



# ORDINARY MINUTES

**DATE:** Tuesday, 27 November 2012

**TIME:** 2:45pm

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

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

## **MEMBERSHIP – Quorum (5)**

### **Membership:**

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

*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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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	2
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	2
5	DISCLOSURE OF INTEREST .....	2
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	2
7	CONFIRMATION OF MINUTES.....	2
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	3
9	REPORTS OF COMMITTEES AND OFFICERS.....	4
9.1	DEVELOPMENT SERVICES REPORTS.....	4
9.1.1	TOWN PLANNING SCHEME POLICY NO. 21 - WATER EFFICIENCY IN RESIDENTIAL DEVELOPMENT (INCORPORATING RAINWATER TANKS, GREYWATER REUSE AND WATER EFFICIENCY PRACTICES).....	4
9.2	WORKS AND SERVICES REPORTS.....	8
9.2.1	ROADWISE COMMITTEE – CHANGE OF MEMBERSHIP .....	8
9.3	COMMUNITY SERVICES REPORTS .....	10
9.3.1	APPOINTMENT OF A BUSH FIRE CONTROL OFFICER 2012 / 2013 .....	10
9.4	CORPORATE SERVICES REPORTS .....	12
9.4.1	FINANCIAL STATEMENTS – OCTOBER 2012 .....	12
9.4.2	LIST OF ACCOUNTS - OCTOBER 2012 .....	14

- 9.4.3 POLICY REVIEW - ASSET REGISTER ..... 16
- 9.4.4 SALEYARDS NAME CHANGE ..... 18
- 9.4.5 POLICY REVIEW - VEHICLE REGISTRATION PLATE PL 1  
AND PL 2 ISSUE ..... 21
- 9.5 EXECUTIVE SERVICES REPORTS..... 23**
- 9.5.1 COUNCIL MEETINGS - SCHEDULE 2013 ..... 23
- 9.5.2 POLICY REVIEWS – COMMITTEE MEETINGS –  
ATTENDANCE BY MEMBERS OF THE PUBLIC AND  
WORKSHOPS – ATTENDANCE BY MEMBERS OF THE  
PUBLIC..... 29
- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN ..... 32**
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY  
DECISION OF THE MEETING..... 32**
- 12 CONFIDENTIAL..... 33**
- 13 CLOSURE OF MEETING..... 33**

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:45pm The Presiding Member declared the meeting open.

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

### Members Present:

Cr K Clements	Shire President
Cr B Bell	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor

### In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary

There were no members of the public present.

### Apologies

Cr M Skinner  
Cr C Pavlovich

### Previously Approved Leave of Absence:

Nil

### Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

### **3 PUBLIC QUESTION TIME**

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

Nil

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

Nil

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

Nil

### **5 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

#### Cr B Bell

Disclosed a Financial/Indirect Financial (Section 5.60(A) Interest in Item 9.1.1 – In water tank business.

#### Cr J Moir

Disclosed a Financial/Indirect Financial (Section 5.60(A) Interest in Item 9.4.4 – Cattle farmer and employee of Elders.

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

Section 5.25 Local Government Act 1995

Nil

### **7 CONFIRMATION OF MINUTES**

Moved Cr L Handasyde, seconded Cr S Etherington:

**That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 6 November 2012 as circulated, be taken as read and adopted as a correct record.**

**CARRIED (6/0)**

**NO. 259/12**

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**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 TOWN PLANNING SCHEME POLICY NO. 21 - WATER EFFICIENCY IN RESIDENTIAL DEVELOPMENT (INCORPORATING RAINWATER TANKS, GREYWATER REUSE AND WATER EFFICIENCY PRACTICES)

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr B Bell. Nature and Extent of Interest – Water tank business.

2:47pm Cr B Bell withdrew from the meeting.

**File No:** N24237  
**Attachments:** [TPS Policy No. 21](#)  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Peter Duncan  
Manager Development Services  
**Proposed Meeting Date:** 27 November 2012

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#### PURPOSE

The purpose of this report is to consider Draft Town Planning Scheme (TPS) Policy No. 21 Water Efficiency in Residential Development (Incorporating Rainwater Tanks, Greywater Reuse and Water Efficiency Practices), to enable it to be advertised for public comment.

#### BACKGROUND

The Manager Development Services has been involved in a Great Southern Water Plan Reference Group coordinated by the Department of Water (DOW) for some time. The Water Plan document is to be released shortly by the DOW. As part of the work, water efficiency has been recognised as a very important component of water planning in this region.

The Shires of Denmark and Jerramungup have adopted policies in 2010 and 2012 respectively in respect to rainwater tanks.

Draft TPS Policy No. 21 for the Shire of Plantagenet is attached.

#### STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.6 ‘Power to Make Policies’ which reads:

*‘7.6 POWER TO MAKE POLICIES*

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- 7.6.1 *In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.*
- 7.6.2 *A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*
- (a) the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
  - (b) the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;*
  - (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*
- 7.6.3 *A Town Planning Scheme Policy may only be altered or rescinded by:*
- (a) preparation and final adoption of a new policy pursuant to this clause, specifically worded to supercede an existing policy;*
  - (b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*
- 7.6.4 *A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.'*

## **EXTERNAL CONSULTATION**

The draft TPS Policy No. 21 has been provided to a senior officer in the Department of Health for his comment. He is supportive of the draft.

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft policy once a week for two consecutive weeks within a newspaper circulating within the area. The advertisement is required to contain details of where the draft policy may be inspected and in what form submissions can be made during a period of not less than 21 days.

## **FINANCIAL IMPLICATIONS**

The cost of advertising will be met from the Town Planning Advertising Budget.

**POLICY IMPLICATIONS**

This is a new Town Planning Scheme Policy.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012 – 2022 provides at Outcome 2.8 (Awareness of and appropriate response to effects of climate variation) the following strategies:

*‘Strategy 2.8.1 – Support community education and promotion of energy and water efficiency.’*

*‘Strategy 2.8.4 – Consider climate variability in planning matters to minimise impact on the natural environment.’*

Further, the Strategic Community Plan 2012 – 2022 provides at Outcome 2.10 (Efficient use and management of water resources) the following strategies:

*‘Strategy 2.10.1 – Support and development of sustainable potable water infrastructure.’*

*‘Strategy 2.10.2 – Investigate waste water re-use.’*

*‘Strategy 2.10.3 – Promote effective water management practices.’*

**OFFICER COMMENT**

The draft TPS Policy No. 21 has been partially based on earlier documents produced in the Shires of Denmark and Jerramungup. It includes not only the requirement to provide rainwater tanks on all new residential developments, but it also encourages greywater reuse systems and water efficiency practices.

Government agencies such as the Department of Health (DOH) have produced fact sheets on the use of rainwater tanks and greywater systems. The DOH also has a Code of Practice on the use of greywater systems.

This draft TPS Policy No. 21 also allows for the Water Corporation reticulated water supply to be plumbed into the water tank (with appropriate safeguards such as an approved backflow prevention device). This will provide the house with the ability to utilise rainwater first, with the Water Corporation reticulated water supply being used as a top up resource in dryer months. This is a practice approved by the DOH but is not widely known.

The draft TPS Policy No. 21 encourages the use of water efficient equipment and practices and emphasises how hygiene is an important practice when using rainwater tanks and greywater systems.

This draft should be advertised for a period of 21 days to enable public comment to be obtained before a final decision is made by the Council.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That:**

- 1. Draft Town Planning Scheme Policy No. 21 – Water Efficiency in Residential Development (Incorporating Rainwater Tanks, Greywater Reuse and Water Efficiency Practices) be advertised in accordance with Clause 7.6.2 (a) of Town Planning Scheme No. 3 for a period of 21 days.**
- 2. At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held in February 2013.**

**CARRIED (5/0)**

**NO. 560/12**

2:57pm Cr B Bell returned to the meeting.

## 9.2 WORKS AND SERVICES REPORTS

### 9.2.1 ROADWISE COMMITTEE – CHANGE OF MEMBERSHIP

<b>File No:</b>	<b>N24666</b>
<b>Responsible Officer:</b>	<b>Dominic Le Cerf Manager Works and Services</b>
<b>Author:</b>	<b>Megan Beech Senior Administration / Project Officer Works and Services</b>
<b>Proposed Meeting Date:</b>	<b>29 November 2012</b>

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

Existing membership includes: Councillor Len Handasyde, Councillor Gert Messmer, Mr Dominic Le Cerf – Manager Works and Services, Mr Andrew Duffield representing Main Roads WA, Sergeant Alan Keogh representing the Mount Barker Police, Mr Wesley Beck representing the Mount Barker Community College, Ms Mabelle Jeffrey representing the Department of Transport, Mr Arthur Patterson (Community Representative), Ms Kendra Green – Road Safety Officer and Mr Greg Sounness representing Mount Barker Community College Parents and Citizens Association.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

The RoadWise Committee was created pursuant to Section 5.9(2)(c). This means that the committee has as its members Council Members, Employees and other persons.

Section 5.10(1)(a) refers to the following:

*'A committee is to have as its members -*

- (a) *persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b))...*

*\* Absolute majority required.'*

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Section 5.11 refers to tenure of committee membership.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022, provides at Outcome 2.4 (Safe and reliable transport infrastructure), the following Strategy 2.4.4:

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

The Plan further provides at Outcome 4.1 (Effective governance and leadership), the following Strategy 4.1.4:

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

### **OFFICER COMMENT**

Pursuant to Section 5.11 of the Act, Ms Kendra Green no longer holds a position on the committee as she has resigned from the role of Road Safety Officer.

It is now necessary to replace Ms Green and it is suggested that the vacancy be filled by the successful candidate appointed to the Road Safety Officer position. Ms Erin McDonald-Lee was appointed by the Western Australian Local Government Association as the Road Safety Officer for the Great Southern Region and commenced working for RoadWise on 29 October 2012.

### **VOTING REQUIREMENTS**

Absolute Majority

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

**Moved Cr L Handasyde, seconded Cr G Messmer:**

**That:**

- 1. The resignation of Ms Kendra Green from the RoadWise Committee be noted.**
- 2. Ms Erin McDonald-Lee – Road Safety Officer be appointed as a member on the RoadWise Committee.**

**CARRIED (6/0)**

**NO. 561/12**

**Absolute Majority**

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### **9.3 COMMUNITY SERVICES REPORTS**

#### **9.3.1 APPOINTMENT OF A BUSH FIRE CONTROL OFFICER 2012 / 2013**

**File No:** N24797  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Nicole Selesnew  
Manager Community Services  
**Proposed Meeting Date:** 27 November 2012

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#### **PURPOSE**

The purpose of this report is to appoint a Shire of Plantagenet Bush Fire Control Officer (FCO) for the purpose of carrying out firebreak and fire hazard reduction inspections during the 2012 / 2013 summer period.

#### **BACKGROUND**

Each year, inspections are carried out to ensure properties comply with the Annual Firebreak Notice. Owners of properties that do not comply are either warned or infringed and required to carry out the necessary works. If no action is taken, the Shire may enter the property and carry out the necessary work, charging all costs to the land through the Shire's rating system.

Following a review of the legislation, the person/s that carries out the inspections needs to be an authorised FCO in accordance with the Bush Fires Act 1954. This gives the person authority to enter a property for the purpose of inspecting compliance with the Annual Firebreak Notice.

While most inspections are carried out from the roadside, in some cases it is necessary for the inspector to enter the property. Examples include checking the internal firebreaks of a plantation or needing to gather clear photographs of a breach of the Firebreak Notice.

#### **STATUTORY ENVIRONMENT**

Section 38 and 39 of the Bush Fires Act 1954 details the appointment and duties of FCOs.

The legislation allows for a FCO to be given specific powers. It is recommended that the inspector's powers as a FCO be limited to entering a property to inspect firebreaks and fire hazard reduction work only. The FCO will not be authorised to control / manage fires, issue permits or carry out other activities which are common to a FCO authorised under these sections of the Act.

#### **EXTERNAL CONSULTATION**

Clarification of the legislation has occurred with the Western Australian Local Government Association, Department of Local Government and the Department of Fire and Emergency Services.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

There are no policy implications for this report.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 1.9: (A safe Plantagenet) the following Strategy 1.9.2:

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

**OFFICER COMMENT**

In the past years Shire Officers and casual staff have carried out inspections. After reviewing the legislation it is important to ensure that all inspectors are FCOs to ensure that they may legally enter properties where necessary to do so.

The usual appointment of FCOs involves Bush Fire Brigade’s nominating their FCOs at their Annual General Meeting. The list of FCOs is ratified at a Bush Fire Advisory Committee Meeting, prior to the Council authorising the list at an Ordinary Meeting.

The Shire staff carrying out inspections this year were authorised as FCOs at the Ordinary Meeting of the Council held on 22 May 2012. One of the casual inspectors, Mr Mark Vitler, requires authorisation. Mr Vitler should be authorised as a FCO for the Shire and his powers be limited to entering a property to inspect firebreaks and fire hazard reduction only.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

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

**That in accordance with Section 39 (1)(d) of the Bush Fires Act 1954, Mr Mark Vitler be authorised as a Bush Fire Control Officer for the Shire of Plantagenet for 2012/2013, with his powers limited to the ability to enter any land for the purpose of inspecting properties for compliance with the Annual Firebreak Notice.**

**CARRIED (6/0)**

**NO. 562/12**

## 9.4 CORPORATE SERVICES REPORTS

### 9.4.1 FINANCIAL STATEMENTS – OCTOBER 2012

<b>File No:</b>	<b>N24709</b>
<b>Attachment:</b>	<a href="#">Financial Statement (separate attachment)</a>
<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>27 November 2012</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 October 2012.

#### STATUTORY ENVIRONMENT

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

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

The Statement is to be accompanied by:

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

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

**That the Financial Statements for the month ending 31 October 2012 be received.**

**CARRIED (6/0)**

**NO. 563/12**

**9.4.2 LIST OF ACCOUNTS - OCTOBER 2012**

**File No:** N24649  
**Attachments:** [List of Accounts](#)  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Emma Gardner  
Accounts Officer  
**Proposed Meeting Date:** 27 November 2012

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**PURPOSE**

The purpose of this report is to present the list of payments that were made during the month of October 2012.

**STATUTORY ENVIRONMENT**

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

The Chief Executive Officer has delegated authority to authorise payments (22 May 2012). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr L Handasyde:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended October 2012 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$530,758.88; and
- b. Municipal Cheques 43271 - 43340 totalling \$66,166.03;
- c. Trust Cheques 337 – 339 totalling \$477.40.

**CARRIED (6/0)**

**NO. 564/12**

**9.4.3 POLICY REVIEW - ASSET REGISTER**

**File No:** N24741  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 27 November 2012

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**PURPOSE**

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

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 19 October 2010.

**STATUTORY ENVIRONMENT**

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

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

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

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

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr B Bell, seconded Cr G Messmer:

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

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

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

be endorsed.

**CARRIED (6/0)**

**NO. 565/12**

#### **9.4.4 SALEYARDS NAME CHANGE**

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr Moir. Nature and extent of interest – Cattle farmer and employee of Elders.

#### **Authority to participate pursuant to Section 5.69(3) 9b) of the Local Government Act**

Approval has been received from the Department of Local Government via letter dated 9 January 2012 giving permission for Cr M. Skinner and Cr J Moir to participate in matters relating to the Great Southern Regional Cattle Saleyards from 10 January 2012 until 31 December 2012.

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

<b>File No:</b>	<b>N24731</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>27 November 2012</b>

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#### **PURPOSE**

The purpose of this report is to endorse the 'Great Southern Regional Cattle Saleyards' being renamed 'Mount Barker Regional Saleyards' and to rename the Great Southern Regional Cattle Saleyards Advisory Committee (the Committee).

#### **BACKGROUND**

The Committee has been discussing a name change for the saleyards for some time. The current name is considered too long and is not generally used. A possible name change was also discussed by councillors during recent saleyards strategic planning sessions.

#### **STATUTORY ENVIRONMENT**

Business Names Act 1962

The Business Name 'Great Southern Regional Cattle Saleyards' has previously been registered with the Department of Commerce under the Business Names Act 1962. The new name will be registered in its place.

#### **EXTERNAL CONSULTATION**

Consultation has taken place with representatives of the agents to discuss this matter, among other things. The name 'Mount Barker Regional Saleyards' was endorsed by the representatives in attendance.

#### **FINANCIAL IMPLICATIONS**

Some costs will be incurred in changing the saleyards' logo and signage. A sum of \$10,000.00 has been listed in the 2012/2013 budget for replacement entrance

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signage, which requires updating regardless of a name change. Other costs have not been fully quantified, but should not be more than \$2,000.00.

### **POLICY IMPLICATIONS**

There are no policy implications for this report.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2012 – 2022 provides at Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) the following Strategy 3.5.5:

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

### **OFFICER COMMENT**

The change of name is considered sensible and is supported. At its meeting held on 6 November 2012, the Committee agreed that an Open Day (barbecue lunch) be held at the Saleyards on a Wednesday in early to mid February, which would celebrate the 75th anniversary of cattle sales in the district and promote recent achievements. This would also afford an opportunity to publicise the proposed new name of the saleyards.

Provision has been made for replacement signage at the entrance to the saleyards. The design options for the new signage is being submitted to the Committee, but the final design will await a decision on the proposed renaming of the facility.

Assuming the Council endorses the proposal to rename the saleyards, it is appropriate to also rename the Advisory Committee, although it is suggested that a shortened version (Saleyards Advisory Committee) be used.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

That:

1. The ‘Great Southern Regional Cattle Saleyards’ be renamed the ‘Mount Barker Regional Saleyards’.
2. The ‘Great Southern Regional Cattle Saleyards Advisory Committee’ be renamed the ‘Saleyards Advisory Committee’.

### **ALTERNATIVE MOTION**

Moved Cr J Moir,

**The ‘Great Southern Regional Cattle Saleyards Advisory Committee’ be renamed the ‘Saleyards Advisory Committee’.**

### Reason for Change

The mover did not agree with part (1) of the officer recommendation.

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Lapsed due to want of a seconder.

**COUNCIL DECISION**

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1. The 'Great Southern Regional Cattle Saleyards' be renamed the 'Mount Barker Regional Saleyards'.
2. The 'Great Southern Regional Cattle Saleyards Advisory Committee' be renamed the 'Saleyards Advisory Committee'.

**AMENDMENT**

Moved Cr J Moir,

That part (1) of the motion read 'The Great Southern Regional Cattle Saleyards be renamed the 'Mount Barker Saleyards'

Lapsed due to want of a seconder

The Substantive Motion was then put.

**CARRIED (5/1)**

**NO. 566/12**



**9.4.5 POLICY REVIEW - VEHICLE REGISTRATION PLATE PL 1 AND PL 2  
ISSUE**

**File No:** N24733  
**Responsible Officer:** John Fathers  
Deputy Chief Executive Officer  
**Author:** Donna McDonald  
Senior Administration/Human Resources  
Officer  
**Proposed Meeting Date:** 27 November 2012

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**PURPOSE**

The purpose of this report is to review Council Policy No. A/PA/11 – Vehicle Registration Plates PL 1 and PL 2 Issue.

**BACKGROUND**

This policy was last reviewed by the Council at its meeting held on 19 October 2010.

**STATUTORY ENVIRONMENT**

There are no statutory implications for this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

**POLICY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications for this report.

**OFFICER COMMENT**

It is considered that the current policy is sufficient and should be endorsed without alteration.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr S Etherington, seconded Cr L Handasyde:

That Council Policy No A/PA/11 – Vehicle Registration Plates PL 1 and PL 2 Issue, as follows:

‘OBJECTIVE: To determine the allocation of Vehicle Registration Plates PL 1 and PL 2.

**POLICY:** That the Council will:

1. Issue to the Shire President of the day whilst that person occupies the office of Shire President Vehicle Registration Plate PL 1; and
2. Issue to the Chief Executive Officer of the day whilst that person occupies the office of Chief Executive Officer Vehicle Registration Plate PL 2.’

be endorsed.

**CARRIED (6/0)**

**NO. 567/12**

## 9.5 EXECUTIVE SERVICES REPORTS

### 9.5.1 COUNCIL MEETINGS - SCHEDULE 2013

**File No:** N24722  
**Responsible Officer:** Rob Stewart  
Chief Executive Officer  
**Author:** Rob Stewart  
Chief Executive Officer  
**Proposed Meeting Date:** 27 November 2012

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#### PURPOSE

The purpose of this report is to reconsider a motion of the Council relating to the schedule of ordinary Council meeting dates, times and venues for January to December 2013.

#### BACKGROUND

At its meeting held on 6 November 2012 the following motion was adjourned so that a further report could be presented to the Council:

*'That:*

1. *The ordinary meetings of the Council for January to November 2013 inclusive be held on the last Tuesday of each month as follows:*
    - a) *29 January 2013*
    - b) *26 February 2012*
    - c) *26 March 2013*
    - d) *30 April 2013*
    - e) *28 May 2013*
    - f) *25 June 2013*
    - g) *30 July 2013*
    - h) *27 August 2013*
    - i) *24 September 2013*
    - j) *29 October 2013*
    - k) *26 November 2013*
  2. *The ordinary meeting for December be held on Tuesday 17 December 2013.*
  3. *All ordinary meetings of the Council shall commence at 3.00pm and be held in the Council Chambers, Lowood Road Mount Barker.*
  4. *All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.*
-

5. *A briefing session be held on the Tuesday prior to each Ordinary Council meeting commencing at 3.00pm as follows:*
- a) *22 January 2013*
  - b) *19 February 2013*
  - c) *19 March 2013*
  - d) *23 April 2013*
  - e) *21 May 2013*
  - f) *18 June 2013*
  - g) *23 July 2013*
  - h) *20 August 2013*
  - i) *17 September 2013*
  - j) *22 October 2013*
  - k) *19 November 2013*
  - l) *10 December 2013.'*

The adjourned motion was an alternative motion from that of the Officer Recommendation. The Officer Recommendation was based on the existing three weekly Council meeting schedule while the alternative motion took into account monthly meetings with a briefing session to be held the week prior to each meeting.

## **STATUTORY ENVIRONMENT**

### Local Government Act 1995

Section 5.3 provides that a Council is to hold ordinary meetings and may hold special meetings.

Section 5.5 requires the CEO to convene ordinary meetings by giving each Council member at least 72 hours notice of a date, time and place of a meeting and an agenda for the meeting.

### Local Government (Administration) Regulations 1996

Regulation 12 requires that ordinary council meetings to be held in the next 12 months shall be advertised.

Further, a local government is to give local public notice of any change to the date, time or place of the meeting.

## **EXTERNAL CONSULTATION**

Although there is no need for public consultation regarding this matter, as mentioned above, statutory advertising protocols apply.

## **FINANCIAL IMPLICATIONS**

There will possibly be some impact on catering costs depending on the timing and frequency of meetings.

**POLICY IMPLICATIONS**

Policy No CE/CS/5 – Workshops – Attendance by Members of the Public and Policy No CE/CS/6 – Briefing Sessions for Councillors apply.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community 2012-2022 provides at Outcome 4.1 (Effective governance and leadership) the following strategy 4.1.3:

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

**OFFICER COMMENT**

During debate relating to the alternative motion which related to monthly meetings and a briefing session held in the week prior to the meeting, Councillors indicated the possibility of having monthly meetings without briefing sessions.

It was noted that many Councils met on a monthly basis and with high level delegations to the CEO and Senior Staff, there was less chance for the decision making process of the organisation to be inordinately held up.

During discussion some Councillors also queried the need for a briefing session. Although many Councils employ a briefing session, such sessions need to be run in accordance with rules that preclude debate or purported decision making. Some Councillors were concerned that the briefing session may evolve into a quasi decision making forum and that the Council meeting would then merely become a ‘rubber stamp’. There was some concern that this may be seen as acting contrary to open and accountable Local Government.

As noted above, briefing sessions are not designed to encourage debate or make decisions. Their main benefit is to allow Councillors to ask questions of each other and Senior Staff and Report Authors. In this way Councillors are all getting the same information at the same time. This could be a more efficient use of Councillors’ time and that of Senior Staff. It is important to note that at a briefing session Councillors would be considering the agenda for the Council meeting and not a draft agenda. As a briefing session is not a formally convened Council meeting, it would have no power to change recommendations as these could only be changed at a formally convened Council meeting through the normal rules of meetings processes.

This would mean that the Council agenda would need to be prepared at least seven days earlier than it is at present, which would mean the closing date for reports would be a week earlier again. This would mean that reports that were being considered at a Council meeting could have been prepared three weeks or more earlier. This could create pressure for late reports to be tabled. This would generally not be encouraged.

From a staff point of view, meeting only once per month would mean the Senior Staff would not be in ‘agenda mode’ for a good portion of the month. This would be beneficial.

In the past, when Councillors have discussed the possibility of moving to one Council meeting per month, one argument against the proposition was that Councillors would not come together as a group as often, especially as the Shire of Plantagenet does

not employ a Standing Committee arrangement. Whether this is still considered to be an issue is a matter for Councillors.

Councillors will need to deal with the adjourned motion the subject of this report as noted in the background, as it has already been moved and seconded.

Should Councillors be inclined that briefing sessions should be introduced, it is simply necessary for the motion to be put.

Should Councillors believe that Council meetings should be held monthly without briefing sessions, it would be necessary for an amendment to be moved stating that 'part 5 of the motion be deleted'.

If Councillors wish to achieve something else (such as the status quo three weekly meetings) the motion before the Chair would best be defeated and the original Officer Recommendation put, after being moved and seconded.

Councillors are reminded also that there is a Statutory need to resolve when Council Meetings are to be held so that they can be given public notice. Such a decision is necessary at the December Ordinary meeting at the latest.

## **VOTING REQUIREMENTS**

Simple Majority

## **COUNCIL MOTION**

**Moved Cr Bell, seconded Cr Etherington**

**That:**

- 1. The ordinary meetings of the Council for January to November 2013 inclusive be held on the last Tuesday of each month as follows:**
  - a) 29 January 2013**
  - b) 26 February 2012**
  - c) 26 March 2013**
  - d) 30 April 2013**
  - e) 28 May 2013**
  - f) 25 June 2013**
  - g) 30 July 2013**
  - h) 27 August 2013**
  - i) 24 September 2013**
  - j) 29 October 2013**
  - k) 26 November 2013**
- 2. The ordinary meeting for December be held on Tuesday 17 December 2013.**

3. All ordinary meetings of the Council shall commence at 3.00pm and be held in the Council Chambers, Lowood Road Mount Barker.
4. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.
5. A briefing session be held on the Tuesday prior to each Ordinary Council meeting commencing at 3.00pm as follows:
  - a) 22 January 2013
  - b) 19 February 2013
  - c) 19 March 2013
  - d) 23 April 2013
  - e) 21 May 2013
  - f) 18 June 2013
  - g) 23 July 2013
  - h) 20 August 2013
  - i) 17 September 2013
  - j) 22 October 2013
  - k) 19 November 2013
  - l) 10 December 2013.

#### AMENDMENT

Moved Cr L Handasyde, seconded Cr S Etherington:

That part five be deleted from the motion.

CARRIED (5/1)

NO. 568/12

#### COUNCIL DECISION

That:

1. The ordinary meetings of the Council for January to November 2013 inclusive be held on the last Tuesday of each month as follows:
  - a) 29 January 2013
  - b) 26 February 2013
  - c) 26 March 2013
  - d) 30 April 2013
  - e) 28 May 2013
  - f) 25 June 2013
  - g) 30 July 2013

- h) 27 August 2013
  - i) 24 September 2013
  - j) 29 October 2013
  - k) 26 November 2013
2. The ordinary meeting for December be held on Tuesday 17 December 2013.
  3. All ordinary meetings of the Council shall commence at 3.00pm and be held in the Council Chambers, Lowood Road Mount Barker.
  4. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

**CARRIED (5/1)**

**NO. 569/12**

Reason for change

Councillors believed that this would facilitate time and cost savings and acknowledging Officer's delegated authorities, would not unduly affect the timely operation of the Council's business.



**9.5.2 POLICY REVIEWS – COMMITTEE MEETINGS – ATTENDANCE BY MEMBERS OF THE PUBLIC AND WORKSHOPS – ATTENDANCE BY MEMBERS OF THE PUBLIC**

<b>File No:</b>	<b>N24723</b>
<b>Attachments:</b>	<a href="#">Policy – Committee meeting – Attendance by Members of the Public</a> <a href="#">Policy – Workshops – Attendance by Members of the Public</a>
<b>Responsible Officer:</b>	<b>Rob Stewart</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Linda Sounness</b> <b>Executive Secretary</b>
<b>Proposed Meeting Date:</b>	<b>27 November 2012</b>

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**PURPOSE**

The purpose of this report is to recommend the revocation of two Council Policies - CE/CS/3 – Committee Meetings Attendance by the Public and CE/CS/5 – Workshops – Attendance by Members of the Public and the adoption of a new Council policy relating to attendance by members of the public at Committee meetings and workshops.

**BACKGROUND**

The Council Policies CE/CS/3 and CE/CS/5 are attached which were reviewed by the Council on 30 November 2010 and 13 October 2009 respectively.

**STATUTORY ENVIRONMENT**

The Local Government Act 1995 at Section 5.23 (1) states that *'the following are to be open to members of the public:*

- (a) *all council meetings;*
- (b) *all meetings of any committee to which a local government power or duty has been delegated.'*

Section 5.23 (2) states, *'If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*

- (a) *a matter affecting an employee or employees;*
  - (b) *the personal affairs of any person;*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
  - (e) *a matter that if disclosed, would reveal –*
    - (i) *a trade secret;*
    - (ii) *information that has a commercial value to a person; or*
    - (iii) *information about the business, professional, commercial or financial affairs of a person,*
-

*Where the trade secret or information is held by, or is about, a person other than the local government.*

- (f) *a matter that if disclosed, could be reasonably expected to –*
  - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (ii) *endanger the security of the local government's property; or*
  - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23 (a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.'*

As Council committees and workshops held do not enjoy any delegation of a power or duty, they need not be open to members of the public.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report.

### **POLICY IMPLICATIONS**

This report seeks to combine two policies into one.

### **OFFICER COMMENT**

The two policies under review are similar. It is considered that combining these policies would avoid duplication and provide a clear policy direction relating to the attendance by members of the public.

### **VOTING REQUIREMENTS**

Simple Majority

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

Moved Cr S Etherington, seconded Cr B Bell:

That:

1. **Council Policies CE/CS/3 – Committee Meetings Attendance by the Public and CE/CS/5 – Workshops – Attendance by the Public be revoked; and**
2. **New Council Policy CE/CS/3 – Committee Meetings and Workshops – Attendance by the Public, as follows:**

#### **'OBJECTIVE:**

**To give direction as to when members of the public may attend Council Committee meetings and workshops.**

#### **POLICY:**

**The Council acknowledges that:**

1. **Members of the public may be permitted to attend Council appointed Committee meetings and workshops.**

2. **Although members of the public have no specific right to be in attendance at Committee meetings and workshops, the Council may allow such attendance unless the matters to be discussed could have been classified as confidential pursuant to the Local Government Act 1995 Section 5.23 (2).'**

**be adopted.**

**CARRIED (6/0)**

**NO. 570/12**

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**12 CONFIDENTIAL**

Nil

**13 CLOSURE OF MEETING**

3:29pm The Presiding Member declared the meeting closed.

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