



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 26 August 2008

TIME: 2.45pm

VENUE: Council Chambers

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Members:

Cr K Forbes AM - Rocky Gully / West Ward - Shire President
Cr B Hollingworth - Town Ward - Deputy Shire President
Cr K Clements - Town Ward
Cr J Mark - Town Ward
Cr J Moir - South Ward
Cr M Skinner - East Ward
Cr D Nye-Chart - East Ward
Cr S Grylls - Rocky Gully / West Ward
Cr A Budrikis - Kendenup Ward

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

2:48 PM The Presiding Member declared the meeting open.

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr K Forbes AM

Cr K Clements

Cr S Grylls

Cr J Mark

Cr B Hollingworth

Cr J Moir

Cr D Nye-Chart

Cr M Skinner

In Attendance:

Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Ms N Selesnew	Manager Community Services
Mr P Duncan	Manager Development Services
Mr I Bartlett	Manager Works and Services
Mrs C MacLean	Administration Officer

Previously Approved Leave of Absence

Cr A Budrikis	26 August 2008
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There were seven (7) member(s) of the public in attendance.

There were nil (0) member(s) of the media in attendance.

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Mr Rod Caudwell – Item 11.1.1

Mr Caudwell lives on 33 Boxhill Road with his son and daughter-in-law. On behalf of them he would like an assurance that the Boxhill Road remnant vegetation would remain as is and requests that 33 Boxhill Road remains zoned Rural.

Mr P Duncan replied that the amendment does not intend to alter the zoning of the Boxhill Road properties. The main entry to the development is to be from Mount Barker-Porongurup Road.

Mr Caudwell was concerned also that Boxhill Road would be developed for Fire Access and this would create rear access to the property.

Mr Duncan replied that there was no intention of this at this stage but fire safety is an important consideration in any development.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Mr Scott Drummond – President Tourist Bureau

Mr Drummond thanked the Council for the extra \$2,000.00 in the current budget. The building is now insulated and if they cannot get wood for the fire it will not be too cold. The Tourist Bureau budget should be clear by about \$3,000.00. The Annual General Meeting will be held on 16 September 2008 and all are welcome. The books are currently being audited and it looks like there will be a profit of about \$20,000.00 to \$23,000.00 thanks to the volunteers who keep the bureau open.

Mr Andrew Turk

Mr Turk would like to formally table the report of the Porongurup Community Planning Workshop public meeting held 3 June 2008 and request that the Council formally considers the recommendations made in the report.

The tabled document is attached at Appendix 1.

Mr William Bird

Mr Bird advises that Acacia longifolia is prolific along Mount Barker-Porongurup Road and would like to draw the Council's attention to this problem.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Mr R Stewart, Chief Executive Officer disclosed a financial interest in item 13.1.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

APPLICANT: CR M SKINNER

Cr M Skinner requested Leave of Absence from 15 September to 22 September 2008 (inclusive).

Moved Cr B Hollingworth, seconded Cr J Mark

That Cr M Skinner be granted Leave of Absence from 15 September to 26 September 2008 (inclusive).

CARRIED (8/0)

NO. 156/08

Previously Approved Leave of Absence

Cr S Grylls	27 September 2008 to 13 October 2008 (inclusive)
Cr D Nye-Chart	03 October 2008 to 20 October 2008 (inclusive)
Cr B Hollingworth	15 October 2008 to 24 October 2008 (inclusive)

8 CONFIRMATION OF MINUTES

Moved Cr M Skinner, seconded Cr B Hollingworth

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 12 August 2008 as circulated, be taken as read and adopted as a correct record subject to:

Page 6: dot point 7 being 12 August 2008.

Page 12: The word 'FURHTER' being corrected to 'FURTHER'.

CARRIED (8/0)

NO. 157/08

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 19 August 2008 – Representatives from Southern Grampians Shire Council and Timbercorp met with Councillors. A lot of questions were asked and it appears that they had a good visit and went back with lots of information.
- 21 and 22 August 2008 – Attended a Constitution Conference in Canberra and thanked the Council for its support to attend and a further report is to come. It was a worthwhile trip.
- 26 August 2008 – Thank you to all Councillors for attending the Chief Executive Officer's review this morning.
- 26 August 2008 – Attended the official opening of the new building at the Mount Barker Community College. There was a good mention of the support provided from the Shire.
- 28 August 2008 – Attending the opening of the Red Cross Rally in Mount Barker.
- 28 August 2008 – Attending an Interagency Committee meeting.
- 1 September 2008 – Will be attending a farewell for the Ex-Chief Executive Officer of City of Albany – Mr Andrew Hammond, along with Lyn and CEO.
- 5 September 2008 – Memorandum of Understanding (MOU) meeting being held in Mount Barker to discuss submissions received and finalise the document between Western Australian Local Government Association (WALGA) and Department of Environment and Conservation (DEC).
- 8 September 2008 – Forest Hill Hall Vesting and the Fire Brigade shed. The difficulty is in not being able to lease portion of the reserve. It appears the Shire has to take over the complete vesting. FESA will not supply funding unless the Shire has tenure over the land. The meeting will be held at 7.30pm.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr B Hollingworth

- 12 August 2008 – Waste Site meeting was well attended with lots of debate.

Cr J Moir

- Southern Ag Care – training to be held in Katanning titled 'Can do for Young People, Families and Carers'.
- Peter Webster, Chief Executive Officer at Kondinin combining with Naremben, Corrigin and Kulin Shires to create a large waste site with a 100 year life span. A consultant was employed and originally considered 10 sites. Various parameters were set and only one (1) site met all parameters. They have received a \$35,000.00 grant to assist in the

construction of the site. Once it is constructed all waste management will be carried out by a private contractor.

Cr J Mark

- Visitors Centre Meeting. The Annual General Meeting is to be held on 16 September 2008. There is some unhappiness within the committee because they called meetings with the Accommodation operators and very few attended, also with the Winery people and only one attended. They are wondering why they are doing all the work if there is no interest.
- School Council Meeting – parking issues within the school grounds, road network in and out of the school which include safety issues were discussed. The school acknowledges that these safety issues exist however the Education Department will not acknowledge these issues.
- Attended a meeting in Albany of the Area Consultative Committee with the Chief Executive Officer.

Cr M Skinner

- Farm Advisory Meeting – a new house being purchased for Norm Hill, Farm Manager and TAFE moving to the Community College.

Cr K Forbes AM

- Mentioned that discussions are occurring at the Community College for egress etc. They have more money than they need for the next stage but they are not willing to spend it on safety.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 TOWN PLANNING SCHEME NO. 3 – AMENDMENT NO. 49 – PORONGURUP RURAL VILLAGE – SUBMISSIONS RECEIVED

File No:	LP/181/49
Attachments: (5)	Location Plan Appendix F - Precinct Plan Appendix G - Structure Plan Summary of Submissions Schedule of Modifications
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	26 August 2008

Purpose

The purpose of this report is to consider submissions received on a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to rezone Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road from the Rural zone to a Rural Village zone, to include a new Rural Village zone in the Scheme Text and to include a new Schedule 15 entitled Rural Village zone.

Background

Shire records indicate the owners of the subject land as being:
Lot 1 Boxhill Road – W & S Bird
Lot 5 Mount Barker-Porongurup Road – W & S Bird
Lot 11 Mount Barker-Porongurup Road – Jilsan Pty Ltd
Lot 1664 Boxhill Road – S Bird

The Porongurups Rural Strategy of 1997 refers to the Bolganup Precinct C having objectives of consolidating existing residential and tourist development and the creation of an attractive centre and focal point for the community. That Strategy recommended rezoning for rural residential, special residential and residential following the implementation of an overall structure plan for the precinct.

A Scheme Amendment Request (SAR) was submitted in December 2006 and in accordance with the Council Policy TP/SDC/6 copies were forwarded to the Department for Planning and Infrastructure (DPI), Department of Water (DOW) and Department of Environment and Conservation (DEC) for comment.

On 13 February 2007 a report was considered by the Council and Resolution 57/07 was as follows:

‘THAT:

- (1) *The Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be advertised to seek public feedback for a period of sixty days.*
- (2) *After advertising a further report be prepared for the Council no later than its meeting to be held on 12 June 2007.'*

Following the advertising period the SAR the submissions received were considered by the Council on 24 July 2007 where at Resolution No. 267/07 it was resolved:

'That the submissions received on the Scheme Amendment Request for Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road be noted and the proponents be advised the Council will be prepared to consider formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 subject to various matters raised in the submissions, including: policy issues, environmental, servicing, fire management plan, design requirements on subsequent development, size and number of properties to be developed, density of development and sustainable forms of development etc. being addressed.'

On 27 November 2007 Harley Survey Group submitted Scheme Amendment documentation which included a fire management plan and an investigation into effluent disposal. The submitted documentation was reviewed by staff and as the documentation contained some errors and incomplete details the documents were returned for corrections on 19 December 2007. Corrected documentation including a Stormwater Concept Plan was received on 29 February 2008 and the Council at its meeting held on 11 March 2008 resolved at Resolution No. 43/08:

'That:

1. *Amendment No. 49 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*
2. *Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of forty-two (42) days to enable comment to be made.*
3. *After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 8 July 2008.'*

Councillors were provided with a full copy of the Amendment document with the 11 March 2008 agenda papers.

The Environmental Protection Authority (EPA) authorised the Amendment to proceed to advertising on 28 May 2008 and provided advice that native vegetation, drainage management and waterways needed to be addressed. The appendices in the Amendment do address these matters.

The necessary forty-two (42) days advertising period closed on 25 July 2008 and a total of sixty-four (64) submissions were received (see Summary of Submissions).

A community initiated workshop was held at the Porongurup Hall on 3 June 2008 to discuss various issues in the Porongurup locality one of which was the village concept.

On 30 June 2008 the Council held a Public Information Session at the Porongurup Hall to explain details of the actual Amendment, to answer specific questions and to clarify details.

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967 – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the EPA for twenty-eight (28) days. Once cleared by the EPA a forty-two (42) day advertising period applies. The Council must consider any submissions lodged within forty-two (42) days of the close of formal advertising and refer its recommendation to the WAPC and the Minister within twenty-eight (28) days.

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

Consultation

The SAR was advertised for comment for sixty (60) days prior to it being considered by the Council in July 2007.

This Amendment was advertised for forty-two (42) days by way of newspaper notice, letters to neighbours and Government agencies, a notice on the Council's notice board and a sign on site and a total of sixty-four (64) submissions were received. Of the submissions thirty (30) were in favour, twenty-nine (29) were opposed and five (5) gave conditional support.

Financial Implications

The fee of \$3,300.00 has been paid.

Policy Implications

This land is within Precinct C of the Porongurup Rural Strategy of 1997 and the village concept and associated Structure Plan conforms with the requirements of that Rural Strategy. A portion of lot 5 to the north and portion of lot 1664 to the north east are located outside of Precinct C and within precinct E where vegetation protection is encouraged and lot breakdown should not be supported. Modifications suggested will protect the vegetation on lot 5. It is also in conformity with the draft Local Planning Strategy adopted by the Council on 10 June 2008 and referred to the WAPC for approval to advertise for comment.

Strategic Implications

Shire of Plantagenet Strategic Plan, under Key Result Area 4 – Development Services, aims to:

'Support sustainable and managed growth within existing urban settlements in the Shire and encourage the development of a variety of housing opportunities.'

Officer Comment

The consultancies involved have put together a comprehensive Scheme Amendment that if finalised will lead to the creation over time of the Porongurup Village as originally proposed in the Porongurup Rural Strategy of 1997.

In essence the Amendment proposes to rezone Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Mount Barker-Porongurup Road from Rural to a new Rural Village Zone, create new Structure Plan Area requirements and alters the Scheme Text accordingly.

The Rural Village zone provides development provisions for rural villages should the Council wish to expand this to other villages. With the proposals in the draft Local Planning Strategy to date this may not be necessary for the other villages. The Rural Village zone provisions are supported by the need to prepare a detailed Structure Plan in accordance with a new Schedule 15 of the Scheme. There will also be the ability to require the preparation of Detailed Area Plans for specific areas.

The Amendment documentation addresses all of the matters which arose during the SAR process.

A copy of the overall Precinct Plan is attached as is a copy of the indicative Structure Plan which shows areas proposed for Residential R5 (2,000m²) lots and R10 (1,000m²) lots, the Village centre, public open space, a residential development site, rural residential lots and a heritage and village centre design area.

The issue of a reticulated wastewater disposal system was investigated and found to be not a practical solution. Coffey Environments discuss effluent disposal in the Amendment and recommend in view of there being no agency responsible for long term management of such a reticulated system that Aerobic Treatment Units (ATU) be used in close proximity to the Bolganup Creek (minimum separation 30m). It is proposed in the Structure Plan that there be some R10 lots to comply with the Draft Country Towns Sewerage Policy. These lots are to be close to the village centre. Outside these R10 lots will be a range of R5 (2,000m²) lots to provide a transition from the village centre and the R10 lots to the larger Rural Residential lots to the north and east.

Public open space areas are shown to protect the Bolganup Creek drainage lines and remnant vegetation. A foreshore management plan will be required over the creekline.

The Amendment also discusses the issue of sustainable development and sets a range of principles for the village. The requirements include rainwater tanks on houses connected to reticulated scheme water, grey water reuse systems, the prohibition of wood fired home heating and the encouragement of alternate energy sources. Rural Village Design Guidelines are included which set standards for house construction, external colours, fencing, driveways, rainwater tank colours, sheds and solar passive house design.

From the submissions received there is the need to modify the Amendment to simplify it in order that it is in a more acceptable form for the local community and for the long term benefit for all.

There is general acceptance that there is to be a village but the main issue is that of the size of the village in respect to the number of lots. The size of the lots is another area of concern where some submissions say they should be smaller and some say they should be larger.

It is also clear from the submissions there may be some uncertainty as to what the actual Amendment will do. In a very abridged summary the Amendment will:

- 1) Create a Rural Village Zone.
- 2) Create a Structure Plan Area mechanism.

- 3) Insert new definitions into the Scheme.
- 4) Introduce a new Schedule 15 for the Rural Village Zones which details requirements of Structure Plans.
- 5) Colour the subject land a brown colour for the Rural Village Zone on the Scheme Maps.
- 6) Introduces a blue border around the subject land as Structure Plan Area 1 on the Scheme Maps.

If the Amendment is finalised the Structure Plan Area mechanism at 2) above will need to be embarked upon. This will be the detailed planning to determine the form of the development. That detailed Structure Plan will need the approval of the WAPC and public advertising before it is finalised by the Council and WAPC.

The Amendment as proposed is considered too complex and requires modifications to simplify the process. There is no need to create a Rural Village Zone and colour such areas on the Scheme Maps. There is however the need to set a mechanism for detailed Structure Plan areas which can apply to areas such as Precinct C in this instance and other parts of the Shire in the future if needed.

The Structure Plan Area mechanism needs to be modified to make it clear that following the detailed Structure Plan, areas planned for Residential, Rural Residential, Commercial and so on will need to be rezoned through the Scheme Amendment process before subdivision and development can take place. Presently as the Amendment stands, once a detailed Structure Plan has been completed and approved by the Council and the WAPC, the proposed clause 3.10.5 c) could be interpreted that rezoning is not required for a subdivision or development provided it does not conflict with the Structure Plan. It is proposed to require that clause to be modified to require a subsequent Amendment to the Scheme to zone the land appropriately.

The Amendment also includes a requirement at clause 3.10.14 for the preparation of a Detailed Area Plan (DAP) where considered desirable. Such a DAP could include building envelopes, distribution of land uses, private open space, services, vehicular access and parking, rubbish enclosures, advertising signs, finished site levels, development guidelines and so on. With the above mentioned requirement to zone the land appropriately such a DAP will not be necessary. The suggested development guidelines contained in the Amendment when refined will be put to the Council as a proposed Town Planning Scheme Policy for advertising and adoption.

The Amendment at clause 3.10.15 includes a provision to allow a proponent to apply for a review (appeal) to the State Administrative Tribunal (SAT) in certain circumstances.

The proposed Schedule 15 (Rural Village Zone) contains provisions relating to special areas that should be addressed in the detailed Structure Plan and also general provisions. It is proposed this Schedule be modified to apply to Structure Plan Areas to reflect the change to remove the Rural Village Zone. It is proposed to modify the description of the area to not only refer to the subject land but also the village environs to ensure all of Precinct C of the Porongurups Rural Strategy is addressed in the detailed Structure Plan.

The total area to be included in Structure Plan Area 1 on the Scheme Maps is to be modified to include all of Precinct C as well as the subject land.

Modifications to the Precinct Plan (Appendix F) will be required to reduce the northern extent of the low density residential area, reduce the Tourist Accommodation area on Box Hill Road to reflect the caravan park only and to extend it south to cover the chalets development on Bolganup Road.

Modifications to the Indicative Structure Plan (Appendix G) will be required to:

- i) Pull back the extent of the suggested Residential (R5) area to be within a 500m radius of the village centre site;
- ii) Extend the plan south to include all of Precinct C and show the existing shop as a commercial site and the remainder of the land south and east as being for possible long term future development if and when the owners wish to submit detailed Structure Plan proposals;
- iii) Show the vegetated building exclusion areas as one large rural residential lot for each of the two areas with a building envelope area in adjacent cleared land;
- iv) Show the Precinct C boundary; and
- v) Show the Residential area outside the 500m radius as Rural Residential.

It is considered with these modifications the Amendment will be in a more appropriate format that will then enable the detailed Structure Plan process to commence. If and when the detailed Structure Plan is completed and endorsed by the Council and the WAPC, then rezonings to Residential and Rural Residential and so on can be commenced.

The modifications proposed have been discussed with the officers of the Department for Planning and Infrastructure in Albany and they are not considered to be 'substantial' and as such should not require readvertising. This will be a matter for the WAPC to determine when it considers the Council recommendations and the Schedule of Modifications.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Hollingworth, seconded Cr M Skinner

That:

- 1. The submissions lodged on Amendment No. 49 to Town Planning Scheme No. 3 be noted.**
- 2. Amendment No. 49 to Town Planning Scheme No. 3 be adopted with the modifications listed in the attached Schedule of Modifications and be forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure.**
- 3. Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 49 once approved by the Honourable Minister.**

AMENDMENT

Moved Cr J Mark, seconded Cr D Nye-Chart

That Part 2 of the Motion be amended by adding the following words after the word 'Infrastructure':

'subject to the Schedule of Modifications being altered at modification 1 – proposed clause 3.9.5a) to insert a new point ii) as follows:

'ii) A public consultation program to assist in the development of the concept of the village structure planning'

and to renumber parts ii), iii) and iv) accordingly.

- proposed clause 3.9.5c) to insert after the words 'subsequent Scheme Amendments' in line 6, the following 'to zone the land appropriately.'

CARRIED (8/0)

NO. 158/08

COUNCIL DECISION

That:

1. The submissions lodged on Amendment No. 49 to Town Planning Scheme No. 3 be noted.

2. Amendment No. 49 to Town Planning Scheme No. 3 be adopted with the modifications listed in the attached Schedule of Modifications and be forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning and Infrastructure subject to the Schedule of Modifications being altered at modification 1 – proposed clause 3.9.5a) to insert a new point ii) as follows:

'ii) A public consultation program to assist in the development of the concept of the village structure planning'

and to renumber parts ii) iii) and iv) accordingly.

- proposed clause 3.9.5c) to insert after the words 'subsequent Scheme Amendment' in line 6, the following 'to zone the land appropriately'.

3. Authority be granted to the Shire President and the Chief Executive Officer to execute the documentation and affix the Common Seal of the Council to Amendment No. 49 once approved by the Honourable Minister.

CARRIED (8/0)

NO. 159/08

**11.1.2 POLICY - STATE ADMINISTRATIVE TRIBUNAL - COUNCILLOR
ATTENDANCE AT HEARINGS**

File No: DB/120/5
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 26 August 2008

Purpose

The purpose of this report is to introduce a new policy to nominate a Councillor to attend hearings of the State Administrative Tribunal (SAT).

Background

Presently the Council does not have a policy which allows for the nomination of a Councillor to attend directions hearings, mediation hearings or compulsory conferences of SAT when invited by SAT for such an attendance. The present system allows for relevant officers of the Council such as the Chief Executive Officer (CEO) or the Manager Development Services (MDS) to attend various hearings.

Council delegation 043 contains the following delegation in respect to town planning decisions:

'(14) Provide responses to the State Administrative Tribunal in respect to applications for a review (former "appeal") lodged against a refusal of planning consent, unacceptable conditions imposed on an approval of planning consent or supporting statements for the Western Australian Planning Commission in respect to a subdivision application decision made by the Commission. This also includes advising the Tribunal if mediation is an option to consider for the appeal process.'

Statutory Environment

Planning and Development Act 2005 – Part 14 (Applications for review) details how applicants may apply for a review (former 'appeal') in respect to a planning decision.

The Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Clause 7.5 reads as follows:

'An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under this Scheme may apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rules and Regulations made pursuant to that Act.'

State Administrative Tribunal Act 2004

State Administrative Tribunal Rules 2004

State Administrative Tribunal Regulations 2004

Consultation

This proposed policy has been discussed with the CEO following a presentation by a SAT Senior Member (David Parry) to a Local Government Planners Forum on 3 July 2008 on the provision of evidence to SAT.

Financial Implications

There are no financial implications in this report other than the need for travel and accommodation should a hearing of SAT be held in Perth.

Policy Implications

This proposed policy will need to be added to the Council's Policy Manual.

Strategic Implications

Such a policy will provide clear guidance which Councillor may attend SAT hearings and provide evidence on behalf of the Council.

Officer Comment

The policy proposed will not be treated as a formal Town Planning Scheme Policy adopted under TPS 3 as it deals with a procedural matter hence its proposed inclusion in the Council's main Policy Manual.

At a recent Local Government Planners Forum held on 3 July 2008, a Senior Member of SAT (Mr David Parry) made a presentation on the role and involvement of Local Government planning officers in respect to SAT hearings. The application for 'review' process replaced the former 'appeal' process and SAT hearings can take a variety of forms from the initial 'directions' hearing through to 'mediation hearings', 'compulsory conferences', 'final hearings' and 'determination on documents'. Between 65% and 70% of local government applications (appeals) are resolved through direction hearings, mediations and compulsory conferences.

As part of the SAT process, the Council may be represented by a Council officer, an agent (e.g. planning consultant) and / or a lawyer. In some cases direction hearings may be held in regional centres or by telephone conference but in the main they are held in Perth.

Mediation hearings and compulsory conferences are confidential and private. If a matter from either of these needs to be referred back to the Council for consideration it must remain confidential and be considered 'behind closed doors'.

The Shire President may be invited to attend and / or nominate a Councillor and / or the CEO to attend a mediation or compulsory conference to assist or provide communication back to the Council.

It is appropriate to formulate a policy to provide clear guidance to which Councillor may attend SAT hearings when invited by SAT to do so.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr M Skinner

That Council Policy No. TP/SDC/7 State Administrative Tribunal - Councillor Attendance at Hearings, as follows, be adopted and included in the Council's Policy Manual.

STATE ADMINISTRATIVE TRIBUNAL – COUNCILLOR ATTENDANCE AT HEARINGS

Division	Business Unit	Responsibility Area
Works and Develop Services	Town Planning	Statutory: Dev. Control

OBJECTIVE:

To provide guidance as to which Councillors may attend a State Administrative Tribunal (SAT) hearing when invited to do so.

POLICY:

1. When the SAT invites or requests the Council to nominate a Councillor to attend a mediation hearing, compulsory conference or final hearing in respect to an application for a review lodged against a Council decision, then that Council representative shall be the Shire President or the Deputy Shire President.
2. As mediation hearings and compulsory conferences of the SAT are confidential and private, any consideration of a matter in respect to these must remain confidential and be considered behind closed doors by the Council where the SAT has asked the Council for further consideration of the matter at hand.'

be endorsed.

CARRIED (8/0)

NO. 160/08

11.2 WORKS AND SERVICES REPORTS

Nil.

11.3 COMMUNITY SERVICES REPORTS

11.3.1 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS 2008 / 2009

File No:	ES/15/1
Responsible Officer:	Nicole Selesnew Manager Community Services
Author:	Rayona Evans Administration Officer
Proposed Meeting Date:	26 August 2008

Purpose

The purpose of this report is to:

- (a) Appoint the Shire of Plantagenet Bush Fire Control Officers, including Dual Bush Fire Control Officers, for 2008 / 2009 pursuant to Section 38 of the Bush Fires Act 1954;
- (b) Appoint the Chief Fire Control Officer and Deputy Chief Bush Fire Control Officer, pursuant to Section 38 of the Bush Fires Act 1954;
- (c) Appoint the Fire Weather Officer and Deputy Fire Weather Officer, pursuant to Section 38 of the Bush Fires Act 1954; and
- (d) Appoint the Base Radio Operator and Deputy Base Radio Operator.

Background

The Shire of Plantagenet appoints officers to the abovementioned positions annually.

Statutory Environment

Section 38 of the Bush Fires Act details the appointment and duties of Bush Fire Control Officers, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Fire Weather Officer. The role of the Base Radio Operator is defined in the Shire of Plantagenet Bush Fire Management and Response Plan.

Consultation

Minutes of the Shire of Plantagenet Bush Fire Advisory Committee (BFAC) meeting held on 7 May 2008 confirmed the nominations for the appointment of the Chief Fire Control Officer, Deputy Chief Fire Control Officer, Fire Weather Officer, Deputy Fire Weather Officer, Base Radio Operator and Deputy Base Radio Operator.

Minutes of the BFAC meeting held on 6 August 2008 confirmed the nominations for the appointment of the Bush Fire Control Officers.

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 Bush Fire Management and Response Plan makes reference to the appointment and duties of Bush Fire Control Officers, the Chief Bush Fire Control Officer, Fire Weather Reporting Officer and Base Radio Operator.

Officer Comment

Nominations for appointment for the Bush Fire Control Officers for the Shire of Plantagenet for 2008 / 2009 are as follows:

Shire of Plantagenet Bush Fire Brigade	Bush Fire Control Officer Nominee
Denbarker	Simon Grylls
	Gavin Smith
	Simon Jenkins
	Norm Handasyde
	Geoff Mather
Forest Hill	Michael Lanigan
	Matt Candy
	Len Handasyde
	Murray McLean
Kendenup	Wayne Davis
	Rob Lally
	David Burcham
	Brian Harwood
	Keith Hart
	Geoff DePledge
	Stan Hall
	Stephen Beech
	Ken Frost
Phillip Webb	
Middle Ward	Bill Sounness
	Peter Stevens
	Ian Mackie
Narpyn	Anton Pickles
	Mark Wallace
	Brett Bell
	Owen Sounness
Narrikup	Graeme Frusher
	Warren Forbes
	Bill Bentley
	Bill Hollingworth
	Joe Plowright
	Graham Ravenhill
Perillup	Robin Ditchburn
Porongurup	John Russell
	Brad Cluett
	Ray Williams
	Ron Thomas
Rocky Gully	Ian Higgins

	Lachlan Cameron
South Porongurup	Phillip Rule
	Kelvin Ridgeway
	Richard Stan-Bishop
Woogenellup	Grant Cooper
	Phillip Trent
	Trevor Pieper
	Barry Pearce
Shire of Plantagenet	Cr Kevin Forbes AM
	Ray Parry
Mount Barker Volunteer Fire and Rescue Brigade	Wesley Beck

Bush Fire Brigade	Dual Bush Fire Control Officer Nominee
South Stirlings	Steve Fullarton
	Graeme Pyle
	John Howard
Kojaneerup	Tony Slattery
	John Hood
	Terry Bradshaw

The Shire of Plantagenet Bush Fire Advisory Committee has nominated the following:

Designated Position	Officer
Chief Bush Fire Control Officer	David Burcham
Deputy Bush Fire Control Officer 1	Len Handasyde
Deputy Bush Fire Control Officer 2	John Russell
Fire Weather Officer	Len Handasyde
Deputy Fire Weather Officer	Rod Stan-Bishop
Base Radio Operator	Keith Hart
Deputy Base Radio Operator	Rod Stan-Bishop

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Mark

That:

- 1. All previous appointments for the positions of Bush Fire Control Officers for the Shire of Plantagenet be cancelled.**
- 2. The following be appointed as Bush Fire Control Officers within the designated Bush Fire Brigade area, for the Shire of Plantagenet for 2008 / 2009:**

Shire of Plantagenet Bush Fire Brigade	Bush Fire Control Officer Nominee
Denbarker	Simon Grylls
	Gavin Smith
	Simon Jenkins
	Norm Handasyde
	Geoff Mather
Forest Hill	Michael Lanigan
	Matt Candy
	Len Handasyde
	Murray McLean
Kendenup	Wayne Davis
	Rob Lally
	David Burcham
	Brian Harwood
	Keith Hart
	Geoff DePledge
	Stan Hall
	Stephen Beech
	Ken Frost
Phillip Webb	
Middle Ward	Bill Sounness
	Peter Stevens
	Ian Mackie
Narpyn	Anton Pickles
	Mark Wallace
	Brett Bell
	Owen Sounness
Narrikup	Graeme Frusher
	Warren Forbes
	Bill Bentley
	Bill Hollingworth
	Joe Plowright
Graham Ravenhill	
Perillup	Robin Ditchburn
Porongurup	John Russell
	Brad Cluett
	Ray Williams
	Ron Thomas
Rocky Gully	Ian Higgins
	Lachlan Cameron
South Porongurup	Phillip Rule
	Kelvin Ridgeway
	Richard Stan-Bishop
Woogenellup	Grant Cooper
	Phillip Trent
	Trevor Pieper
	Barry Pearce

Shire of Plantagenet	Cr Kevin Forbes AM
	Ray Parry
Mount Barker Volunteer Fire and Rescue Brigade	Wesley Beck

3. The following be appointed as Dual Bush Fire Control Officers for 2008 / 2009:

Bush Fire Brigade	Dual Bush Fire Control Officer Nominee
South Stirlings	Steve Fullarton
	Graeme Pyle
	John Howard
Kojaneerup	Tony Slattery
	John Hood
	Terry Bradshaw

4. The Chief Fire Control Officer, Deputy Chief Fire Control Officers, Fire Weather Reporting Officer, Deputy Fire Weather Reporting Officer, Base Radio Operator and Deputy Base Radio Operator for the whole Shire of Plantagenet be:

Designated Position	Officer
Chief Bush Fire Control Officer	David Burcham
Deputy Bush Fire Control Officer 1	Len Handasyde
Deputy Bush Fire Control Officer 2	John Russell
Fire Weather Officer	Len Handasyde
Deputy Fire Weather Officer	Rod Stan-Bishop
Base Radio Operator	Keith Hart
Deputy Base Radio Operator	Rod Stan-Bishop

CARRIED (8/0)

NO. 161/08

11.3.2 COMMUNITY SAFETY AND CRIME PREVENTION PLAN - DRAFT

File No:	LE/28/1
Attachments:	<u>Shire of Plantagenet Community Safety and Crime Prevention Plan</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	26 August 2008

Purpose

The purpose of this report is to adopt the Shire of Plantagenet Community Safety and Crime Prevention Plan.

Background

The Shire of Plantagenet entered into a partnership with the Office of Crime Prevention (OCP) on 21 February 2007. Underpinning the partnership was the formation of a Community Safety and Crime Prevention Plan (CSCPP) for the Plantagenet Shire and, to assist the development of the Plan, the OCP provided \$10,000 of grant funding.

The ARID Group was awarded the contract to develop the CSCPP. A community survey was distributed to all households throughout the Shire with the option of completing the surveys over the internet or by returning the hard copy to the Shire. Face to face interviews were held with key sectors of the community and agency representatives, telephone interviews were conducted with agency representatives and a workshop was held with Interagency representatives. Statistical information was also sourced from the OCP.

The CSCPP was completed on 24 July 2008.

A copy of the Plan is attached.

Statutory Environment

There are no statutory implications for this report.

Consultation

Consultation has occurred with staff from the OCP, the ARID Group, various community members and key agencies as detailed above, the Interagency Committee and Mr Rob Stewart, Chief Executive Officer.

Financial Implications

The OCP provided a \$10,000 grant which funded the preparation of the CSCPP.

A further \$1,200 is provided by the Office of Crime Prevention each financial year to assist with administrative costs associated with community safety and crime prevention activities.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Shire vision, as detailed in the Strategic Plan 2003, recognises community safety as a priority.

Officer Comment

Generally, members of the community believe that living in the Shire of Plantagenet is quite safe and crime is at average levels to that of other towns.

A broad overview of the crime issues identified during the CSCPP process is:

- Anti-social behaviour;
- Drugs – increasing use and variety of drugs;
- Break ins;
- Rural theft;
- Graffiti and vandalism;
- Domestic violence;
- Sexual abuse; and
- Drink driving and other traffic offences.

A number of broader community issues were also identified during the consultation, including entry for seniors to the newsagency, general road safety, young people feeling unsafe using the skate park and young people on skate boards and bicycles using public thoroughfares, unsettling seniors.

The Interagency Committee met recently to review the list of projects for priority action and, from the list detailed in the Plan, identified four projects to progress.

These projects are:

1. Extension of the CCTV operating system to cover the length of the Lowood Road business precinct and establishing a CCTV live feed and recording system at the Mount Barker Police Station.
2. Review the effectiveness of lighting around the Mount Barker townsite, in particular the effectiveness and reliability.
3. Road safety / driver training programs, in particular the driver training program being established by the Mount Barker Speedway.
4. Skate Parks.

Once the CSCPP has been endorsed by the Council, the Plan will be forwarded to the OCP for endorsement and display on their website. The OCP's endorsement of the Plan will also enable the payment of a \$20,000 OCP incentive grant to assist with the implementation of the key strategies prioritised in the plan.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Moved Cr D Nye-Chart, seconded Cr B Hollingworth

That the Shire of Plantagenet Community Safety and Crime Prevention Plan, as attached, be adopted.

AMENDMENT

Moved Cr M Skinner, seconded Cr J Mark

That the word 'attached' be deleted and replaced with the word 'received'.

CARRIED (8/0)

NO. 162/08

FURTHER AMENDMENT

Moved Cr J Moir,

That all reference to the Shire of Plantagenet be removed.

AMENDMENT LAPSED FOR WANT OF A SECONDER

COUNCIL DECISION

That the Shire of Plantagenet Community Safety and Crime Prevention Plan, as attached, be received.

CARRIED (8/0)

NO. 163/08

11.3.3 DEED OF EASEMENT - LOT 12 MIRA FLORES

File No:	ES/118/6
Attachments:	<u>Strategic Firebreak Map</u> <u>Surrender Deed of Easement - Lot 12 Mira Flores</u> <u>Deed of Easement - Lot 12 Mira Flores</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	26 August 2008

Purpose

The purpose of this report is to consider a Deed of Easement for Lot 12 Mira Flores, Porongurup, owned by Kenneth Stevens and Lorraine Stevens, for the purpose of a fire access route.

Background

The Mira Flores Owners Committee approached the Shire of Plantagenet three years ago concerned that the single entry / exit point in the Mira Flores subdivision created a dangerous situation in the event that a fire was to block the access route.

When the Mira Flores subdivision was first planned no allowance was made for an alternate exit route from Mira Flores. Fire access routes have been created in land to the south of the Mira Flores subdivision providing access to Millinup Road, however there is no access from the subdivision to the existing fire access routes (please refer to Attachment One).

Several options have been considered such as leasing a portion of land in the Mira Flores subdivision and creating a fire access route or purchasing a lot within the subdivision and creating a formalised exit route on the block.

Following discussions with land owners in the area, the opportunity to extend a drainage easement (vested with the Shire) on Lot 12 Mira Flores to create a fire access route was proposed. The owners of Lot 12 Mira Flores, Kenneth and Lorraine Stevens, were supportive of the easement extension.

Finance was provided in the 2007 / 2008 Annual Budget to construct an alternate exit route adjacent to the drainage easement, along the eastern boundary of Lot 12 Mira Flores.

To formalise the easement extension, a Deed of Easement needs to be agreed between the land owners and the Shire.

Statutory Environment

The Draft Local Planning Strategy 2008 refers to the preparation of Fire Management Plans that address a number of issues, including vehicle access and egress.

Consultation

Consultation has occurred with Kenneth and Lorraine Stevens of Lot 12 Mira Flores, Porongurup, the Mira Flores Owners Committee, Mr Rob Stewart – Chief Executive Officer and Mr Ian Bartlett – Manager of Works and Services.

Financial Implications

The construction of the fire access route, surveyor fees to prepare a new Deposited Plan showing the new easement boundary and legal fees to prepare the Deed of Easement were financed from the 2007 / 2008 Annual Budget.

Legal costs and stamp duty for the preparation of the Deed documents will be incurred by the Shire. It is estimated these costs will not exceed \$500.00 and will be charged to the Fire Control and Hazard Reduction Account (\$27,000.00 budgeted for 2008 / 2009).

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

A Deed of Easement for the drainage on Lot 12 Mira Flores was already in place. The Deed enabled the Shire to install either a pipe drain or any other drain for the carriage of water through, under or upon the land.

Following consultation with the land owners and legal advisers, it was recommended that the existing Deed of Easement be surrendered and a new Deed of Easement be prepared that incorporated the previous entitlements regarding drainage and included the construction of a fire access route adjacent to the drainage easement.

The Stevens were principally concerned about excess clearing beyond the clearing required to construct the access route. These concerns are reflected in the draft Deed of Easement with the clause:

'At least one week prior to any clearing taking place, consultation must occur with the Grantor including a map / plan of what is to be done.'

Due to the construction of the fire access route, the Stevens would not be required to install a firebreak along the eastern boundary of the property. The remainder of the property would still require firebreaks as per the requirements detailed in the Annual Firebreak Notice.

Kenneth and Lorraine Stevens are satisfied with the draft Deed of Surrender of Easement and Deed of Easement documents. A copy of the draft Deed documents are provided in Attachments Two and Three.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That:

1. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Deed of Surrender of Easement, as provided in Attachment Two, between the Shire of Plantagenet and Kenneth and Lorraine Stevens for Lot 12 Mira Flores, Porongurup.
2. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Deed of Easement, as provided in Attachment Three, between the Shire of Plantagenet and Kenneth and Lorraine Stevens for Lot 12 Mira Flores, Porongurup.

COUNCIL DECISION

Moved Cr K Clements, seconded Cr D Nye-Chart

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to:

1. **The Deed of Surrender of Easement, as provided in Attachment Two, between the Shire of Plantagenet and Kenneth and Lorraine Stevens for Lot 12 Mira Flores, Porongurup.**
2. **The Deed of Easement, as provided in Attachment Three, between the Shire of Plantagenet and Kenneth and Lorraine Stevens for Lot 12 Mira Flores, Porongurup, subject to the Deed of Easement being amended at 4.3 Entry to the Land with the addition of: 'The Grantor will permit members of the public unimpeded access to the fire access route in the event of a fire'.**

CARRIED (8/0)

NO. 164/08

Reason for change

To ensure access to members of the public through the easement in the event of an emergency.

11.3.4 LOT 530 LANGTON ROAD (FORMERLY MUIRS HIGHWAY) / MARMION STREET, MOUNT BARKER - MEDICAL CENTRE – EFFLUENT DISPOSAL SYSTEM

File No: RV/182/1099, PH/151/1
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 26 August 2008

Purpose

The purpose of this report is to consider an amendment to the development application granted on 11 September 2007 (Council resolution 321/07) for the new medical centre on Lot 530 (formerly Lot 644 Muirs Highway – Reserve 23108), Langton Road / Marmion Street, Mount Barker.

Background

At the Ordinary Meeting of the Council held on 11 September 2007, the Council resolved:

'That the proposed medical centre on Lot 644 (Reserve 23108) Muirs Highway / Marmion Street, Mount Barker be approved subject to:

- (1) Development being generally in accordance with the plans dated 28 August 2007.*
- (2) The carparking area being constructed, drained, sealed and linemarked to the satisfaction of the Manager Works and Services.*
- (3) No vehicular access to Muirs Highway.*
- (4) An appropriate low fuel zone being created around the building to Fire and Emergency Services (FESA) authority standards.*
- (5) On site effluent disposal is to be by way of an approved treatment unit to the satisfaction of the Environmental Health Officer.'*

Quotes have been sourced for a range of aerobic treatment units (ATUs) for on site effluent disposal and the costs are up to three times more expensive than a conventional septic tank and leach drain system.

The installation of ATUs is normally conditional in areas where conventional systems are not conducive to the environment. Mr Eric Howard, Environmental Health Officer, has inspected the medical centre site and believes the site is suited for a conventional system. Mr Howard's recommendation has been supported by the Executive Director of Public Health.

This report seeks to amend the development application previously set by the Council, to change on-site effluent disposal to a conventional septic tank and leach drain system.

Statutory Environment

Planning and Development Act 2005

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

Consultation

Consultation has occurred with Mr Rob Stewart, Chief Executive Officer, Mr Eric Howard, Environmental Health Officer, Mr Alan Watkins, Principal Building Surveyor, representatives from companies that manufacture and install ATUs and the Executive Director of Public Health.

Financial Implications

The change of on-site effluent treatment system from an ATU to a conventional septic and leach drain system will save up to \$15,000.00. Ongoing maintenance of a conventional system, compared to an ATU, is minimal.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The medical centre development meets the Community Services aim of the Shire of Plantagenet Strategic Plan which is to:

'Deliver or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community.'

Officer Comment

Following the issue of development approval for the medical centre, Shire officers spoke with two waste water treatment companies, one providing a compact self contained tank system that is based on an extended aeration principle and the other providing a system that uses a humus layer to hold solids while earthworms and other microscopic organisms consume the solid waste making it suitable for disposal. Both systems distribute the waste water via subsurface dripper irrigation, however the extended aeration principle system also has an option for aboveground spray irrigation (aboveground spray can only occur in areas not accessible to human contact).

There is a mandatory requirement for all ATU's to be maintained for the lifetime of their use.

Extended Aeration Principle System

The quote for the extended aeration system was \$26,700.00 fully installed.

The ATU system is highly mechanised using pumps and filter systems to move the water through the holding tanks, increasing maintenance requirements and the potential for systems to fail. Conditions of approval require quarterly maintenance checks for this type of system.

Microscopic Organism System

The quote for the earth worm / microscopic organism based system was \$27,000.00 excluding siteworks, plumbing and installation.

Again, the system involves a number of mechanised components including water pumps, air blower and filter systems. Maintenance of the system is normally limited to an annual inspection including attention to the humus layer to ensure it does not build up to the point of overloading the top layer of the filter bed.

The estimated cost to install a conventional septic tank and leach drain system was \$5,000 excluding site works.

Due to the initial set up cost and ongoing maintenance costs of ATUs and the geography of the area making it conducive to conventional systems, Mr Howard recommended the Shire install a conventional system.

Permission was sought from the Executive Director of Public Health to install a conventional system, via an Application to Construct or Install an Apparatus for the Treatment of Sewage, which was granted.

The tender specification for the construction of the Medical Centre is based on the installation of a conventional septic tank and leach drain system.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Clements

That condition (5) of the development approval for the Mount Barker Medical Centre at Lot 530 Langton Road (Formerly Muirs Highway) / Marmion Street, issued on 11 September 2007 (Council resolution 321/07) be amended to the following:

'(5) On site effluent disposal is to be constructed to the satisfaction of the Environmental Health Officer.'

CARRIED (6/2)

NO. 165/08

11.3.5 ANNUAL FIREBREAK NOTICE - 2008 / 2009

File No: LE/108/1

Attachments: Current East / West Boundary
Proposed East / West Boundary
Draft 2008 / 2009 Annual Firebreak Notice

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Nicole Selesnew
Manager Community Services

Proposed Meeting Date: 26 August 2008

Purpose

The purpose of this report is to endorse the Annual Firebreak Notice – 2008 / 2009 (AFN) for gazettal, publication and distribution to owners of land within the Shire of Plantagenet.

Background

The content of the AFN has been reviewed by members of the Bush Fire Advisory Committee (BFAC) over the past twelve months. Members of the AFN Review Group considered the recommendations from the BFAC and reviewed the content of the AFN on 12 June 2008.

The AFN is normally distributed with the rates notice each year. Feedback has been received from residents, the BFAC and the Local Emergency Management Committee that the distribution of the notice up to four months prior to the fire season often results in people discarding or forgetting the information, resulting in non-compliant properties and unprepared land owners.

This year the AFN will be distributed in September 2008 to all landowners. The Notice will also be placed in 'New Resident Packs' and with local real estate agents.

Statutory Environment

Bush Fires Act 1954

Oaths, Affidavits and Statutory Declarations Act 2005

Planning and Development Act 2005

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

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 \$5,300.00.

Policy Implications

There are no policy implications for this report.

Strategic Implications

The Shire of Plantagenet Bushfire Management and Response Plan highlights the AFN as an opportunity to inform all landowners about their obligation to implement fire prevention and hazard reduction measures throughout the Shire.

Officer Comment

One (1) significant change to the AFN has been proposed following concerns raised from the BFAC and the AFN Review Group.

The proposal is to change the East / West zone boundary. The boundary line between zones is presently:

- The northern end of Martagallup Road along Martagallup Road to Albany Highway;
- South on Albany Highway to Hobbs Road;
- East on Hobbs Road to the T-Junction of Jutland Road;
- South on Jutland Road to Fisher Road;
- East on Fisher Road to T-Junction on Williams Road;
- North on Williams Road and East on Williams Road to Carbarup Road;
- South on Carbarup Road to Barrow Road;
- East on Barrow Road to T-Junction of Tingellup Road;
- South on Barrow Road to Porongurup Road;
- East on Porongurup Road to Chester Pass Road; and
- East on Takalarup Road to south east corner of the Shire boundary.
(Please refer to Attachment One).

The existing boundary line cuts through the middle of a large area of small semi-rural lots (around the Kendenup / West Kendenup area). The lots located within the West zone are not required to carry out any fire hazard reduction measures until 1 December, which results in a heavy fire fuel load in a high risk area. This area also tends to reflect the climatic conditions typical of the eastern portion of the Shire, resulting in people slashing blocks when the grass is very dry and dense, increasing the fire risk.

As the number of small lots in this area are developed, these risks will increase.

Two options for an amended boundary line were presented to the BFAC at the 6 August 2008 meeting, one moving the boundary line to the west but still intersecting the West Kendenup area and the other option moving the boundary line further west to incorporate all of the small rural lots in the Eastern zone.

The BFAC discussed a third option which was endorsed by the meeting. The third option is:

- The northern end of Martagallup Road along Martagallup Road to Boyup Road;
- South on Boyup Road to Sturdee Road;
- East along Sturdee Road to Craddock Road;
- South on Craddock Road to Wilson Road;
- East along Wilson Road to Albany Highway;

- South on the Albany Highway until the northern boundary of the Town Fire District;
- Follow the boundary of the Town Fire District heading east, then south, then west back to the Albany Highway;
- South along the Albany Highway O'Neill Road;
- East along O'Neill Road to Watermans Road;
- North / east along Watermans Road then picking up the boundary of the South Porongurup and Porongurup Bush Fire Brigades;
- East along the boundary between the South Porongurup and Porongurup Bush Fire Brigades (along the ridge of the Porongurup range) to Chester Pass Road;
- North on Chester Pass Road to Takalarup Road; and
- East on Takalarup Road to south east corner of the Shire boundary.
(Please refer to Attachment Two).

The above proposed boundary line was supported because:

- A majority of the small lots throughout the Kendenup / West Kendenup area were incorporated into the Eastern Zone, requiring fire hazard management attention earlier in the year;
- The boundary skirts the Porongurup and South Porongurup Brigade boundaries alleviating issues with the East / West boundary running through a Brigade district. These issues include issuing permits at different times of the year and carrying out two lots of firebreak inspections within the one district. It should be noted that the proposed boundary will still dissect the Kendenup Brigade and a small section of Narpyn Brigade districts; and
- The firebreak inspection program would be streamlined with a clearer boundary of the East and West zones.

While the new Brigade boundary will be more difficult to explain and illustrate, the benefits of fire risk management and easier differentiation of the Zone boundary are considered of greater benefit.

A second change to the AFN to incorporate 'Brigade District' on the Statutory Declarations page is also recommended. This will simplify the process of sorting Declarations into Brigade Districts prior to forwarding the list of Declaration holders to the relevant Brigades.

A revised copy of the AFN is provided in Attachment Three.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark

That:

- 1. The Annual Firebreak Notice – 2008 / 2009 as detailed in Attachment Three be endorsed.**

2. The Annual Firebreak Notice – 2008 / 2009 be published in the Government Gazette and advertised in a newspaper circulating in the district of the Shire of Plantagenet.
3. The Annual Firebreak Notice – 2008 / 2009 be printed and distributed throughout the Plantagenet community.

CARRIED (8/0)

NO. 166/08

11.3.6 LEASE - KENDENUP TENNIS CLUB INCORPORATED

File No: CP/50/5
Attachments: [Kendenup Tennis Club Lease Area](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 26 August 2008

Purpose

The purpose of this report is to consider a lease agreement for the Kendenup Tennis Club Incorporated for the use of portions of Lot 15 and Lot 16 Beverley Road, Kendenup, shown as the hatched area in the attached diagram.

Background

The Tennis Club is situated on portions Lots 15 and 16, Beverley Road, Kendenup. Shire records show the owner of both Lots to be the Shire of Plantagenet.

The Tennis Club has existed at the site since the 1930's. In the 2005 / 2006 financial year the club undertook a \$100,000 court redevelopment and resurfacing project for all four (4) tennis courts, partly funded by the Shire. The club is presently upgrading the electricity supply to the site and is building a new club room, again with financial assistance from the Shire.

There is no formal agreement in place between the Kendenup Tennis Club and the Shire of Plantagenet regarding the use of the grounds and associated infrastructure.

Statutory Environment

Section 3.58 of the Local Government Act 1995 'Disposing of Property' applies to the disposition of property, including leasing.

Under Functions and General Regulations a disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if:

'the land is disposed of to a body, whether incorporated or not –

- *The objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- *The members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.'*

The lease to the Kendenup Tennis Club would be an exempt disposition.

Consultation

Consultation has occurred with Mrs Cindy North from the Kendenup Tennis Club.

Financial Implications

It is proposed to lease the relevant portions of Lot 15 and Lot 16 Beverley Road, Kendenup, to the Tennis Club for a rental, of one dollar per annum.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

The Kendenup Tennis Club has a strong membership and is supported by a committed group of volunteers. The Club has been able to achieve substantial projects such as the court redevelopment in 2005 / 2006 and the current club house renovations due to the willingness of members to contribute their time to raising funds and donating materials and equipment.

The Club is keen to finalise a lease with the Shire to clarify issues such as tenancy and maintenance of the grounds and buildings. The Club has requested that the Council support a lease, of one dollar per annum, for a ten (10) year period.

With asset management a key consideration for the Council, the lease document should clarify the Kendenup Tennis Club's responsibility to maintain the buildings and grounds (including the courts, hit up wall and ablutions) and that all relevant outgoings are the Club's responsibility. The Shire of Plantagenet will need to retain the right to inspect the facilities at least annually to ensure the building and surroundings are safe and well maintained.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Moir

THAT:

- 1. The Chief Executive Officer be authorised to finalise the terms of a lease for portion of Lot 15 and portion of Lot 16 Beverley Road, Kendenup, with the Kendenup Tennis Club Incorporated. The lease terms to include:**
 - a) a period of ten (10) years;**
 - b) rent will be one dollar (\$1) per annum;**
 - c) all outgoings will be the responsibility of the Kendenup Tennis Club Incorporated;**
 - d) the Kendenup Tennis Club Incorporated be responsible for all building and grounds maintenance over the area applicable to the lease, including the courts, hit up wall and ablutions; and**

- e) the Shire of Plantagenet to conduct an annual audit of the building and grounds to ensure the area is safe and has been kept in a well maintained state.
2. That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease between the Shire of Plantagenet and Kendenup Tennis Club Incorporated.

CARRIED (8/0)

NO. 167/08

11.4 CORPORATE SERVICES REPORTS

11.4.1 LOT 28 (32) WESTFIELD STREET, ROCKY GULLY - WRITE OFF - MCINTYRE

File No: RV/182/1016
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Vanessa Ward
Rates Officer
Proposed Meeting Date: 26 August 2008

Purpose

The purpose of this report is to submit a request to the Council for the legal fees applied to the rates account for Lot 28 (32) Westfield Street, Rocky Gully to be written off.

Background

The Council's Debt Collection Agency, Austral Mercantile issued an overdue notice to Mr McIntyre dated 12 February 2008 which stated that he had five days in which to make payment on his outstanding rates. In that letter, it was advised that the next stage would involve a general procedures claim (summons), which would incur costs to him. No payment was made and as a result a general procedures claim was issued on 11 March 2008. The costs associated with this were \$318.32.

In a recent meeting with Mr McIntyre he stated that he had received the initial letter from Austral Mercantile. He was in the eastern states at the time, although was having his mail sent to him. Mr McIntyre paid his rates (minus the legal fees incurred) on 12 June 2008.

Mr McIntyre objects to having to pay the costs of the General Procedures Claim.

Statutory Environment

Section 6.56 (1) of the Local Government Act 1995 states that if a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.

Section 6.12 of the Local Government Act 1995 gives the power to write off money owed to a local government.

Consultation

Mr McIntyre made a personal visit to the Shire to raise this matter.

Financial Implications

If the Council approves Mr McIntyre's request, the cost to the Council would be \$318.32.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

It is standard procedure to pass on any costs incurred in recovering outstanding moneys. It is conceded that the first contact from the Shire in regard to outstanding rates was the February 2008 letter from Austral Mercantile. However, given the fact that the rates were due and payable on the 10 October 2007 and nothing was received by March 2008 when debt collection proceedings commenced it is considered reasonable that Mr McIntyre be responsible for these costs.

Only the Council can approve a write off of this nature. The matter is being put to the Council at the request of the ratepayer, however it is considered that approving this write-off would set an unfortunate precedent as other people could seek similar applications.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Moir

That the request of Mr McIntyre for the legal fees applied to the rates account for Lot 28 (32) Westfield Street, Rocky Gully to be written off, be declined.

CARRIED (8/0)

NO. 168/08

11.4.2 FINANCIAL STATEMENT - JULY 2008

File No:	FM/65/1
Attachments: (1)	Financial Statement
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	26 August 2008

Purpose

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 July 2008.

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 (i.e. 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 RECOMMENDATION / COUNCIL DECISION

Moved Cr J Mark, seconded Cr S Grylls

That the Financial Statement for the period ending 31 July 2008 be received.

CARRIED (8/0)

NO. 169/08

11.4.3 LIST OF ACCOUNTS – JULY 2008

File No: FM/65/3
Attachments: (1) List of Accounts
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Cherie Delmage
Accountant
Proposed Meeting Date: 26 August 2008

Purpose

The purpose of this report is to present the list of payments that were made during the month of July 2008.

Statutory Environment

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

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr D Nye-Chart

That:

1. **The payment of accounts for the month of July 2008 covering the following:**
 - a) **Electronic payments and direct debits totalling \$752,281.17;**
 - b) **Municipal Cheques 39097 – 39101, 39104 – 39130, 39132 – 39143, 39147 – 39152, 39154 – 39167 and 39169 – 39198 totalling \$208,775.87; and**
 - c) **Trust Cheques 240 – 245 totalling \$45,793.28.**

be approved.

2. Municipal Cheques:

- a) **Cancelled – 39102 – 39103, 39153 and 39168.**
- b) **Spoiled – 39131 and 39144 – 39146.**

be noted.

CARRIED (8/0)

NO. 170/08

11.4.4 ROAD NAMING – UNNAMED ROAD SOUTH OF WRAGG ROAD

File No:	RO/107/1
Attachment:	Future Street and Reserve Name Policy
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Stevens Senior Administration Human Resource Officer
Proposed Meeting Date:	26 August 2008

Purpose

The purpose of this report is to name the unnamed road reserve south of Wragg Road.

Background

At its meeting held 12 February 2008 the Council resolved to name the unnamed road reserve of Wragg Road, 'Wragg Road South'.

This proposal was declined by the Geographic Names Committee (GNC) as the name was considered directional and a duplication of Wragg.

The Council at its meeting held 27 May 2008 requested that the GNC reconsider the proposal given the following considerations:

- 1. Short spur off Wragg Road and always been known as Wragg Road South;*
- 2. Inconsistent Policy – there is a West Beattie Road and South Perillup Road; and*
- 3. Landowners would need to change address details.'*

The GNC have again declined this request with the following justification:

'...while it is acknowledged that other directional road names within your Shire have previously been approved by Landgate, continuation of such a practice is now actively discouraged as it perpetuates problems associated with the duplication of a name.'

'...duplication of a name or applying a similar sounding name can have an effect on emergency services being able to quickly and accurately locate properties. It is vital that there is no confusion with street addresses (road names).'

'...the road name West Beattie Road was only approved as it was a reasonable solution because the road in question contained properties with existing addresses that would be affected by the rural street addressing process. The current situation is different.

Also, though the area adjacent to the unnamed road may not be currently subject to development / redevelopment and it may remain its present length for some time. It is highly recommended that a unique name be applied to facilitate any possible changes in the future.

While the said road may be locally known as Wragg Road South, no properties are addressed to that road, there is no street signage referring to that name and the road

could be lengthened some time in the future. Experience has shown that to be the case in many similar situations.

It is considered that applying a different road name should have little or no impact on nearby residents.'

'Given the above issues and that there is an opportunity to apply a new and unique name to the locality, Landgate remains reluctant to approve the name Wragg Road South.

However, if the Shire wishes to continue with its request...and the Council accepts responsibility if confusion is caused in an emergency situation, GNC would only consider naming the road as South Wragg Road following community consultation.'

Statutory Environment

The Land Administration Act 1997 governs the road naming process.

Consultation

The initial proposal to name the road reserve Wragg Road South was advertised for the standard two week consultation period, with two responses. The first submission was from Mrs P Sounness supporting her initial request to name the road. The second submission was from Mrs J Egerton-Warburton, suggesting the use of the road type Lane instead of Road.

Following the GNC second denial a letter was sent to all three adjacent property owners requesting their comments. Of the three, two response sheets were returned, one from K & G Stothard and the other from P & R Sounness. Both responses preferred South Wragg Road.

Financial Implications

All costs associated with advertising and signage will be the responsibility of the Shire. It is estimated that this will cost approximately \$500.00.

Policy Implications

Council Policy I/RR/1 – Future Street and Reserve Names provide a list of Council approved names.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Although the GNC are reluctant to name the road South Wragg Road they have indicated that *'...if the Shire wishes to continue with its request...and the Council accepts responsibility if confusion is caused in an emergency situation'* they would consider naming the road as South Wragg Road following community consultation. With the previous two week consultation period and the correspondence to all surrounding land owners it is considered that sufficient community consultation has occurred, should the Council wish to continue with naming this road reserve 'South Wragg Road'.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr S Grylls

That the proposal to name the unnamed road reserve located south of Wragg Road, 'South Wragg Road' be forwarded to the Geographic Names Committee for endorsement.

CARRIED (6/2)

NO. 171/08

11.5 EXECUTIVE SERVICES REPORTS

11.5.1 COUNCIL MEMBERS - FEES

File No:	FM/64/2
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	26 August 2008

Purpose

The purpose of this report is to adopt the elected member fees for the 2008/2009 financial year.

Background

Fees, expenses and allowances are set by regulation, in this instance the Local Government (Administration) Regulations 1996. The maximum annual fee for a Mayor or President to attend meetings is \$14,000.00. The maximum annual fee for a Council member other than a Mayor or President is \$7,000.00. The Shire of Plantagenet, in accordance with its adopted budget has set the above figures.

A Mayor or President is also entitled to a prescribed amount between \$600.00 and \$12,000.00 or .002 of the Local Government's operating revenue, whichever is the greater amount, but in any case no more than \$60,000.00. The Shire of Plantagenet 2008/2009 Annual Adopted Budget notes Operating Revenue at \$8,066,218.00. At .002 this is equivalent to \$16,132.00. The President's Allowance at Plantagenet is \$4,480.00. The Deputy President's allowance is set at 25% of this amount or \$1,120.00, in line with the Regulations.

At its meeting held on 26 February 2008, it was resolved that the Western Australian Local Government Association be advised that the Shire of Plantagenet is of the opinion that sitting fees for Council Members and fees for Mayors, Presidents, Deputy Mayors and Deputy Presidents no longer adequately compensates elected members for their responsibility and time in undertaking the increasingly onerous role of Councillor in local government and consider that all fees and sitting fees for elected members should be increased in the order of 100 percent.

At its recent annual general meeting, it was resolved that the Western Australian Local Government Association:

1. At the Annual General Meeting in August 2008 support a review of the allowances paid to elected members;
 2. Continue to support the principal of the Western Australian Salary and Allowances Tribunal determining on an ongoing basis fees and allowances paid to Elected Members pursuant to Part 5, Division 8 of the Local Government Act 1995; and
 3. Advocate to the Minister for Local Government to give effect to these changes by amending regulations 30 to 34(a) (b) inclusive of the Local Government (Administration) Regulations 1996.
-

Statutory Environment

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

Consultation

No consultation has occurred with regard to this report.

Financial Implications

The Council's adopted 2008 / 2009 Annual Budget under Members of Council / Governance shows:

• President Allowance	\$ 4,480.00
• Deputy President Allowance	\$ 1,120.00
• Councillor Sitting Fees	\$70,000.00
• Councillor Training / Conferences	\$20,000.00
• Telephone / Fax Allowance	\$ 8,000.00
• Travelling Allowance	\$20,000.00

Policy Implications

Council Policy CE/CS/1 relates to Elected Members' expenses to be reimbursed. This policy relates to meetings other than Council or committee meetings, conferences and training attendance as well as accommodation and travel.

Strategic Implications

The Council's Strategic Plan is silent with regard to elected member fees and allowances.

Officer Comment

The Western Australian Local Government Association agreed with the Council's views at its annual meeting. However, it is likely to be some time before increased fees become effective in the legislation. In addition to formally adopting the fees included in the budget, it is suggested that the Council may wish to make a change to the method of reimbursing telecommunications expenses.

Section 5.99A of the Local Government Act 1995 enables a local government to decide that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all Council members:

- (a) the prescribed minimum annual allowance for that type of expense; or
- (b) where the local government has set an allowance within the prescribed range for annual allowances for that type of expense, an allowance of that amount;

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

Regulation 34 A of the Local Government (Administration) Regulations provides that the total annual allowance for telephone and facsimile machine rental charges and

any other telecommunications expenses that might otherwise have been approved for reimbursement is \$2,400.00.

Given the 2008 / 2009 budget figure for Telephone / Fax Allowance is \$8,000.00, the Council could adopt a \$1,000.00 per year allowance per elected member, with little impact on the budget. This would simplify the administrative arrangements for reimbursement of such expenses.

Although the budget was adopted by an absolute majority decision of the Council and the fees are included in the budget, a separate resolution would be required indicating that fees are paid pursuant to section 5.99A of the Local Government Act 1995.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Moved Cr B Hollingworth, seconded Cr K Clements

That in accordance with the provisions of the Local Government Act 1995 (LGA) and Local Government (Administration) Regulations (Reg), elected member expenses and allowances for the 2008 / 2009 financial year be set as follows:

- 1. Annual attendance fee (Shire President) \$14,000.00 - (Section 5.99 LGA, Reg 34(2)(b)).**
- 2. Annual attendance fees (Councillor) \$7,000.00 - (Section 5.99 LGA, Reg 34(1)(b)).**
- 3. Shire President's allowance \$4,480.00 - (Section 5.98(5) LGA).**
- 4. Deputy Shire President's allowance \$1,120.00 - (Section 5.98A LGA, Reg 33A).**
- 5. Telecommunications Allowance \$1,000.00 - (Section 5.99A LGA).**

AMENDMENT

Moved Cr J Moir,

That the Telecommunications Allowance be reduced back to the original \$700.00.

AMENDMENT LAPSED FOR WANT OF A SECONDER

COUNCIL DECISION

That in accordance with the provisions of the Local Government Act 1995 (LGA) and Local Government (Administration) Regulations (Reg), elected member expenses and allowances for the 2008 / 2009 financial year be set as follows:

- 1. Annual attendance fee (Shire President) \$14,000.00 - (Section 5.99 LGA, Reg 34(2)(b)).**
 - 2. Annual attendance fees (Councillor) \$7,000.00 - (Section 5.99 LGA, Reg 34(1)(b)).**
 - 3. Shire President's allowance \$4,480.00 - (Section 5.98(5) LGA).**
-

4. Deputy Shire President's allowance \$1,120.00 - (Section 5.98A LGA, Reg 33A).
5. Telecommunications Allowance \$1,000.00 - (Section 5.99A LGA).

CARRIED (8/0)

NO. 172/08

(Absolute Majority)

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

14 CONFIDENTIAL

Moved Cr K Clements, seconded Cr M Skinner

That the Confidential Item namely:

- Chief Executive Officer's Review - Personal
be introduced to the meeting.

CARRIED (8/0)

NO. 173/08

14.1 CHIEF EXECUTIVE OFFICER'S REVIEW - PERSONAL

A Financial Interest was declared by the Chief Executive Officer.

4.20pm The Chief Executive Officer withdrew from the meeting

Location / Address: N / A
Name of Applicant: N / A
File Reference: PE/183/333
Author: Kevin Forbes AM - Shire President
Authorised By:
Date of Report: 26 August 2008

Purpose

The purpose of this report is to endorse the Chief Executive Officer's performance review.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr K Clements, seconded Cr B Hollingworth

4.20pm That the Council move into Confidential Session to discuss this item under the terms of the Local Government Act 1995 Section 5.23(2) as follows:

- (a) a matter affecting an employee or employees

CARRIED (8/0)

NO. 174/08

All staff withdrew from the meeting

MOTION TO PROCEED IN PUBLIC

Moved Cr K Clements, seconded Cr B Hollingworth

4.34pm That the meeting proceed in public.

CARRIED (8/0)

NO. 175/08

4.34pm The Chief Executive Officer, Ms N Selesnew and Mrs C MacLean returned to the meeting.

OFFICER'S RECOMMENDATION / COUNCIL DECISION**Moved Cr B Hollingworth, seconded Cr M Skinner****THAT:**

- (1) The Chief Executive Officer's Performance Review undertaken by the Council on 26 August 2008 be endorsed and that the conditions of the Chief Executive Officer's contract as renewed by Resolution of the Council on 22 August 2006 apply until the Chief Executive Officer's Annual Review on 2 July 2009 with a cash component increase of 4.5% for 2008 / 2009 year.**
- (2) That the Chief Executive Officer's Performance Review undertaken by the Council on 26 August 2008 be endorsed and that the Council workshop the Quarterly Financial Statements and Budget Reviews and include Project and Works Progress Reports at an appropriate level for information and direction of the Council at a future meeting as a matter of priority.**
- (3) That the Chief Executive Officer's Performance Review undertaken by the Council on 26 August 2008 be endorsed and that the Chief Executive Officer ensures that:**
 - (a) Directives of the Council are implemented and reported on, in a timely manner, as per Performance Review Item 9;**
 - (b) Management of operations and staff be further developed to a higher professional level Item 10;**
 - (c) The Council's objectives of concluding current projects be pursued in line with the Council's Resolutions Item 15; and**
 - (d) The Council consider sustainability in future plans and developments.**

CARRIED (8/0)**NO. 176/08****15 CLOSURE OF MEETING**

4.45pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____