



ORDINARY COUNCIL MEETING

MINUTES

Ordinary Meeting of the Council
held in the Council Chambers
2.45pm Tuesday 23 May 2006

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.45pm The Presiding Member declared the meeting open.

The Chief Executive Officer, Mr Rob Stewart, 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.'

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

Present

Cr K Forbes	Shire President - Rocky Gully / West Ward
Cr D Williss	Deputy Shire President - East Ward
Cr M Skinner	East Ward
Cr J Cameron	Rocky Gully / West Ward
Cr J Moir	South Ward
Cr K Clements	Town Ward
Cr J Mark	Town Ward
Cr B Hollingworth	Town Ward
Cr K Hart	Kendenup Ward
Mr R Stewart	Chief Executive Officer
Mr D Blurton	Acting Deputy Chief Executive Officer
Mr I Bartlett	Manager Works and Services
Ms M Osipowicz	Planning Officer
Mrs K Skinner	Executive Secretary
Ms C Delmage	Administration Officer

There were three (3) members of the public present.

There was one (1) member of the media present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Kath Lymon (LP/158/36)

Kath Lymon read aloud the attached presentation to the Council.

Jack Greeuw (LP/158/36)

Jack Greeuw spoke of his desire to remain in the area and hoped that the reconsideration of their subdivision application would be positive.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

Moved Cr M Skinner, seconded Cr J Mark:

That the Minutes of the Ordinary Meeting of the Council held 9 May 2006 be confirmed.

CARRIED (9/0)

No. 141/06

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 10 May 2006 – Cr Forbes and Cr Williss attended a Fire Break Review meeting and some minor changes / clarifications were made to the Annual Fire Break Notice. These will come to the Council at its meeting to be held 13 June 2006.
- 12 May 2006 - Cr Forbes and Mr Stewart attended the State Budget Breakfast in Albany. The Porongurup Dam Water System received \$1 million and the Mount Barker Northern Bypass received \$4.5 million. There were no other major announcements for Plantagenet. There were no changes for the One Community, One College project.
- 16 May 2006 – The Audit Committee met with the Council's Auditor, David Tomasi – Haines Norton Auditors. He was very pleased with the results of the interim audit. A good meeting.
- 17 May 2006 – Great Southern Development Commission (GSDC), Albany Plantation Export Company (APEC) representatives and Cr Forbes met with the Member for O'Connor - Wilson Tuckey to encourage support for the Timber Industry Roads Evaluation Strategy (TIRES) Auslink project based grants. The meeting was positive.
- 24 May 2006 – Cr Forbes will be taking part in the Department of Conservation and Land Management (CALM) Good Neighbour Policy Forum which is being held in the Council Chambers.
- 26 May 2006 - Cr Forbes and Cr Williss will be attending the Great Southern Zone meeting in Cranbrook.
- 2 June 2006 – Cr Forbes and Mr Stewart will be attending meetings in Perth as per the Council Calendar.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 EXECUTIVE SERVICES REPORTS

9.1.1 COMMITTEE MINUTES – LOCAL AND EMERGENCY MANAGEMENT COMMITTEE – 2 MAY 2006; BUSH FIRE ADVISORY COMMITTEE – 3 MAY 2006; GREAT SOUTHERN REGIONAL CATTLE SALEYARDS COMMITTEE – 9 MAY 2006

Location / Address:	N / A
Attachments: (3)	Minutes
Name of Applicant:	N / A
File Reference:	ES/103/6; ES/103/7; CA/103/1
Author:	Cherie Delmage - Administration Officer
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	17 May 2006

Purpose

The purpose of this report is to receive the following Committee Minutes:

- Local and Emergency Management Committee – 2 May 2006
- Bush Fire Advisory Committee – 3 May 2006
- Great Southern Regional Cattle Saleyards Advisory Committee – 9 May 2006

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.

Officer Comment

Any further issues or recommendations arising from these Minutes will be the subject of a separate report to the Council.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr D Williss, Cr B Hollingworth:

That the following Committee Minutes be received:

- **Local and Emergency Management Committee – 2 May 2006**
- **Bush Fire Advisory Committee – 3 May 2006**
- **Great Southern Regional Cattle Saleyards Advisory Committee – 9 May 2006**

CARRIED (9/0)

No. 142/06

9.2 CORPORATE SERVICES REPORTS

9.2.1 FEES AND CHARGES 2006 / 2007 - PROPOSED

Location / Address: N / A
Attachments: (1) List of Fees and Charges
Name of Applicant: N / A
File Reference: FM/64/5
Author: David Blurton - Accountant
Authorised By: Rob Stewart - Chief Executive Officer
Date of Report: 15 May 2006

Purpose

The purpose of this report is to consider the proposed list of fees and charges for inclusion in the 2006 / 2007 Annual Budget.

Background

The 2005 / 2006 adopted list of fees and charges has been reviewed with minimal changes. A précis of the proposed changes is listed:

Program / sub program	Description of charge	Old Charge	Proposed New Charge	Comment
Program 4 - Governance	Copy of local law (individual)	\$5.00	\$0.30 per page. \$5.00 minimum charge	Individual local laws vary in size from 2 pages to 48 pages. The proposed new charge enables accurate cost recovery to reproduce each local law.
	Copy of consolidated local law	\$20.00	Nil	Delete this description completely, as the cost would be based on the above charge.
Program 10 – Community Amenities Refuse Collection Services	Dumping fees at waste disposal sites	Nil	To be determined	These charges are new, and recommended for implementation following securing and manning of the Council's waste sites.
Program 10 – Community Amenities Town Planning Applications for Planning Consent	Outbuildings	Nil	\$50.00	New charge for discrete applications requiring Council approval
Program 10 – Community Amenities Cemeteries	Application for order of burial for Ordinary Grave	\$400.00	\$600.00	Increased fee enables cost recovery of digging an ordinary grave.

Fees & Charges 2006 / 2007 – Proposed (Cont.)

	Application for order of burial for Child under seven (7) or stillborn grave	\$175.00	\$300.00	Increased fee enables cost recovery of digging an ordinary grave.
	For each internment on a Saturday, Sunday or Public Holiday	\$700.00	\$750.00	Fee increased by fifty dollars (\$50.00) to enable cost recovery for overtime costs.
	Internment of ashes in a family grave - Monday to Friday	\$120.00	\$120.00	New description and costing to enable cost recovery for overtime costs.
	- Saturday, Sunday or Public Holiday	\$120.00	\$180.00	
Program 11 – Recreation and Culture Football Clubs	Per annum for use of facilities (including lights)	\$2,200.00		A report on this matter will be tabled at the meeting of the Council to be held 13 June 2006.
Recreation Centre	Gymnasium membership	Various sub categories of fees	Delete	The Recreation Centre Manager recommends only offering full centre memberships as this generates greater levels of participation and also represents best value for the customer.

A copy of the complete list of proposed fees charges is submitted as a separate attachment.

Statutory Environment

Sections 6.15 to 6.19 of the Local Government Act 1995 govern the imposition of fees and charges for Local Government Authorities. The fees and charges will be formally adopted at the budget adoption meeting to be held on 25 July 2006.

Consultation

Consultation has occurred with all relevant staff and management during the review of the fees and charges.

Policy Implications

There are no policy implications for this report.

Financial Implications

The adopted fees and charges will form the basis of the Council's revenue raising ability for the 2006 / 2007 financial year.

Strategic Implications

The proposed fees and charges are consistent with New Initiative 3.1 in Key Result Area 3 – Community Services and says the Council will *'Develop an appropriate and equitable pricing policy for community facilities and programmes.'*

Officer Comment

Many of the fees and charges for the Council's services were increased last financial year following the annual review. It is considered that the current levels of fees and charges are adequate and ought to be maintained. This will ensure a reasonable revenue stream for services provided, without forcing excessive costs upon the community.

The proposed changes are recommended to reflect cost recovery and aligning fees and charges with pragmatic operational practices.

To ensure that the Council's schedule of fees and charges are fair and reasonable, information was gathered from other local governments of a comparable size. It is believed that the fee structure as presented strikes a balance between the costs to the Council to provide these services and financial imposition of these services on the community.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Moved Cr M Skinner, seconded Cr J Mark:

That the proposed schedule of fees and charges as attached, be listed for consideration in the draft 2006 / 2007 Annual Budget, noting that a further report relating to Recreation and Culture Fees will be tabled at the meeting of the Council to be held 13 June 2006.

AMENDMENT

Moved Cr J Cameron,

That the proposed 2006 / 2007 fees and charges for 'Application for order of burial for Ordinary Grave' be changed to \$500.00 and 'Application for order of burial for a child under the age of seven (7) or stillborn be changed to \$250.00.

MOTION LAPSED FOR WANT OF A SECONDER

COUNCIL DECISION

That the proposed schedule of fees and charges as attached, be listed for consideration in the draft 2006 / 2007 Annual Budget, noting that a further report relating to Recreation and Culture Fees will be tabled at the meeting of the Council to be held 13 June 2006.

CARRIED (9/0)

No. 143/06

9.2.2 FINANCIAL STATEMENTS - APRIL 2006

Location / Address:	N / A
Attachments: (1)	Financial Statements - April 2006
Name of Applicant:	N / A
File Reference:	FM/65/1
Author:	David Blurton - Accountant
Authorised By:	Rob Stewart – Chief Executive Officer
Date of Report:	15 May 2006

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 April 2006.

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 amounts 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

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, Cr B Hollingworth:

That the financial statements for the month ending 30 April 2006 be received.

CARRIED (9/0)

No. 144/06

9.2.3 LIST OF PAYMENTS - APRIL 2006

Location / Address: N / A
Attachments: List of Payments - April 2006
Name of Applicant: N / A
File Reference: FM/65/3
Author: Rayona Evans - Accounts Officer
Authorised By: David Blurton - Accountant
Date of Report: 16 May 2006

Purpose

The purpose of this report is to present the List of Payments that were made during the months of April 2006 and the credit card payments that were made during the month of March 2006.

Statutory Environment

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council of the list of accounts.

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

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr K Hart:

That the payment of accounts for the month of April 2006 covering electronic payments 050406.1 to 210406.1 and Cheques 35191 to 35304 totalling \$446,258.71 and the credit card transactions for the month of March totalling \$4,558.50 be noted.

CARRIED (9/0)

No. 145/06

9.3 DEVELOPMENT SERVICES REPORTS

9.3.1 LOT 6589 GREEUW ROAD, NARRIKUP (RECONSIDERATION OF SUBDIVISION DETERMINATION)

Location / Address:	Lot 6589 Greeuw Road, Narrikup
Attachments: (2)	Locality Map Subdivision Plan
Name of Applicant:	Kath Lymon referred by Western Australian Planning Commission
File Reference:	LP/158/36
Author:	Marta Osipowicz - Planning Officer
Authorised By:	Rob Stewart - Chief Executive Officer
Date of Report:	4 May 2006

Purpose

The purpose of this report is to reconsider the Western Australian Planning Commission's (WAPC) determination for the proposed subdivision of Lot 6589 Greeuw Road, Narrikup.

Background

On 19 January 2006 the Shire of Plantagenet received a subdivision referral from WAPC for Lot 6589 Greeuw Road, Narrikup. The proposed subdivision was referred to the Council meeting held 14 February 2006. The officer's recommendation was to refuse the subdivision application, which was upheld by the Council. The Council resolution was of the following nature:

'That the Western Australian Planning Commission be advised that the subdivision of Lot 6589 Greeuw Road, Narrikup (WAPC Ref 130290) dated 19 January 2006 is not supported for the following reasons:

- (1) The subdivision is of a Rural zoned lot;*
- (2) The subdivision represents a fragmentation of agricultural land;*
- (3) No specific reference has been made to the intensive agricultural and/or horticultural uses intended on proposed Lot B. These are to be established prior to further consideration; and*
- (4) Proposed 'Homestead' lot is a use not listed within the Town Planning Scheme. The Shire does not have a Local Planning Strategy that provides guidance as to the acceptability of 'Homestead' lots, if at all. There are no other guiding mechanisms to suggest that this form of subdivision could be supported in the Narrikup locality.'*

The WAPC issued a refusal on 31 March 2006. The applicant has subsequently lodged a request for reconsideration with the WAPC, which has now been referred to the Shire. The proposal entails the subdivision of a rural lot into two parcels consisting of 153ha and 62ha for Lot A and Lot B respectively.

Statutory Environment

Planning and Development Act 2005
Shire of Plantagenet Town Planning Scheme No. 3
WAPC DC Policy 3.4 'Rural Subdivision'

Consultation

There has been no consultation for this report.

Policy Implications

There are no policy implications.

Financial Implications

There are no financial implications.

Strategic Implications

There are currently no strategic documents guiding subdivision of land in Narrikup. The subject application attempts to create a 'homestead / lifestyle' property which is argued to be in keeping with, rather than contrary to, adjoining properties.

Officer Comment

The subject lot is surrounded by rural parcels of land that vary in size and configuration. The proposed parcels are rectangular in configuration with the rear lot designed as a battleaxe with the access leg along the northern boundary. It is considered that the proposed rural subdivision is in keeping with adjoining rural parcels. Along Healy Road there are a few parcels of similar size to that proposed by the applicant.

The Western Australian Planning Commission's refusal was on the following basis:

1. *The proposal is contrary to Commission Policy DC 3.4 'Subdivision Of Rural Land' by reason that this policy contains a general presumption against rural subdivision and the proposal does not meet any of the exceptions under DC 3.4 to warrant approval.*
2. *Approval to the subdivision would set an undesirable precedent for further subdivision of surrounding rural lots.*
3. *Commission policy objectives for rural zones include ensuring that high quality agricultural land is retained for primary production. The size of proposed Lot B heightens the risk of the lot being used for rural lifestyle purposes, which would not result in retention of rural land for primary production as envisaged by Commission policy.*
4. *There are currently no Local Rural Strategy or Town Planning Scheme provisions guiding subdivision of rural land in Plantagenet Shire. The proposal therefore represents unplanned, 'ad hoc' fragmentation of a large rural landholding.'*

The applicant has responded to the above reasons for refusal. The applicant considers the proposed subdivision will not reduce the agricultural viability. The lot sizes allow for intensive agriculture to be established. It is considered, in this instance, that the proposed subdivision is acceptable. Adjoining land holdings are of similar size however the subject subdivision maintains some regularity in configuration.

Lot 6589 Greeuw Road, Narrikup (Reconsideration Of Subdivision Determination) (Cont.)

Despite no adopted Local Rural Strategy the area bound by Greeuw Road, Spencer Road, Healy Road and The Pass Road consist of a number of lots of similar size. An additional parcel will not be detrimental to the agricultural viability of the locality. Approval will not set a precedent within the subject area.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That the Western Australian Planning Commission be advised that the Council has reconsidered the subdivision of Lot 6589 Greeuw Road, Narrikup (WAPC Ref. 130290) dated 28 April 2006 and offers its support subject to:

- (1) The applicant complying with the Shire's Annual Firebreak Notice with regards to the proposed new boundaries.**
- (2) Any new crossover being located in a safe position, with adequate sightlines and being constructed in accordance with Shire of Plantagenet standards and specifications.**

CARRIED (9/0)

No. 146/06

DISCLOSURE OF INTEREST (IMPARTIALITY)

At the conclusion of this item, Cr J Moir advised that he had inadvertently overlooked an impartiality interest in that both he and the applicant are members of the Narrikup Progress Association.

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

3.28pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE:/...../.....