 2014

**TIME:** 3:00pm

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

A handwritten signature in black ink, appearing to read "Rob Stewart".

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

## **DISCLAIMER**

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

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**MEMBERSHIP – Quorum (5)**

**Membership:**

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

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

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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:00pm 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 (Left Chambers at 3:26pm, returned 3:32pm)
Cr A Budrikis	Councillor
Cr S Etherington	Councillor (Left Chambers at 4:45pm, returned 4:47pm)
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr J Oldfield	Councillor
Cr C Pavlovich	Councillor (Left Chambers at 3:26pm, returned 3:32pm) (Left Chambers at 4:41pm, returned 5:05pm) (Left Chambers at 5:06pm, returned 5:11pm)

### In Attendance:

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

There were four members of the public present.

### Previously Approved Leave of Absence:

Cr C Pavlovich – 22 July 2014

Cr J Oldfield – 19 August 2014

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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### **3 PUBLIC QUESTION TIME**

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

Nil

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

Nil

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

#### **4.1 PETITION –**

The Chief Executive Officer read aloud a hand delivered petition presented at a Council Workshop, 24 June 2014. The petition stated:

'We, the undersigned, are concerned citizens who urge our Councillors and Shire Officers to act now to restrict the proposed parking/camping areas to a 12 hour daytime parking zone only'.

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

**That the petition regarding overnight parking/camping areas in Mount Barker be received and the Chief Executive Officer be requested to prepare a report relating to the matter for the meeting of the Council to be held on 22 July 2014.**

**CARRIED (9/0)**

**NO. 118/14**

#### **4.2 MR NEIL SMITHSON, SMITHSON PLANNING**

Mr Smithson spoke against the Officer's Recommendation at Item 9.1.3.



## 5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

### Cr B Bell

Item: 9.1.3  
Type: Closely Associated Person (Section 5.62 LGA)  
Nature: Closely association person  
Extent: Not required

### Cr J Moir

Item: 9.4.5  
Type: Financial/Indirect Financial Interest (Section 5.60 (A) and 5.61 LGA)  
Nature: Financial/Indirect Financial Interest  
Extent: Cattle farmer. Employee of Elders Rural Services

### Cr C Pavlovich

Item: 9.1.3  
Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)  
Nature: Proponent rents part of shed  
Extent: Not required

Item: 9.4.7  
Type: Closely Associated Person (Section 5.62 LGA) and Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)  
Nature: On Committee's of Football and Speedway Sporting Club which lease Shire of Plantagenet land for the intended purpose.  
Extent: Not required

Item: 9.5.3  
Type: Closely Associated Person (Section 5.62 LGA)  
Nature: Wife Treasurer of Football Club  
Extent: Not required

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 Local Government Act 1995

Cr L Handasyde requested Leave of Absence for 22 July 2014.

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

**That Cr L Handasyde be granted Leave of Absence for 22 July 2014.**

**CARRIED (9/0)**

**NO.119/14**

Cr A Budrikis requested Leave of Absence for 22 July 2014.

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

**That Cr A Budrikis be granted Leave of Absence for 22 July 2014.**

**CARRIED (9/0)**

**NO. 120/14**

**7 CONFIRMATION OF MINUTES**

**Moved Cr J Oldfield, seconded Cr A Budrikis:**

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 27 May 2014 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (9/0)**

**NO. 121/14**

**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 ANZAC CENTENARY EVENT - ACCOMMODATION INITIATIVE**

**File No:** N30958  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 24 June 2014

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#### **PURPOSE**

The purpose of this report is to recommend the Council agrees to allowing property owners within the Shire of Plantagenet to make their homes available as bed and breakfast accommodation purely for the ANZAC Centenary Event.

#### **BACKGROUND**

The commemoration of 100 years since the first convoy departure from Albany to the First World War is being celebrated from 30 October to 2 November 2014. Tourism WA has estimated that as many as 75,000 visitors will be attending this unique event.

Accommodation premises in Albany are fully booked for this event and there will be the need for more accommodation over a two week period.

#### **STATUTORY ENVIRONMENT**

Planning and Development Act

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Bed and Breakfast (B&B) is a use that is permissible at the discretion of the Council in the Residential, Commercial and Rural Zones, subject to the proposal being advertised for comment. B&B is also permissible at the Council's discretion in the Enterprise Zone (Rocky Gully and parts of Kendenup) and the Rural Residential Zones.

#### **EXTERNAL CONSULTATION**

The concept of allowing B&B accommodation in the Residential, Commercial, Rural, enterprise and Rural Residential zones will be advertised for comment for 21 days. Should no serious objections be received the concept will proceed.

The Chief Executive Officer has discussed this concept with the Mount Barker Tourist Bureau Inc.

#### **FINANCIAL IMPLICATIONS**

The cost of advertising will be met by the Town Planning Advertising budget.

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**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

Strategy 3.4.1 - *'Promote and support local and regional tourism initiatives.'*

Strategy 3.4.2 - *'Provide infrastructure and services to support tourism.'*

Strategy 3.4.3 - *'Collaborate with tourism peak bodies to promote the region.'*

**OFFICER COMMENT**

With tourist accommodation in Albany being fully booked for this ANZAC event, it is considered this Council should take the initiative to ensure there is overflow accommodation in the form of B&B accommodation available for the period of two weeks.

Consideration is being given to allowing the use of the Frost Oval grassed area for overflow parking of caravans and motorhomes. The sheep pavilion toilets and shower facilities at Frost Park could be used by those campers for this ANZAC event.

It is highly likely there will be the need for B&B accommodation for those visitors without caravans and/or motorhomes.

The proposal being put forward is for the Council to allow home owners to make a room or rooms in their home available for visitors as B&B accommodation. This proposal is for the two week period commencing on Saturday 25 October 2014 and concluding on Sunday 9 November 2014. The maximum number of guests who can be accommodated in these ANZAC B&B's will be four.

For this ANZAC B&B proposal, owners will not be required to apply for Planning Consent under TPS3. Owners will however need to register their ANZAC B&B with the Mount Barker Visitors Centre so that visitors can use the Visitors Centre for their direct point of contact.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION****Moved Cr J Moir, seconded Cr C Pavlovich:****That:**

- 1. The Council agree to the ANZAC Bed and Breakfast concept with no need for planning consent applications for the limited period of 25 October 2014 to 9 November 2014.**
- 2. The ANZAC Bed and Breakfast concept be advertised for a period of 21 days.**
- 3. Owners of homes in areas zoned Residential, Commercial, Enterprise, Rural and Rural Residential will be permitted to accommodate a maximum of four visitors in the ANZAC Bed and Breakfast.**
- 4. ANZAC Bed and Breakfast premises are to be maintained to a high standard in respect to visitor accommodation, ablution and meals facilities and appropriate hygiene standards are to be maintained.**
- 5. All registrations of interest from homeowners for the ANZAC Bed and Breakfast concept are to be made with the Mount Barker Visitors Centre.**
- 6. All bookings from visitors for the ANZAC Bed and Breakfasts are to be made through the Mount Barker Visitors Centre.**

**CARRIED (9/0)****NO. 122/14**

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**9.1.2 LOT 1415 ALBANY HIGHWAY, MOUNT BARKER – DOG AND CAT KENNELS**

<b>File No:</b>	<b>N30960</b>
<b>Attachments:</b>	<b><u>Location Plan</u></b> <b><u>3-D Drawing</u></b> <b><u>Site Plan 1</u></b> <b><u>Site Plan 2</u></b> <b><u>Floor Plan</u></b> <b><u>Summary of Submissions</u></b>
<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>24 June 2014</b>
<b>Applicant:</b>	<b>Kim and Naomi Fleming</b>

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**PURPOSE**

The purpose of this report is to consider an application for dog and cat boarding kennels at Lot 1415 Albany Highway, Mount Barker.

**BACKGROUND**

Council records show the registered owners of Lot 1415 are KA and N Fleming.

This proposal involves boarding kennels for dogs and cats that will ultimately consist of 86 dog kennels and 20 cat kennels. The proponents intend to develop the kennels in three phases. The first phase will involve the construction of eight dog kennels to be completed by mid 2014 (proponents estimate).

Phase two will add another 20 dog kennels and eight cat kennels with a planned completion date of May 2015. This phase will also include two insulated dog kennels to house excessively barking dogs.

Phase three will involve the addition of 58 more dog kennels and 12 more cat kennels. These additional kennels are to be completed late in 2016.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

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

Kennels is a discretionary 'AA' use under TPS3 meaning that the Council may, at its discretion permit the use. The interpretation of 'Kennels' includes the breeding or keeping of dogs or cats.

Clause 6.3.2 of TPS3 states:

*'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of*

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*the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'*

Dog Act 1976 - requires the identification and registration of dogs and gives local governments the power to administer and enforce the legislation. The Council's Ranger is responsible for enforcing nuisance provisions under the Act.

#### Shire of Plantagenet Dogs Local Law 2008

Clause 3 restricts a person to keep a maximum of four dogs over the age of three months at premises located outside the Townsite.

Clause 4 requires an application for approved kennel establishment and further requires the applicant to give notice of the proposed kennel use after the application for a licence has been lodged with the Council. This clause also provides for exemption from the notice requirements subject to compliance with specified notice requirements under a town planning scheme.

Applications for both Planning Consent (PC) and approved kennel establishment were lodged with the Council in April 2014. The application for PC was advertised for public comment pursuant to clause 6.2 of TPS3 from 13 May 2014 to 3 June 2014.

Cat Act 2011 - requires the identification, registration and sterilisation of domestic cats, and gives local governments the power to administer and enforce the legislation. The Act also requires that a person who chooses to board cats must apply to the local government for a permit.

Shire of Plantagenet Health Local Law 2008, Part 5 Cats - Clause 5.2.4 restricts a person to keep a maximum of two cats over the age of three months at premises. However, under this clause the Council may grant exemption for a person to keep more than two cats over the age of three months at a premises if it is satisfied it will not be a nuisance, injurious or dangerous to health.

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 Department of Environment Regulation 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

<i>Industry</i>	<i>Description of industry</i>	<i>Buffer distance in metres and qualifying notes</i>
<i>Dog kennels</i>	<i>in rural zones</i>	<i>500</i>

The key issue of concern for dog and cat kennels is not to give rise to odour and noise nuisances with the recommended buffer distance to sensitive land uses being 500m.

Animal Welfare Act 2002 - provides for the welfare, safety and health of animals.

### **EXTERNAL CONSULTATION**

In accordance with Delegation LG 035 the proposal was advertised for comment for a 21 day period closing on 3 June 2014. Advertising included letters to seven adjoining and nearby landowners, Department of Environment Regulation (DER), Department of Parks and Wildlife (DPAW), Department of Health (DOH), Department of Water (DOW), Main Roads WA and the Royal Society for the Prevention of Cruelty to Animals (RSPCA). Notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

At the close of the advertising period, five submissions had been received and these are contained in the attached summary of submissions.

### **FINANCIAL IMPLICATIONS**

The application fee of \$147.00 and the \$500.00 advertising bond have been paid.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

### **OFFICER COMMENT**

The subject land is located approximately 6km south of the Mount Barker Townsite and east of Albany Highway. Lot 1415 is 68.6ha in area and existing development at the lot consists of a house, one rainwater tank, two outbuildings and four farm dams. The lot is substantially covered with gum, sheoak and remnant vegetation.

The proposed dog and cat kennel locations are approximately 200m from Albany Highway, 95m from the property boundary with adjoining Lot 6 to the north, 410m from the property boundary with adjoining Lot 1414 to the south and 890m from the property boundary with adjoining Lot 1457 to the east.

The landowner of Lot 1414 is concerned with noise from the proposed dog kennel. The house at Lot 1414 is approximately 480m from the proposed dog kennel location. The DPAW in its submission advised that generally kennels conform to assigned noise levels beyond 500m. There is substantial gum, sheoak and remnant vegetation at Lot 1415 to assist with possible noise filtering from the proposed dog kennel and this vegetation is owned by the proponents. Noise mitigation measures in this instance will include a condition to retain existing vegetation as a buffer between the kennel locations and adjoining properties. Further noise mitigation measures will include a condition to reduce the number of dog kennels to 30. This approach will allow the proponents to develop phases 1 and 2 of their proposal and reduce possible adverse noise impacts at the location.

The DPAW in their submission advised the proposed dog kennel is located relatively close (around 95m) to the property boundary with adjoining Lot 6 to the north. The



DPAW advised at this distance it would be difficult for the kennel to meet the assigned noise levels if a dwelling was constructed at Lot 6 in the future. A letter was sent to the landowner of Lot 6 as part of the advertising process and this landowner did not respond to the proposal.

Solid waste from both the kennels will be collected and stored in sealed bins prior to being removed off site. The solid waste will be disposed off at the O'Neil Road Waste Facility twice weekly. Wastewater runoff from the kennel floor areas will be collected and disposed off into an approved effluent disposal system. Stormwater from the kennel roofs will be collected for use at the kennels.

Subject to both kennels areas and solid waste bin areas being maintained in a hygienic condition and subject to appropriate conditions, the kennels are not likely to be a nuisance, injurious or dangerous to health in the locality. The proposal is supported.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**Moved Cr G Messmer, seconded Cr S Etherington:**

**That:**

1. **In accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3 the proposed boarding kennels for dogs and cats over the age three of months at Lot 1415 Albany Highway, Mount Barker be approved subject to:**
  - a) **Compliance with the plans dated 20 March 2014.**
  - b) **Dog numbers being restricted to a maximum number of 30.**
  - c) **Cat numbers being restricted to a maximum number of 20.**
  - d) **Minimum two dog kennels being insulated for noise to the satisfaction of the Manager Development Services.**
  - e) **Solid waste being collected, stored and disposed of to the satisfaction of the Manager Development Services.**
  - f) **All kennels being constructed, drained and sealed to the satisfaction of the Manager Development Services.**
  - g) **Wastewater from the kennels being disposed of into an effluent disposal system to the satisfaction of Manager Development Services.**
  - h) **Stormwater from kennels being collected for use on the property with overflow being directed away from the kennels and the effluent disposal system to the satisfaction of the Manager Development Services.**

- i) Animals being delivered or collected between 8:00am and 10:00am or 4:30pm and 6:00pm.
  - j) Vegetation strips being retained along the north, south, east and west boundaries of both kennel areas to the satisfaction of the Manager Development Services.
  - k) The existing crossover being constructed, drained and sealed to the satisfaction of Main Roads WA.
  - l) No additional access driveways from Albany Highway to the property being constructed prior to approval being obtained from Main Roads WA.
2. In accordance with clause 5.2.4 of the Shire of Plantagenet Health Local Law 2008, exemption be granted for a maximum of 20 cats over the age of three months to be kept at Lot 1415 Albany Highway, Mount Barker.
3. In accordance with clause 3.2.1 of the Shire of Plantagenet Dogs Local Law 2008, exemption be granted for a maximum of 30 dogs over the age of three months to be kept at Lot 1415 Albany Highway, Mount Barker.

#### Advice Note

Applications for building permits for all kennels are required to be submitted to the Council prior to the kennels being constructed.

#### AMENDMENT

Moved Cr B Bell, seconded Cr S Etherington:

That:

- 1. Part 1(d) be amended by deleting the words 'minimum two' and replacing with the word 'All'; and
- 2. A part 4 be added to the motion:  
'Dogs are to be kept indoors between 6:00pm and 7:00am and soft muzzling or other suitable means be used for continuously barking dogs.'

CARRIED (9/0)

NO. 123/14

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**COUNCIL DECISION****That:**

1. In accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3 the proposed boarding kennels for dogs and cats over the age three of months at Lot 1415 Albany Highway, Mount Barker be approved subject to:
  - a) Compliance with the plans dated 20 March 2014.
  - b) Dog numbers being restricted to a maximum number of 30.
  - c) Cat numbers being restricted to a maximum number of 20.
  - d) All dog kennels being insulated for noise to the satisfaction of the Manager Development Services.
  - e) Solid waste being collected, stored and disposed of to the satisfaction of the Manager Development Services.
  - f) All kennels being constructed, drained and sealed to the satisfaction of the Manager Development Services.
  - g) Wastewater from the kennels being disposed of into an effluent disposal system to the satisfaction of Manager Development Services.
  - h) Stormwater from kennels being collected for use on the property with overflow being directed away from the kennels and the effluent disposal system to the satisfaction of the Manager Development Services.
  - i) Animals being delivered or collected between 8:00am and 10:00am or 4:30pm and 6:00pm.
  - j) Vegetation strips being retained along the north, south, east and west boundaries of both kennel areas to the satisfaction of the Manager Development Services.
  - k) The existing crossover being constructed, drained and sealed to the satisfaction of Main Roads WA.
  - l) No additional access driveways from Albany Highway to the property being constructed prior to approval being obtained from Main Roads WA.
  
2. In accordance with clause 5.2.4 of the Shire of Plantagenet Health Local Law 2008, exemption be granted for a maximum of 20 cats over the age of three months to be kept at Lot 1415 Albany Highway, Mount Barker.

3. In accordance with clause 3.2.1 of the Shire of Plantagenet Dogs Local Law 2008, exemption be granted for a maximum of 30 dogs over the age of three months to be kept at Lot 1415 Albany Highway, Mount Barker.
4. Dogs are to be kept indoors between 6:00pm and 7:00am and soft muzzling or other suitable means be used for continuously barking dogs.

**Advice Note**

Applications for building permits for all kennels are required to be submitted to the Council prior to the kennels being constructed.

**CARRIED (9/0)**

**NO. 124/14**

**9.1.3 LOT 305 LOWOOD ROAD, MOUNT BARKER - AUTOMOTIVE PANEL BEATING SPRAY-PAINTING**Cr B Bell

Type: Closely Associated Person (Section 5.62 LGA)  
Nature: Closely association person  
Extent: Not required

Cr C Pavlovich

Type: Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA)  
Nature: Applicant currently rents shed from employer.  
Extent: Not required

3:26pm Cr C Pavlovich and Cr B Bell withdrew from the meeting.

**File No:** N30956  
**Attachments:** Location Plan  
Site Plan  
Floor Plan  
Elevations  
Landscape Plan  
Summary of Submissions  
**Responsible Officer:** Peter Duncan  
Manager Development Services  
**Author:** Vincent Jenkins  
Planning Officer  
**Proposed Meeting Date:** 24 June 2014  
**Applicant:** Marcus Coleman

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**PURPOSE**

The purpose of this report is to consider an application for automotive panel beating spray-painting at Lot 305 Lowood Road, Mount Barker.

**BACKGROUND**

Council records show the registered owners of Lot 305 Lowood Road are G and S Corke.

This matter was presented to the Council at its meeting held on 27 May 2014. However, due to the lack of a quorum the Chief Executive Officer counted out the matter and it is now presented to this meeting.

There are currently two Planning Consent (PC) approvals operative on Lot 305 Lowood Road. The Council in August 2009 granted PC for a motor repair station at the rear of the lot. The building permit for the motor repair station building was issued in September 2009 and construction of this building was completed in May

2010. Plantagenet Agg Repairs, a business mainly repairing agricultural machinery and equipment operated from this building up to February 2014.

The Council in July 2012 also granted PC for a warehouse and showroom building with reduced setbacks and landscaping at the front of the Lot 305 Lowood Road. A building permit for a retaining wall for the warehouse building footing was issued in September 2012 and construction of the retaining wall was completed in November 2013. The proposed warehouse and showroom building has not been constructed as yet.

On 17 February 2014, the Council received this current PC application for automotive panel beating spray-painting at Lot 305 Lowood Road. The proposed panel beating spray-painting business intends to operate from the building previously occupied by Plantagenet Agg Repairs. By letter dated 24 February 2014, the Council advised the proponent the PC application received was incomplete. The Council on 17 March 2014 received new information on the application for PC, the subject of this report.

This PC application was advertised for public comment from 27 March 2014 to 18 April 2014.

## STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Service Industrial.

Automotive Panel Beating Spray-painting is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2.

Clause 6.3.2 of TPS3 states:

*'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'*

Health Act 1911

The Council's Environmental Health Officer (EHO) may order a person causing a nuisance that may cause a danger to health to cease the activity. Failure to comply with a direction of the EHO is an offence and is subject to a fine.

Shire of Plantagenet Health Local Law 2008, Part 4 Waste Food and Refuse – Division 1 Liquid Refuse

Clause 4.2.4 reads:

*'An owner or occupier of premises shall—*

- (a) not deposit or permit to be deposited in a receptacle—*
  - (i) ...*
  - (ii) ...*
  - (iii) oil, motor spirit or other flammable liquid;*

- (iv) *liquid paint or other solvent;*
- (v) ...
- (vi) ...
- (vii) ...
- (viii) ...
- (ix) *cytotoxic, radioactive substances and dangerous chemicals;*
- (x) ...
- (xi) ...
- (xiii) *hazardous products including ammunition and flares;*
- (b) ...
- (c) ...
- (d) *take all reasonable steps to prevent—*
  - (i) ...
  - (ii) *the emission of offensive and noxious odours from the receptacle;... and*
- (e) *ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.'*

Environmental Protection Act 1986

The Act contains general controls on activities causing pollution or other forms of environmental harm.

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 Department of Environment Regulation 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

<i>Industry</i>	<i>Description of industry</i>	<i>Buffer distance in metres and qualifying notes</i>
<i>Automotive spray painting</i>	<i>liquid paint is directed onto automotive surfaces by airless, compression, electrostatic or other methods.</i>	200

The key issue of concern for automotive spray-painting industries is not to give rise to odour, noise and dust nuisances with the recommended buffer distance to sensitive land uses being 200m.

Building Code of Australia

Part A3.2 – Classifications reads:

*'Class 8: a laboratory, or a building in which handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods and produce is carried on for trade, sale or gain.'*

The Council on 23 September 2009 issued a Building Permit for the construction of a Class 8 building at Lot 305 Lowood Road (previously Lot 86).

Local Government (Miscellaneous Provisions) Act 1960 - The Council on 5 May 2010 issued a Certificate of Classification confirming the whole of the building at Lot 305 Lowood Road was constructed to Class 8 standard.

The proposed automotive panel beating spray-painting use conforms to the Class 8 building classification.

The Dangerous Goods Safety Act 2004 – regulates to the manufacture, storage, possession, handling, transport and use of explosives and dangerous goods, including the operation of major hazard facilities.

Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007 – introduce modern safety standards for the manufacture, processing, storage, use and disposal of dangerous goods.

The storage, use and disposal of dangerous goods are required to conform to the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007.

Occupational Safety and Health Act 1984 – in accordance with section 57 of the Act the 'Code of Practice Spray Painting Amended June 2009' (Code of Practice) was approved by the Minister for Labour Relations in June 2000.

Spray-painting operations are required to conform with this Code of Practice. In addition to the Code of Practice, all spray-painting applications will need to be carried out inside the sealed spray booth.

Environmental Protection (Noise) Regulations 1997 – set prescribed standards for noise emissions and set out clear methods for noise assessment and control, providing certainty to industry as to the standard expected.

Noise emissions emanating from panel beating and spray-painting operations are required to conform with the Environmental Protection (Noise) Regulations 1997. These regulations are regulated by the Council's Environmental Health Officer.

## **EXTERNAL CONSULTATION**

In accordance with Delegation LG035 the proposal was advertised for comment for a 21 day period closing on 18 April 2014. Advertising included letters to 47 adjoining and nearby landowners, Department of Environment Regulation (DER), Department of Parks and Wildlife (DPAW), Department of Health (DOH) Department of Water (DOW), Department of Mines and Petroleum (DMP) and the Water Corporation (WC). Notices were placed in the Plantagenet News, Albany Advertiser and the Council's notice board and a sign placed on site.

At the close of the advertising period, 15 submissions had been received and these are contained in the attached summary of submissions.

## **FINANCIAL IMPLICATIONS**

The application fee of \$147.00 and the \$500.00 advertising bond have been paid.



## POLICY IMPLICATIONS

There are no policy implications for this report.

## STRATEGIC IMPLICATIONS

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

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

## OFFICER COMMENT

Lot 305 Lowood Road is 2,734m<sup>2</sup> in area and is located in the Service Industrial Zone. This proposal involves an automotive panel beating spray-painting business at the existing 500m<sup>2</sup> workshop.

Panel beating and spray-painting operations will largely be carried out within the existing workshop. The storage of car wrecks, stripped and damaged cars, car parts, scrap metal container and vehicle wash bay will be located outside, at the rear and south of the workshop.

### Gaseous emissions

The proponent advised that all automotive refinishing will be undertaken in the sealed spray booth. To ensure gaseous emissions from spray-painting operations do not adversely impact on the location all spray-painting applications will need to be carried out inside the sealed spray booth.

The application includes a detailed description of the method of exhausting the fumes from the spray booth as follows: *'The spray booth we use (Monarch 882 Mach 1) is an Australian designed and manufactured booth complying with the relevant Australian & New Zealand Standards (AS/NZ4114.2 2003). It utilizes the use of the latest Glass Fibre Exhaust Filters to trap all airborne paint particles upon extraction from the booth, the leftover "waste" air is then directed up a flue into the atmosphere. Filters are replaced before they become ineffective (due to paint build up) thanks to an innovative safety device installed in the Monarch 882 booth causing it to shut down when it senses filter inefficiency. Inside the booth refinishing will be undertaken with the latest Sata HVLP spray guns designed to greatly reduce waste resulting in far less particles to be filtered out. This spray booth coupled with the installation of the latest water based paint system will be environmentally friendly.'* This removes any potential conflict with the EPA 200m buffer.

### Visual impact

The side and rear property boundaries abutting the workshop will be screened with a 1.8m high Colorbond® fence as shown on the site plan (copy attached). Colorbond® gates 1.8m in height will be located between the workshop and the south property boundary and will provide access to the screened area. This area will be used for the storage of car wrecks, stripped and damaged cars, car parts, scrap metal container and the vehicle wash bay.

### Noise emissions

The proponent intends to operate Monday to Friday between 9:00am and 5:00pm and Saturday between 9:00am and 1:00pm.

The air compressor will be located in a purpose built outbuilding located outside the workshop. To reduce noise emissions from this outbuilding the proponent proposes to insulate the outbuilding with cool room panels.

To ensure noise emissions from panel beating and spray-painting operations do not adversely impact on the location, all panel beating and spray-painting operations, excluding storage and vehicle wash bay areas, will need to be carried out inside the workshop.

Noise emissions emanating from panel beating and spray-painting operations are required to conform to the Environmental Protection (Noise) Regulations 1997. These regulations are regulated by the Council's Environmental Health Officer.

### Landscaping

The Council in July 2012 granted PC for a warehouse and showroom building at the front of Lot 305 Lowood Road. This PC approval included a condition for landscaping to be planted for the total lot in accordance with the Landscape Plan dated 10 July 2012 (copy attached). Vegetation will need to be planted for the existing building in accordance with the 10 July 2012 Landscape Plan to the satisfaction of the Manager Development Services.

The proposed storage and vehicle wash bay areas are currently partly concrete sealed. The remaining unsealed gravel area will need to be sealed to the satisfaction of the Manager Development Services to ensure wastewater runoff will be collected and disposed off into the existing gully traps. In addition, grease traps will need to be fitted to all gully traps.

Fifteen submissions (five anonymous) have been received from government agencies, adjoining and nearby landowners and the greater community. Nine adjoining or nearby landowners object to the proposed automotive panel beating spray-painting operation. Concerns raised by these landowners included adverse odour, dust noise and visual impacts, threat of dangerous goods being kept at the property and possible devaluation of properties. Further concerns include the proposed business not conforming to the LPS 2013, TPS Policy No. 18.1 and the aims and objectives of Amendment 64 to TPS3. Various matters involving these concerns are discussed in the summary of submissions (copy attached).

All panel beating and spray-painting operations will need to conform to the relevant legal requirements for public health and safety, environmental protection and the provision of a safe work environment as well as the PC conditions the Council may impose. In addition, all panel beating and spray-painting equipment and machinery will need to conform to the relevant Australia/New Zealand standard.

Given the proposal conforms to the development provisions of the Service Industrial zone in TPS3 and subject to appropriate conditions the proposal is supported.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr S Etherington:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, planning consent be granted for automotive panel beating spray-painting at Lot 305 Lowood Road, Mount Barker be approved subject to:

1. Development being in accordance with the plans dated 10 July 2012 and 17 March 2014.
2. All automotive panel beating and spray-painting operations being operated Monday to Friday between 8:00am and 6:00pm and Saturday between 9:00am and 1:00pm.
3. The spray booth and mixing room being located inside the workshop building.
4. All spray-painting being carried out inside the sealed spray booth.
5. The outbuilding covering the air compressor being located and insulated to the satisfaction of the Manager Development Services.
6. All car wrecks, stripped and damaged cars, car parts dump, scrap metal container being stored behind the 2.1m Colorbond® screen fence to the satisfaction of the Manager Development Services.
7. The vehicle-washing bay and storage areas being located, sealed and drained to the satisfaction of the Manager Development Services.
8. All gully traps being fitted with grease traps to the satisfaction of the Manager Development Services.
9. Landscaping being planted in accordance with the Landscape Plan dated 10 July 2012 to the satisfaction of the Manager Development Services.
10. Compliance with the relevant requirements of the Health Act 2011.
11. Compliance with the relevant requirements of the Shire of Plantagenet Health Local Law 2008.
12. Compliance with the relevant requirements of the Environmental Protection Act 1986.
13. Compliance with the relevant requirements of the Environmental Protection (Noise) Regulations 1997.
14. Compliance with the relevant requirements of the Occupational Safety and Health Act 1984.
15. Compliance with the relevant requirements of the Code of Practice Spray Painting Amended June 2009
16. Compliance with the relevant requirements of the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007.

CARRIED (6/1)

NO. 125/14

3:32pm Cr B Bell and Cr C Pavlovich returned to the meeting.

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## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 WASTE MANAGEMENT - REVIEW OF OPENING TIMES - PORONGURUP TRANSFER STATION

**File No:** N30174  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Amy Chadbourne  
Senior Administration / Project Officer Works  
and Services  
**Proposed Meeting Date:** 24 June 2014

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#### PURPOSE

The purpose of this report is to review the opening hours of the Porongurup Transfer Station in response to requests from members of the community and the Transfer Station Operator.

#### BACKGROUND

The following opening hours currently apply to the Porongurup Transfer Station:

Monday	9.00am to 11.00am
Wednesday	12 noon to 3.00pm
Saturday	10.00am to 3.00pm

Requests have been received from community members and the Transfer Station Operator to have the opening hours altered, removing Monday opening hours altogether and transferring the two hours from Monday to one additional hour each on Wednesday and Saturday.

Following a request from the Council at a workshop held on 27 May 2014, an advertisement requesting public opinion was placed in the Plantagenet News on 14 May 2014. Closing date for submissions was 28 May 2014. One submission was received.

#### STATUTORY ENVIRONMENT

Landfill and Transfer Station Facilities Local Law 2004 - Clause 12 states:

*'The Council may from time to time set and amend by resolution the hours of operation of the facility and such hours will be displayed for public information.'*

#### EXTERNAL CONSULTATION

Consultation has occurred with Porongurup business proprietors and correspondence has been received from community members.

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## FINANCIAL IMPLICATIONS

On a yearly basis, opening 52 weeks a year, the difference in costs would be \$347.88.

Minor costs associated with advertising and signage of amended waste site opening times will be incurred.

## POLICY IMPLICATIONS

There are no policy implications for this report.

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013 -2023, provides at Outcome 2.9 (Integrated waste management), the following Strategy 2.9.2:

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

## OFFICER COMMENT

Requests have recently been received from community members and the Transfer Station Operator to amend the opening hours at Porongurup Transfer Station. The majority of correspondents requested the Transfer Station be closed on Monday and the two hours from Monday be transferred to one additional hour each on Wednesday and Saturday. Porongurup business proprietors were consulted to determine their opinions.

Waste receival volumes and tip pass use reports were analysed from August 2013 to November 2013 to determine site use patterns.

<b>Tip Pass Usage</b>		<b>Total Waste Volumes</b>	
Monday	20	Monday	114.55m <sup>3</sup>
Wednesday	41	Wednesday	221.90m <sup>3</sup>
Saturday	79	Saturday	321.60m <sup>3</sup>

In both examples, Monday can be seen to have fewer users and less volumes of waste deposited at the tip site.

Following a request from the Council at a workshop held on 27 May 2014, an advertisement requesting public opinion was placed in the Plantagenet News on 14 May 2014. Closing date for submissions was 28 May 2014. In response, one submission was received from a member of the public. The Porongurup resident opposed the proposed changes.

In summary, 14 residents and one Transfer Station Operator expressed an opinion on the opening hours of the Porongurup Transfer Station. Nine people agreed the opening hours should be changed and six respondents were happy with the current times.

Therefore, it is recommended that the opening hours of the Porongurup Transfer Station be amended to be as follows:

Wednesday	12 noon to 4.00pm
Saturday	10.00am to 4.00pm

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That:

- 1. Pursuant to Clause 12 of the Shire of Plantagenet's Landfill and Transfer Station Facilities Local Law 2004, the opening hours of the Porongurup Transfer Station be amended to:**  

Wednesday	12 noon to 4.00pm
Saturday	10.00am to 4.00pm

**effective the week commencing Monday 4 August 2014.**
- 2. The Shire of Plantagenet tip passes for 2014/15 be altered to reflect the amended opening hours of the Porongurup Transfer Station.**
- 3. The decision to amend the opening hours of the Porongurup Transfer Station be advertised in the Plantagenet News.**
- 4. No further changes be made to the Porongurup Transfer Station opening hours for a period of at least two years.**

CARRIED (9/0)

NO. 126/14

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**9.2.2 UNALLOCATED CROWN RESERVE – NARRIKUP - AUTHORITY TO SIGN AND AFFIX COMMON SEAL - LICENCE 12101/1905\_A4380438 AGREEMENT**

**File No:** N30884  
**Attachments:** Licence Agreement  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Amy Chadbourne  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 24 June 2014

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**PURPOSE**

The purpose of this report is to request authority be granted to the Shire President and Chief Executive Officer to sign and affix the Common Seal to a Section 91 Licence between the Shire of Plantagenet and Department of Lands, for a term of five years with an option for a further five years.

**BACKGROUND**

In March 2013, the Shire undertook rehabilitation work on Unallocated Crown Land on the corner of Newman Street and Spencer Road, Narrikup. Vested with the State Government, this land had been used as a green waste disposal site for Narrikup residents.

During the clean up process, the Department of Environment advised the Shire that a revegetation plan to offset proposed clearing required for road construction and maintenance could be applied to this portion of land.

The Council at its meeting held on 28 May 2013 resolved as follows:

*'That authority be granted to the Shire President and the Chief Executive Officer to sign and affix the Common Seal to the Section 91 Licence issued by the Department of Regional Development and Lands for the purpose of rehabilitating the unallocated Crown reserve, located on the corner of Newman Street and Spencer Road Narrikup.'*

The licence was for a period of one year to expire on 1 May 2014.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 9.49A (2) Execution of documents states;

*'The common seal of a local government is not to be affixed to any document except as authorised by the local government.'*

Land Administration Act 1997 Section 91 (1) Grant of licences and profits à prendre over Crown land states:

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*'The Minister may grant a licence or profit à prendre in respect of Crown land for any purpose.'*

## **EXTERNAL CONSULTATION**

Department of Lands  
Oyster Harbour Catchment Group

## **FINANCIAL IMPLICATIONS**

The issuing of the Section 91 Licence will incur a cost of \$108.10 including GST.

## **POLICY IMPLICATIONS**

There are no policy implications for this report.

## **STRATEGIC IMPLICATIONS**

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

2.7.1 - *'Provide effective management and maintenance of the Council's land and reserves'*.

## **OFFICER COMMENT**

The Section 91 Licence was originally applied for in 2013 by the Shire of Plantagenet to enable the 39.510 hectares of Unallocated Crown Land on the corner of Newman and Spencer Roads Narrikup to be used for offset planting. The Department of Environment Regulation (DER) has requested a portion of land be revegetated, to offset the impact of vegetation lost from the proposed clearing on Mills and Frankland Rocky Gully Roads.

The initial Section 91 Licence obtained from the Department of Lands (DOL) was only for one year. During this period the DER indicated a five year revegetation management plan would be required. Closer to the expiry date of the Section 91 Licence, the DER informed the Shire that revegetation plans had been extended and were expected to run for ten years.

Therefore, when the Section 91 Licence came up for renewal it was requested of DOL that the licence extend to a ten year term, to allow for the ten year revegetation management plan. The DOL agreed to a five year licence with an option to renew for five years at the end of this time.

Discussions are currently being held with the Oyster Harbour Catchment Group (OHCG) in relation to the proposed ten year revegetation plan. OHCG monitors the site, sprays when required and has collected seeds from the area for replanting.

## **VOTING REQUIREMENTS**

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

**Moved Cr B Bell, seconded Cr G Messmer:**

**That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Section 91 Licence issued by the Department of Lands for the purpose of revegetating the Unallocated Crown Land, located on the corner of Newman Street and Spencer Road Narrikup, for a period of five years from 1 May 2014 to 30 April 2019 and a further term of five years from 1 May 2019 to 30 April 2024.**

**CARRIED (9/0)**

**NO. 127/14**

**9.2.3 ROADWISE COMMITTEE - RESIGNATION AND APPOINTMENT OF MEMBER**

**File No:** N30883  
**Responsible Officer:** Dominic Le Cerf  
Manager Works and Services  
**Author:** Amy Chadbourne  
Senior Administration/Project Officer Works  
and Services  
**Proposed Meeting Date:** 24 June 2014

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**PURPOSE**

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

**BACKGROUND**

The RoadWise Committee was created with the following functions:

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

Mr Greg Sounness is a member of the RoadWise Committee representing the Mount Barker Community College Parents and Citizens (MBCC P&C).

**STATUTORY ENVIRONMENT**

Local Government Act 1995:

- Section 5.8 establishment of Committees.
- Section 5.9(2)(c) provides that a committee is to comprise ‘...council members, employees and other persons...’ These appointments must be adopted by an Absolute Majority.
- Sections 5.10 and 5.11 refer to ‘Appointment of committee members’ and ‘Tenure of committee membership’ respectively.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

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## STRATEGIC IMPLICATIONS

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

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

## OFFICER COMMENT

Mr Greg Sounness, pursuant to Section 5.11 of the Local Government Act 1995 has vacated the office of committee member.

The RoadWise Committee was created on 25 September 2007 by the Council. As one of the committee members is required to be a Parents and Citizens representative, it is appropriate to replace Mr Sounness with another member of the MBCC P&C.

In correspondence to the Shire received 21 May 2014, Mrs Heather Adams has been nominated by the MBCC P&C as the representative to replace Mr Sounness on the RoadWise Committee, with Mr Andrew Fraser as her deputy.

Therefore, it is recommended that Mrs Heather Adams be appointed to the RoadWise Committee as the Mount Barker Community College Parent & Citizens representative and Mr Andrew Fraser be appointed as her deputy member.

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

1. The resignation of Mr Greg Sounness from the RoadWise Committee be accepted and Mr Sounness be thanked for his service.
2. Mrs Heather Adams be appointed as a committee member on the RoadWise Committee representing the Mount Barker Community College Parents and Citizens.
3. Mr Andrew Fraser be appointed as deputy member on behalf of Mrs Adams.

CARRIED (9/0)

NO. 128/14

Absolute Majority

### 9.3 COMMUNITY SERVICES REPORTS

#### 9.3.1 ANNUAL FIREBREAK AND FIRE HAZARD REDUCTION NOTICE 2014/2015

<b>File No:</b>	<b>N30439</b>
<b>Attachments:</b>	<u>Notice Final Draft</u>
<b>Responsible Officer:</b>	<b>Fiona Saurin</b> <b>Manager Community Services</b>
<b>Author:</b>	<b>Isabelle Draffehn</b> <b>Community Development Officer</b>
<b>Proposed Meeting Date:</b>	<b>24 June 2014</b>

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#### **PURPOSE**

The purpose of this report is to endorse the Annual Firebreak and Fire Hazard Reduction Notice – 2014/2015 (AFN) for gazettal, publication and distribution to owners of land within the Shire of Plantagenet.

#### **BACKGROUND**

The Shire of Plantagenet publishes an AFN for distribution to all landholders, which is posted with the Rates Notice.

Feedback from bush fire brigade members, shire staff and the general public led to a review of the current format of the Shire's Annual Firebreak and Fire Hazard Reduction Notice. A simpler and clearer format was chosen, incorporating several changes in design and contents.

The content of the Annual Firebreak Notice has been reviewed by the AFN Review Group on 24 March 2014 and was discussed at the 7 May 2014 Bush Fire Advisory Committee (BFAC) meeting. The group recommended the following changes:

- No exemptions after the 2014/2015 fire season be available (variations may be applied for);
- All properties outside of the town site boundary and above one hectare require a fire break and to be kept in a managed state;
- Blocks smaller than one hectare must be kept in a low fuel state; and
- The prohibited burning time be extended to 1 March permanently.

It was recommended that administrative changes such as updating dates and brigade contact details also occur.

#### **STATUTORY ENVIRONMENT**

Bush Fires Act 1954

Planning and Development Act 2005

Western Australian Planning Commission Development Control Policy 3.7 Fire Planning (2001)

Bush Fire Management and Response Plan

Bush Fire Brigades Local Law 2008.

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**EXTERNAL CONSULTATION**

Consultation has occurred with members of the BFAC and the AFN Review Group.

**FINANCIAL IMPLICATIONS**

Funds have been allocated in the annual budget to facilitate the printing and distribution of the AFN. Printing costs will be in order of \$5,500.00.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

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

**OFFICER COMMENT**

The 2014/2015 AFN is simpler than previous versions, incorporating several changes in design and contents. It has been designed in a booklet format and contains graphics that explain firebreak installation guidelines and fuel separation zone requirements. The font size has increased and pictures of examples of compliant and non-compliant firebreaks and leaf litter clearly identify the requirements set in the notice.

The BFAC recommended that:

- No exemptions after the 2014/2015 fire season be available (variations may be applied for);
- All properties outside of the town site boundary and above one hectare require a fire break and to be kept in a managed state;
- Blocks smaller than one hectare must be kept in a low fuel state; and
- The prohibited burning time be extended to the 1 March permanently.

Dates and all contact details in the AFN have been updated.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

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

**That the attached Annual Firebreak and Fire Hazard Reduction Notice 2014/2015 be endorsed.**

**AMENDMENT**

Moved Cr J Moir, seconded Cr B Bell:

That the firebreak notice be amended such that plantation firebreaks for harvested or abandoned plantations shall remain in place until the removal of full coppice and harvest residue is completed.

LOST (3/6)

**AMENDMENT**

Moved Cr A Budrikis, seconded Cr G Messmer:

That after the word 'endorsed' add the words 'subject to:

1. After the word "maintained" on the second dot point under the heading "Requirements for Rural Land up to one hectare in size" on page 9 of the Annual Firebreak and Hazard Reduction Notice 2014/2015 add the words "where possible"; and
2. After the word "maintained" in the second dot point under the heading "Requirements for Rural Land one hectare or greater in size" on page 10 of the Annual Firebreak and Hazard Reduction Notice 2014/2015 add the words "where possible",'

CARRIED (5/4)

NO. 129/14

**COUNCIL DECISION**

The attached Annual Firebreak and Fire Hazard Reduction Notice 2014/2015 be endorsed subject to:

1. After the word 'maintained' in the second dot point under the heading 'Requirements for Rural Land up to one hectare in size' on page 9 of the Annual Firebreak and Hazard Reduction Notice 2014/2015 add the words 'where possible'.
2. After the word 'maintained' in the second dot point under the heading 'Requirements for Rural Land one hectare or greater in size' on page 10 of the Annual Firebreak and Hazard Reduction Notice 2014/2015 add the words 'where possible'.

CARRIED (9/0)

NO. 130/14

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**9.3.2 RECREATION CENTRE - LICENCE AGREEMENT - VARIATION**

**File No:** N25586  
**Attachments:** Licence Agreement (1997)  
Deed of Variation (2014)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Fiona Saurin  
Manager Community Services  
**Proposed Meeting Date:** 24 June 2014

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**PURPOSE**

The purpose of this report is to recommend a variation to the Licence Agreement between the Shire of Plantagenet and the Minister for Education for the Mount Barker Recreation Centre.

**BACKGROUND**

The Shire of Plantagenet and the Minister for Education entered into an agreement to construct the Mount Barker Recreation Centre in 1997. The agreement included a Shire contribution of \$1.2million towards the development of the government owned facility and in return, the Shire would have access to the Centre for a period of 21 years.

A Licence Agreement was signed in 1998 which outlined the conditions of use, a cost sharing agreement and access times for the Centre. A copy of the Licence is attached.

At the Council meeting held on 26 February 2013, the Council resolved:

*'That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the attached Deed of Variation between the Shire of Plantagenet and the Minister for Education, regarding the Minister for Education's reimbursement of costs to maintain, clean and provide services associated with the Mount Barker Recreation Centre'.*

The purpose of that variation was to increase the Department's contributions from 40% to 50% of costs. These contributions go towards building maintenance, cleaning and utilities.

However, this variation has not been executed and the Department of Education is now seeking to amalgamate the previous variation with an administrative variation that clearly identifies each of the plans associated with the licence agreement, marked as 'A', 'B', and 'C'. It also changes the wording of the licence to bring it in line with the maps, identifying the licence area as the area 'bordered' rather than 'hatched' as previously annotated.

The Mount Barker Recreation Centre is located on Reserve 26279, which is vested with the Minister for Education.

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## STATUTORY ENVIRONMENT

Local Government Act 1995

- Section 2.5 (2) and (3) provides that a Local Government is a body corporate with perpetual succession and a common seal and a Local Government has the legal capacity of a natural person.
- Section 9.49A applies to the use of the common seal.

## EXTERNAL CONSULTATION

Consultation has taken place with representatives from the Department of Education and the Recreation Centre Advisory Committee.

## FINANCIAL IMPLICATIONS

The Deed of Variation to the Licence Agreement will result in formalising Department of Education contributions at 50% of the costs to maintain and clean the Recreation Centre and provision of services including water, gas and electricity. The Department is already reimbursing the Shire at this level.

## POLICY IMPLICATIONS

There are no policy implications for this report.

## LEGAL IMPLICATIONS

A Deed of Variation is required to vary the Licence Agreement between the Shire and the Minister for Education.

## 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'*

Further 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 the Shire in policy development and service planning.'*

## OFFICER COMMENT

The Licence Agreement between the Shire of Plantagenet and Minister for Education has been in place since 1998. During this time very few issues with the Licence have occurred and it is considered a workable document.

The Deed of Variation agreed to in 2013 has not been executed, and the Department of Education requested that the previous variation be included in the new variation that was of an administrative nature, clarifying terminology and identification of maps relating to the area under licence to the Shire of Plantagenet.



A Deed of Variation is required to amend the Licence Agreement. A copy of the Licence Agreement and Deed of Variation are attached.

#### **VOTING REQUIREMENTS**

Simple Majority

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

**Moved Cr S Etherington, seconded Cr A Budrikis:**

**That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the attached Deed of Variation between the Shire of Plantagenet and the Minister for Education, regarding the Minister for Education's reimbursement of costs associated with the Mount Barker Recreation Centre, and to clarify identification of areas under licence on plans attached to the licence agreement.**

**CARRIED (9/0)**

**NO. 131/14**

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 FINANCIAL STATEMENTS – MAY 2014

<b>File No:</b>	<b>N30930</b>
<b>Attachment:</b>	<u>Financial Statement</u> (separate attachment)
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Brendan Webb</b> <b>Accountant / Office Manager</b>
<b>Proposed Meeting Date:</b>	<b>24 June 2014</b>

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#### PURPOSE

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

#### STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

#### POLICY IMPLICATIONS

There are no policy implications for this report.

#### FINANCIAL IMPLICATIONS

There are no financial implications for this report.

#### STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

#### VOTING REQUIREMENTS

Simple Majority

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**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

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

**CARRIED (9/0)**

**NO. 132/14**

**9.4.2 LIST OF ACCOUNTS - MAY 2014**

<b>File No:</b>	<b>N30957</b>
<b>Attachment:</b>	<u>List of Accounts - May 2014</u>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Emma Gardner</b> <b>Accounts Officer</b>
<b>Proposed Meeting Date:</b>	<b>24 June 2014</b>

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**PURPOSE**

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

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996:

- Regulation 12(1)(a) 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.
- Regulation 13 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.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr J 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 May 2014 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$916,898.44; and
- b. Municipal Cheques 44526 – 44543 and 44545 - 44587 totalling \$76,890.73;
- c. Cancelled Cheque 44544.

CARRIED (9/0)

NO. 133/14

### 9.4.3 WESTERN AUSTRALIAN TREASURY CORPORATION – MASTER LENDING AGREEMENT

**File No:** N28253  
**Attachment:** WATC Master Lending Agreement  
**Responsible Officer:** Rob Stewart  
 Chief Executive Officer  
**Author:** John Fathers  
 Deputy Chief Executive Officer  
**Proposed Meeting Date:** 24 June 2014

#### PURPOSE

The purpose of this report is to recommend that a Master Lending Agreement (MLA) be entered into with the Western Australian Treasury Corporation (WATC).

#### BACKGROUND

The WATC is implementing a MLA for local governments. The new MLA has been developed to incorporate Commonwealth Government Personal Property Security Act (2009) and to improve the efficiency of the lending processes to local governments.

As at 30 June 2013, the Council has the following debentures with the WATC:

Loan	Principal Outstanding
New Administration Centre (90)	\$1,968,573.27
Plantagenet Village Homes (93) - Self Supporting	\$1,149,820.19
Mount Barker Golf Club (91) - Self Supporting	\$ 109,364.54
Sounness Park (94)	\$ 370,000.00

#### STATUTORY ENVIRONMENT

Personal Property Security Act (2009) – Commonwealth.

Local Government Act 1995 Section 6.21 – Restrictions on Borrowing.

#### FINANCIAL IMPLICATIONS

The new MLA has no direct costs associated with its introduction and has the potential to save administrative time in the future.

#### POLICY IMPLICATIONS

Council Policy No. F/FM/6 relates to Borrowing and Asset Financing. However the policy has no bearing on this particular matter.

#### STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

**OFFICER COMMENT**

The execution of the MLA does not impact any of the Shire's existing borrowing arrangements and the particulars of existing facilities are included within the Schedules of the Agreement.

Future borrowings will also be established under this agreement which will streamline the borrowing process and will no longer require the affixation of the Common Seal to every loan agreement.

Borrowing funds will still be subject to the existing requirements under the Local Government Act 1995 including the need to be declared in the annual budget or be subject to public notification.

As a local government is only permitted to provide security in the way of a charge over its general funds pursuant to section 6.21 of the Local Government Act 1995, there is a requirement to register these charges under the Personal Property Security Act (2009) and reference to this requirement is included within the new MLA.

The MLA has been reviewed by the State Solicitor's Office and the Department of Local Government and Communities.

The introduction of a MLA provides security for WATC of loan funds and assists in streamlining the raising of future loans by local governments. Execution of the new document is recommended.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. Approval be granted to enter into a Master Lending Agreement with Western Australian Treasury Corporation as attached.
2. Authority be granted the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Master Lending Agreement between the Shire of Plantagenet and the Western Australian Treasury Corporation.
- 3 The Chief Executive Officer be authorised to sign schedule documents under the Master Lending Agreement and/or give instructions thereunder on behalf of the Shire of Plantagenet.

CARRIED (9/0)

NO. 134/14

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**9.4.4 DEBT COLLECTION POLICY (F/FM/15) - ADOPTION**

<b>File No:</b>	<b>N30660</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>24 June 2014</b>

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**PURPOSE**

The purpose of this report is to adopt a new Debt Collection Policy – F/FM/15.

**BACKGROUND**

In March 2014, a Financial Management Review of the Shire was carried out by a representative of Lincolns Accountants and Business Advisors. The auditor found that the Council does not have a debt collection procedures policy nor does it have a policy on rates debt collection steps and procedures. It was recommended that relevant policies be adopted to cover these areas.

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996. Regulation 5 states (in part) as follows:

- '(1) Efficient systems and procedures are to be established by the CEO of a local government —*
- (a) for the proper collection of all money owing to the local government;'*

**FINANCIAL IMPLICATIONS**

There are no direct financial implications for this report.

**POLICY IMPLICATIONS**

This report will recommend 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.'*

**OFFICER COMMENT**

It is important to ensure that money owed to the Shire of Plantagenet is collected in a consistent and timely manner. The collection of debts is necessary to achieve a balanced budget and to facilitate adequate cash flow.

The policy recommended reflects current practice for collection of rates and sundry debtors. While adoption of a policy is appropriate, detailed procedures will also be

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developed which are of an operational nature and therefore will be determined by the Chief Executive Officer.

Further, the Council has granted to the Chief Executive Officer a delegation (LG001 relating to the collection of outstanding debt.

### **VOTING REQUIREMENTS**

Simple Majority

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

Moved Cr C Pavlovich, seconded Cr G Messmer:

That new Debt Collection Policy F/FM/15, as follows:

#### **'OBJECTIVE**

To:

1. Outline clear and appropriate debt recovery procedures which will be undertaken by the Shire of Plantagenet.
2. Ensure effective control over all invoiced debts owed to Council whilst being sympathetic to those ratepayers and debtors suffering genuine financial hardship.

#### **POLICY**

1. Rates – Outstanding Amounts
  - 1.1 Amounts outstanding after the due date for payment will be followed up within 14 days of the due date with a Final Notice.
  - 1.2 Fourteen days after the Final Notice is issued, a Shire of Plantagenet reminder letter will be issued giving seven days to arrange payment.
  - 1.3 Following this seven day period, a Notice of Intention to Issue a General Procedure Claim will be sent by the Shire's Debt Collection Agency demanding payment and warning that legal action may commence if payment or a suitable arrangement is not made within seven days.
  - 1.4 After this seven day period has lapsed:
    - (a) Contact is to be made by telephone, where possible, in order to seek payment or a special arrangement. If this action is unsuccessful, accounts may then be forwarded to the Shire's Debt Collection agency for legal action to commence.
    - (b) Legal action will commence with the issuing of Court proceedings (General Procedure Claim) in accordance with S6.56 of the Local Government Act 1995.
    - (c) Processes to enforce judgment include Default Judgment, Property and Seizure Sale Order (Goods) and / or Land Warrant (In accordance with Delegation LG20).

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- 1.5 Other courses of action that may be taken include:
- (a) Rental seizure under Section 6.60 of the Local Government Act 1995.
  - (b) Lodging a Caveat on the property.
  - (c) Sale of land under S6.64 of the Local Government Act 1995 in accordance with Delegation LG20. In this instance the Shire may rent or dispose of the property if rates remain unpaid for at least three years.
- 1.6 Ratepayers who are unable to pay rates and charges by the due date either because of reasons beyond their control or because payment would cause undue hardship, may apply to enter into an agreement to make periodic payments subject to the following:
- (a) The Chief Executive Officer is to endorse the arrangement.
  - (b) Special arrangements will be for regular instalments with the debt to be finalised by 30 June of the financial year where possible.
2. Sundry Debtors
- 2.1 Sundry debtor accounts become overdue if not paid within 30 days of issuing of the account.
- 2.2 On becoming overdue, a statement is to be issued requesting immediate payment.
- 2.3 Fourteen days after the statement is issued, contact is to be made by telephone, where possible, in order to seek payment and to advise that the provision of credit facilities will cease in seven days.
- 2.4 After this seven day period has lapsed, the Shire may stop the provision of credit facilities to debtors. Recovery action may also be taken unless the debtor enters into and complies with an overdue payment agreement. Any such agreement will not exceed six months unless exceptional circumstances exist.
- 2.6 The Chief Executive Officer may determine other suitable treatment options to deal with sundry debtors in the case of demonstrated hardship or other situations.'

be adopted.

CARRIED (9/0)

NO. 135/14

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**9.4.5 MOUNT BARKER REGIONAL SALEYARDS - STRATEGIC PLAN 2014 – 2023 – ADOPTION****Cr J Moir**

Type: Financial/Indirect Financial Interest (Section 5.60(A) and 5.61 LGA)

Nature: Financial

Extent: Cattle Farmer and employee of Elders Rural Services

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

Approval has been received from the Department of Local Government via a letter dated 4 February 2014 giving permission for Councillor J Moir to participate in discussion and decision making procedures relating to the Mount Barker Regional Saleyards.

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

**File No:** N27217  
**Attachments:** Mount Barker Regional Saleyards - Strategic Plan 2014 – 2023  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** John Fathers  
Deputy Chief Executive Officer  
**Proposed Meeting Date:** 24 June 2014

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**PURPOSE**

The purpose of this report is to recommend to the Council the adoption of a strategic plan (2014 – 2023) for the Mount Barker Regional Saleyards.

**BACKGROUND**

At its meeting held on 12 April 2011, the Audit Committee asked the Saleyards Advisory Committee to prepare a business plan which would ensure that the Saleyards enterprise is successful and self sustaining.

Work undertaken so far has highlighted the lack of documentation at a strategic level as well as the need for a detailed business plan for the facility. Work has been undertaken 'in house' to finalise both of these documents.

In 2011/2012, Councillors undertook a planning exercise to identify the Council's strategic goals for the facility. The results of those exercises have guided the preparation of this document.

At its meeting held on 27 May 2014, the Saleyards Advisory Committee resolved to recommend to the Council that this plan be adopted.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

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## FINANCIAL IMPLICATIONS

There are no direct financial implications for this report.

## POLICY IMPLICATIONS

There are no policy implications for this report.

## STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2013-2023 provides at Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) the following strategy:

Strategy 3.5.5 – *‘Manage and maintain the Saleyards to ensure that the facility is successful and self-sustaining.’*

The Shire’s Corporate Business Plan 2013/14 – 2017/18 incorporates the following actions under this strategy:

- 3.5.5.1 *Manage and maintain the Saleyards in accordance with the Strategic Plan and Business Plan for the facility.*
- 3.5.5.2 *Ensure compliance with DEC (Now known as DER) environmental licence and other relevant requirements.*
- 3.5.5.3 *Operate the Saleyards as a self-sustaining business unit.*
- 3.5.5.4 *Market the Saleyards as the best in Western Australia.*

## OFFICER COMMENT

This plan provides an overview of the Shire’s long term plans for the Saleyards and the actions needed to achieve those goals. It also provides some measures of success. This Plan will be one of the Shire’s strategies that ‘inform’ its Strategic Community Plan and Business Plan.

In addition to this over-arching vision for the Saleyards, a detailed Business Plan for the period 2014-2024 has also been prepared, which provides the background and basis for many of the activities proposed.

This plan has been undertaken ‘in house’ with limited specialist information on things like competition, market intelligence and market forecasting. Primary production is subject to many factors that are out of the Shire’s control including the vagaries of world prices. Nevertheless, the plan does focus on the things that the Shire can reasonably do over the next ten years bearing in mind its resource constraints.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

**Moved Cr J Oldfield, seconded Cr A Budrikis:**

**That the Mount Barker Regional Saleyards - Strategic Plan 2014 – 2023 be adopted.**

**CARRIED (9/0)**

**NO. 136/14**

### 9.4.6 POLICY REVIEW - PAYMENT OF COUNCILLORS' ATTENDANCE FEES AND ALLOWANCES

**File No:** N30689  
**Responsible Officer:** Rob Stewart  
 Chief Executive Officer  
**Author:** John Fathers  
 Deputy Chief Executive Officer  
**Proposed Meeting Date:** 24 June 2014

#### PURPOSE

The purpose of this report is to review Council Policy F/FM/10 – Payment of Councillors' Attendance Fees and Allowances.

#### BACKGROUND

Council Policy F/FM/10 was last reviewed by the Council at its meeting held on 12 June 2012.

#### STATUTORY ENVIRONMENT

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

#### FINANCIAL IMPLICATIONS

The following attendance fees and allowances are expected to be paid in 2013/2014 and listed in the draft budgeted for 2014/2015.

	2013/2014	2014/2015
Councillors' Sitting Fees	\$74,000.00	\$76,220.00
Shire President's Allowance	\$ 6,100.00	\$ 6,283.00
Deputy Shire President's Allowance	\$ 1,525.00	\$ 1,571.00

#### POLICY IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

#### OFFICER COMMENT

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

#### VOTING REQUIREMENTS

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr G Messmer, seconded Cr J Oldfield:

That Council Policy F/FM/10 – Payment of Councillors' Attendance Fees and Allowances, as follows:

**'OBJECTIVE:**

To put in place an equitable system for payment of Councillors' attendance fees and the Shire President's and Deputy Shire President's allowances.

**POLICY:**

1. Councillors' annual attendance fees and allowances are to be paid on a pro-rata basis, based on time served in the position.
2. Fees and allowances are to be paid monthly in arrears.'

be endorsed.

CARRIED (9/0)

NO. 137/14

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

##### Cr C Pavlovich

Type: Closely Associated Person (Section 5.62 LGA) Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct)

Nature: On Committee's of Football and Speedway Sporting Club which lease Shire of Plantagenet land for the intended purpose.

Extent: Not required

4:41pm Cr C Pavlovich withdrew from the meeting.

**File No:** N30382

**Attachment:** Sporting and Community Organisations Using Council and Vested Land – Rateability - Policy

**Responsible Officer:** Rob Stewart  
Chief Executive Officer

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

**Proposed Meeting Date:** 27 May 2014

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#### 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 30 April 2013. 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.

In considering this matter at its meeting held on 27 May 2014, the Council resolved that the question be adjourned so that a further report be presented to the meeting of the Council to be held on 22 July 2014 addressing:

- a) A broader definition of public purpose; and
- b) The concept of varying degrees of public purpose.

#### STATUTORY ENVIRONMENT

Section 6.26 of the Local Government Act 1995 refers to the rateability of land. Section 6.26(2)(b) is to the effect 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.

The Shire received some legal advice recently 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 also may 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.

### **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. This cannot at present be quantified, as the rateable values are unknown.

### **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 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'*

### **OFFICER COMMENT**

The following organisations have exclusive use of Council owned or vested land:

<b>Facility</b>	<b>Lessee</b>
Mount Barker Speedway	Mount Barker Speedway Club
West Plantagenet Pony Club Grounds	West Plantagenet Pony Club
Mount Barker Men's Shed	Plantagenet Mens Shed
Narpanup Golf Course	Narpanup Golf Club
Mount Barker Communications Tower	Bevan Lang



Woogenellup Hall	Woogenellup Progress Association
Kendenup Country Club	Kendenup Country Club
Mount Barker Historic Museum	Plantagenet Historical Society
Mount Barker Railway Station	Mount Barker Tourist Bureau
Mount Barker District Hall (Lesser Hall)	WA Country Health Service
Mount Barker Tennis Courts	Mount Barker Tennis Club
Mount Barker Playgroup Centre	Mount Barker Playgroup
Arts Centre (Mitchell House)	Plantagenet Arts Council
Kendenup Tennis Courts	Kendenup Tennis Club
Mount Barker Child Care Centre	Wanslea Early Learning and Development Inc
Cattle Saleyards - Shed	Albany Cattle Association
Cattle Saleyards - Cattle Yards	M & J Mitchell Pty Ltd
Cattle Saleyards - Canteen	E Mitchell
Kendenup First Responders	St John Ambulance
Mount Barker Community Centre (excl Library)	Mount Barker Community Centre / Baptist Union of WA
Kendenup Community Grounds Committee Inc	Part Lots 15 and 16 Beverley Road Kendenup
Mount Barker Bulls Football Club	Sounness Park Clubrooms

A workshop of councillors was held on 1 April 2014 to discuss the implementation of this policy. At that workshop, an amended policy was proposed in order to gradually phase in the requirement for lessees to pay rates or make an application for a financial assistance grant.

At its meeting held on 27 May 2014, the view was expressed that further consideration be given to a continuation of full or partial rates concessions for organisations providing what might be considered a 'public purpose'. Further comment was sought on a broader definition of public purpose and the concept of varying degrees of public purpose.

As indicated above, there is no definition of 'public purpose' in the Act. The Council may adopt a policy designed to do this. In looking at the specific properties, a number of categories of public purpose are suggested:

#### 1. *Charitable Status*

The lease of the Kendenup First Responders building to St John Ambulance and likewise the lease of the Mount Barker Child Care Centre to Wanslea Early Learning and Development Inc can currently be considered to be exempt as the organisations are licensed charitable organisations and the uses are not for profit.

Section 6.26(2)(h) of the Local Government Act states that land vested in trustees for agricultural or horticultural show purposes is non-rateable. It is considered that this section results in the shed owned by the Albany Cattle Association at the Saleyards being non-rateable as that organisation is affiliated with the Royal Agricultural Society and the yards within that shed are hired out to the local stud breeders on a peppercorn basis.

It is considered that the Council should declare on an annual basis that properties such as these will be exempt from rates due to charitable or public purpose status where it is clear that this is appropriate under current legislation.

#### 2. *State Government Service or Purpose*

The WA Country Health Service leases the Lesser Hall at the District Hall for Home and Community Care purposes. This is an example of a government entity operating a public purpose and hence is non-rateable pursuant to Section 6.26(2)(b) of the Local Government Act 1995.

3. *Service to the public on behalf of the Shire*

The Woogenellup Progress Association has taken over the operation of the Woogenellup Hall from the Shire. This has benefits for the Shire in terms of a reduction of the financial and operational burden, but also has benefits for the local community in terms of a greater degree of 'ownership' of the asset. This should not be discouraged and if the association did not lease the building, it would revert to the Shire.

The operation of the Mount Barker Historic Museum would likely fall to the Shire of Plantagenet if it was not done so by the Plantagenet Historical Society. The Shire already allocates a significant amount of money in each financial year under the financial assistance grants for museum operations.

It is considered that the Council should fully fund the rates of organisations running a service in this category. If the service was being run by the Shire, they would be non-rateable.

4. *Other Service Organisation / Sporting Club*

A number of organisations operate various services from Council owned buildings, such as the Plantagenet Men's Shed, Bevan Lang (Mount Barker Communications Tower), Mount Barker Tourist Bureau, Plantagenet Arts Council (Arts Centre), Mount Barker Playgroup and Mount Barker Community Centre/Baptist Union of WA (Mount Barker Community Centre - excluding Library). These organisations are providing a variety of services to the community, although they may not necessarily be completely altruistic.

The Shire also leases properties to several sporting clubs. It could also be argued that all of the clubs operating from Council owned land are providing a form of community service by offering recreation activities and thereby all of the community health and well being benefits associated with those.

All of these groups operate slightly differently and provide arguably greater or lesser general community benefits. Nevertheless, for the purpose of simplicity, it is proposed that the organisations in this category be given either a 50% or 100% discount on their rates to reflect that there is some level of community benefit provided.

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

- Benefits to the Shire 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.

5. *Commercial entities or persons running a profit making business*

The leases to M & J Mitchell Pty Ltd and E Mitchell for commercial activities at the Saleyards should be fully rateable.

It is proposed that the Shire will be responsible for paying the applicable Shire rates on all of these properties from 1 July 2014 until the expiry of the respective leases.

Following the renewal of the leases, it is proposed that the above provisions will commence. It is also proposed that lessees will be excluded from applying for an annual donation, in lieu of the rates, as a part of the Shire's annual Financial Assistance Grants process, as this would erode the provisions of this policy.

The administration will arrange for all of its leasehold land to be valued by the Valuer General's Office, so that they can be rated from the 2014/2015 financial year (where they are rateable).

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION

Moved Cr J Moir, seconded Cr L Handasyde:

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 from 1 July 2014 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
Mount Barker Playgroup Centre	Mount Barker Playgroup
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 Centre (excl Library)	Mount Barker Community Centre/Baptist Union of WA
Kendenup Community Grounds Committee Inc	Part Lots 15 and 16 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 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
Mount Barker Playgroup Centre	Mount Barker Playgroup
Arts Centre (Mitchell House)	Plantagenet Arts Council
Kendenup Tennis Courts	Kendenup Tennis Club
Mount Barker Community Centre (excl Library)	Mount Barker Community Centre/Baptist Union of WA
Kendenup Community Grounds Committee Inc	Part Lots 15 and 16 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 adopted.

4:45pm Cr S Etherington withdrew from the meeting.

4:47pm Cr S Etherington returned to the meeting.

**AMENDMENT**

**Moved Cr A Budrikis, seconded Cr B Bell:**

**That:**

- 1. In part (d) of the motion, all reference to sporting clubs be deleted;**
- 2. Part (e) becomes part (f); and**
- 3. A new part (e) be created indicating that for all sporting clubs leasing land becomes non rateable.**

**LOST (2/6)**

**THE MOTION WAS THEN PUT**

**CARRIED (8/0)**

**NO. 138/14**

5:05pm Cr C Pavlovich returned to the meeting.

## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 AUDIT COMMITTEE - CHANGE OF NAME

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<b>File No:</b>	<b>N30937</b>
<b>Responsible Officer:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Author:</b>	<b>Rob Stewart Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>24 June 2014</b>

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#### PURPOSE

The purpose of this report is to change the name of the Audit Committee to 'Audit and Risk Management Committee.'

#### BACKGROUND

At its meeting held on 27 May 2014, the Council's Audit Committee requested that the name of the Committee be changed from 'Audit Committee' to 'Audit and Risk Management Committee'.

The legislation requires the Council to form an Audit Committee but does not specify what the name of that Committee shall be.

Further, the Local Government (Audit) Regulations, at Regulation 17.3 requires the Committee to review any report given to it pursuant to Regulation 17.1.

Regulation 17.1 requires this report of the CEO to review the appropriateness and effectiveness of the Local Government systems relating to risk management, internal control and legislative compliance.

#### STATUTORY ENVIRONMENT

Local Government Act 1995 Section 7.1 (A) relates to the requirement to establish an Audit Committee.

Local Government (Audit) Regulations 1996 - Regulation 17 state:

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

#### EXTERNAL CONSULTATION

There has been no external consultation with regard to this matter.

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**FINANCIAL IMPLICATIONS**

There are no financial implications in regard to this matter.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

Strategy 4.6.2 – *‘Develop and maintain Risk management policies and procedures’.*

**OFFICER COMMENT**

The suggested change of name from ‘Audit Committee’ to ‘Audit and Risk Management Committee’ will better reflect the statutory duties of the Committee.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

Moved J Moir, seconded Cr L Handasyde:

**That the name of the Council’s Audit Committee be changed to ‘Audit and Risk Management Committee’.**

**CARRIED (9/0)**

**NO. 139/14**

**Absolute Majority**



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### 9.5.2 HEAVY PLANT COMMITTEE - AMENDMENT TO COMMITTEE RESPONSIBILITIES

**File No:** N30945  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 24 June 2014

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#### PURPOSE

The purpose of this report is to recommend a minor amendment to the responsibilities of the Heavy Plant Committee.

#### BACKGROUND

The Heavy Plant Committee was created by the Council at its meeting held on 29 April 2014 as follows:

*'That:*

1. *A Committee of the Council be formed pursuant to Section 5.9(2)(a) of the Local Government Act to be named the Heavy Plant Committee.*
2. *The functions of the Committee shall be to review the existing Policy I/PM/1 Plant – General Policy and make recommendations to the Council regarding but not limited to:*
  - a. *Specifications of heavy plant;*
  - b. *Type and number of heavy plant;*
  - c. *Maintenance Regime;*
  - d. *Optimum replacement; and*
  - e. *Operator efficiency and productivity.*
3. *The membership of the Committee shall be comprised of three Councillors.*
4. *Cr L Handasyde, Cr J Oldfield and Cr C Pavlovich be appointed as members of the Heavy Plant Committee.*
5. *The Committee shall report to the Council on or before its meeting to be held on 16 September 2014 at which time the Committee shall be dissolved.'*

The Inaugural meeting of the Heavy Plant Committee was held on 13 May 2014.

At that meeting Committee Members believed that an additional responsibility regarding the disposal of heavy plant should be included in the Committee Responsibilities.

**STATUTORY ENVIRONMENT**

The Heavy Plant Committee was appointed pursuant to Section 5.9 (2) (a) of the Local Government Act.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

The Committee was created to review existing Policy I/PM/1 – Plant - General Policy.

**STRATEGIC IMPLICATIONS**

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

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

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

Strategy 4.6.4 - *‘Provide support services for works and plant operations’.*

**OFFICER COMMENT**

The proposal by the Committee to include ‘disposal of heavy plant’ as part of its responsibilities is sensible.

However, as the Council created the Committee by absolute majority decision, any alterations to its responsibilities also need to be undertaken by the Council by absolute majority decision.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

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

**That the responsibilities of the Heavy Plant Committee be amended to:**

- a. **Specifications of heavy plant;**
- b. **Type and number of heavy plant;**
- c. **Maintenance Regime;**
- d. **Optimum replacement;**
- e. **Operator efficiency and productivity; and**
- f. **Disposal of heavy plant.**

**CARRIED (9/0)  
NO. 140/14  
Absolute Majority**

**9.5.3 SOUNNESS PARK - CHANGE ROOMS**Cr C Pavlovich

Type: Closely Associated Person (Section 5.62 LGA)  
Nature: Wife Treasurer of Football Club  
Extent: Not required

5:06pm Cr C Pavlovich withdrew from the meeting.

**File No:** N30583  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 24 June 2014

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**PURPOSE**

The purpose of this report is to seek the Council's authority to write-off a sum of money that has been charged to the Mount Barker Football Club regarding alterations to the change rooms at Sounness Park subsequent to the plans for the change rooms being adopted.

**BACKGROUND**

At its Special Meeting held on 10 September 2012 the Council resolved:

*'That:*

- 1. Proposed changes to the home change rooms 1 and 3 including partitions/sliding walls and consequential room re-alignment of umpire and ablution facilities be incorporated into the plans; and*
- 2. The Mount Barker Football Club be requested to contribute 50% of the extra architectural fees incurred up to a maximum of \$5,000.00.'*

Costings were obtained for these alterations and an invoice directed to the Football Club.

Subsequently, the Football Club has indicated that as a club, it had never sought these alterations and any indications made by its President that it would meet these costs was without authority and in any case only as part of his role on the Sounness Park Working Group.

It is acknowledged that the Sounness Park Working Group did endorse the concept for the change although without any indication of costs.

At the time, substantial pressure was being brought to bear to finalise the plans for the buildings at Sounness Park so that the matter could go to tender to meet funding milestones.

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**STATUTORY ENVIRONMENT**

Section 6.12 (1) (c) of the Local Government Act states:

'(1) Subject to subsection (2) and any other written law, a local government may ... (c) write off any amount of money that is owed to the Local Government'.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

The Club is adamant that its authority was not sought to alter the change room plans in such a way as to incur a cost to the Club.

There is no doubt that the Sounness Park Working Group endorsed the plans, but this group had no authority and acted only as an advisory group for the Council.

There is also no doubt that the change (that was suggested by the then Football Club President as a member of the Working Group) has been acknowledged by all as a very workable idea that increases the effectiveness of the change rooms remarkably for all users.

It is believed that as the suggestion was both positive and workable and will also benefit all users of the change rooms in the future, that the amount of \$5,000.00 be written-off.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

**Moved Cr A Budrikis, seconded Cr J Oldfield:**

**That the following Sundry Debtor totalling \$5,000.00 be written-off:**

**(1) Mount Barker Football Club - \$5,000.00.**

**CARRIED (7/1)**

**NO. 141/14**

**Absolute Majority**

5:11pm Cr C Pavlovich returned to the meeting.

**9.5.4 LOT 6 LOWOOD ROAD – SUBLEASE - MOUNT BARKER TYRE AND EXHAUST**

**File No:** N30432  
**Attachments:** Sublease - Lot 6 Lowood Rd  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Donna McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 24 June 2014

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**PURPOSE**

The purpose of this report is to recommend a Sublease Agreement between the Shire of Plantagenet (as the Sublessee) and Mt Barker Tyre & Exhaust (as the Sublessor) and Mal Jones & Co (as the Head Lessor), for Lot 6 Lowood Road, Mount Barker.

**BACKGROUND**

Lot 6 Lowood Road is owned by Dorothy Jones and Messrs Trevor and Phillip Jones, trading as Mal Jones & Co and is leased by Shaun and Kim Downham, trading as Mt Barker Tyre & Exhaust. The site is utilised as a carpark.

The carpark is currently unsealed and although it is predominantly for customers of Mt Barker Tyre & Exhaust, it is frequently utilised by customers of the adjacent Post Office as well as other businesses in the vicinity.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**EXTERNAL CONSULTATION**

Consultation has occurred with Shaun Downham of Mt Barker Tyre & Exhaust and Phil Jones of Mal Jones & Co.

**FINANCIAL IMPLICATIONS**

The annual rental for the sublease of the carpark will be \$1.00.

Cost of redevelopment of the carpark is estimated at \$50,000.00 which has been included in the draft budget for 2014/2015.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

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

Strategy 2.4.3 – *‘Provide appropriate on-road and off-street car parking as well as parking control activities’; and*

Strategy 2.4.4 – *‘Investigate and respond to road safety and traffic issues throughout the District.’*

#### **OFFICER COMMENT**

There is currently no direct access into the carpark when heading South on Lowood Road. This regularly results in vehicles performing a u-turn at the southern end of the median strip and using Mt Barker Tyre & Exhaust as a thoroughfare to the carpark. This practice is both dangerous and can disrupt the flow of traffic.

The effecting of the Sublease (as attached) would enable the Council to assume control of the carpark and allow for redevelopment of the area. Such redevelopment would involve the construction of a right hand turn for South bound traffic, through the median and directly into the carpark and the bitumen sealing of the carpark.

Sealing of the carpark would both improve the aesthetics of the area and allow for the formation of parking bays so that parking on the site can be controlled and regulated. Sealing would also improve the safety of the area, reducing the risk of potential injuries due to the slippery and uneven gravel surface and reduce dust.

The traffic configuration of the carpark and Lowood Road will be the subject of a further report from the Manager Works and Services.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION**

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

**That authority be given to the Shire President and the Chief Executive Officer to affix the Common Seal of the Shire of Plantagenet to the Sublease Agreement (as attached) between the Shire of Plantagenet and Mt Barker Tyre & Exhaust and Mal Jones & Co for Lot 6 Lowood Road, Mount Barker for the purpose of a public carpark.**

#### **AMENDMENT**

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

**That:**

- 1. The words in Clause 13 be deleted and replaced with the words:  
‘The parties recognise the intention to honour Item 4 of the Schedule, unless development of the site is proposed’; and**
- 2. Capital cost of the redevelopment be limited to \$50,000.00.**

**CARRIED (9/0)**

**NO. 142/14**

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**COUNCIL DECISION**

That authority be given to the Shire President and the Chief Executive Offer to affix the Common Seal of the Shire of Plantagenet to the Sublease Agreement (as attached) between the Shire of Plantagenet and Mt Barker Tyre & Exhaust and Mal Jones & Co for Lot 6 Lowood Road, Mount Barker for the purpose of a public carpark subject to:

1. Clause 13 be deleted and replaced with the words;  
'The parties recognise the intention to honour Item 4 of the Schedule, unless the development of the site is proposed'; and
2. Capital cost of the redevelopment be limited to \$50,000.00.

**CARRIED (9/0)**

**NO. 143/14**

**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**

**12.1.1 CHIEF EXECUTIVE OFFICER - CONTRACT RENEWAL (WITHDRAWN)**

This item was withdrawn from the Agenda

**13 CLOSURE OF MEETING**

4:46pm The Presiding Member declared the meeting closed.

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