



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 10 February 2009

TIME: 2.45 pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

3:00 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 B Hollingworth	Deputy Shire President - Town Ward
Cr A Budrikis	Kendenup Ward
Cr K Clements	Town Ward
Cr S Grylls	Rocky Gully/West Ward
Cr J Mark	Town Ward
Cr J Moir	South Ward
Cr D Nye-Chart	East Ward
Cr M Skinner	East Ward

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Ian Bartlett	Manager Works and Services
Ms Cobie MacLean	Administration Officer (Planning)
Mrs Kaye Skinner	Executive Secretary
Mr Eric Howard	Environmental Health Officer
Mr Vincent Jenkins	Planning Officer

There were two (2) member(s) of the public in attendance.

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

Previously Approved Leave of Absence:

Cr K Forbes AM 1 February 2009 to 25 February 2009

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

A Proximity Interest was disclosed by Cr J Mark.

3.02 pm Cr Mark withdrew from the meeting.

Lot 12 Morpeth Street, Mount Barker - Vince Mitchell (Item 12.1.1)

When the property was purchased the house had already been started. The original building licence had been issued with a reduced setback. The reduced set back should not be a problem as the road is very quiet. The concrete pad is already in place and it will be very expensive and difficult to relocate this. For this reason we request that the application be approved.

3.04 pm Cr J Mark returned to the meeting.

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr J Mark declared a proximity interest in Item 12.1.1.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

APPLICANT: CR J MARK

Cr J Mark requested Leave of Absence from 22 February 2009 to 5 March 2009 inclusive.

Moved Cr M Skinner, seconded Cr D Nye-Chart:

That Cr J Mark be granted Leave of Absence from 26 February 2009 to 5 March 2009 inclusive.

CARRIED (8/0)

NO. 3/09

8 CONFIRMATION OF MINUTES

Moved Cr J Mark, seconded Cr M Skinner:

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 16 December 2008 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 4/09

Moved Cr K Clements, seconded Cr M Skinner:

THAT the Minutes of the Special Meeting of the Shire of Plantagenet, held on 20 January 2009 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 5/09

9 COMMITTEE MINUTES

Moved Cr J Mark, seconded Cr A Budrikis:

That the Minutes of:

Minutes - Audit Committee - 16 December 2008

Minutes - Recreation Advisory Committee - 25 November 2008

Minutes - Recreation Advisory Committee - 28 November 2008

Minutes - Recreation Advisory Committee - 3 December 2008

Minutes - Recreation Advisory Committee - 12 January 2009

Minutes - RoadWise Steering Committee - 28 August 2008

Minutes - RoadWise Steering Committee - 30 October 2008

Minutes - RoadWise Steering Committee - 27 November 2008

be received.

CARRIED (8/0)

NO. 6/09

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr S Grylls

- 2020
- Bushfire Advisory Committee Meeting – 4 February 2009 at 8.00 pm.

Cr K Clements

- Local Emergency Management Committee Meeting – Guide has been released. The mock accident is to be held in about 5 – 6 weeks at 1.00pm. State Emergency Services has plenty of volunteers. The St John's Ambulance is currently receiving 2 – 3 call outs per day. They are the busiest in the area. They are considering assigning a non-practising paramedic to help look after the area.

Cr J Mark

- Roadwise – the Police are to be conducting speedometer trials along McDonald Avenue shortly. The Committee does not agree that local government should assume responsibility for school crossing traffic wardens and will be writing a letter about this. At the next RoadWise Committee Meeting I will be resigning as Presiding Member.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

A Proximity Interest was disclosed by Cr J Mark.

3.09 pm Cr Mark withdrew from the meeting.

12.1.1 LOT 12 MORPETH STREET, MOUNT BARKER - PROPOSED GROUPED DWELLING WITH REDUCED FRONT SETBACK

File No: RV/182/1763

Attachments: [Site Plan](#)
[Floor Plan](#)
[Location Plan](#)
[Previous 1987 Approval](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to consider a proposal to erect a second house (grouped dwelling) on Lot 12 Morpeth Street, Mount Barker with a reduced front setback.

BACKGROUND

An earlier approval for an extension to the existing house in 1987 on this land expired several years ago (plan attached). The extension involved a one (1) bedroom self contained house that was to be attached to the main house. The concrete pad had been laid and wall framing erected.

The new owners of the property have been considering options for this extension and feel that the design was poor in terms of its linkage with the main house. The current proposal now involves a separate freestanding structure but still located on the original concrete pad.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Residential (R5/15). As the land is unsewered the R5 density code applies. For grouped dwellings in areas coded R5, the minimum lot size per dwelling is 2,000m² and this lot complies with that requirement of 4,000m² for two (2) dwellings as it is 1.33ha in area.

The front boundary setback required in the R5 code is 12.0m whereas in this instance 1.5m is proposed.

Grouped dwellings are a discretionary (SA) use which requires advertising for comment prior to the Council making a decision.

Clause 5.2 of TPS3 enables the Council to vary particular development standards if the Council is satisfied that:

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

This clause 5.2 does not however apply to residential development.

Residential Design Codes of WA (RCodes) – discretion exists for the Council to vary standards at clauses 2.5.2 and 2.5.3 as follows:

2.5.2

Discretion shall be exercised having regard to the following considerations:

- (a) the stated purpose and aims of the scheme;*
- (b) the provisions of parts 1-7 of the codes, as appropriate;*
- (c) the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- (d) the explanatory guidelines of the codes that correspond to the relevant provisions;*
- (e) any local planning strategy incorporated into the scheme;*
- (f) a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- (g) orderly and proper planning.*

2.5.3

A council shall not vary the minimum average site area per dwelling requirements set out in table 1 except as provided in the codes or in the scheme.'

The variation required here relates to 2.5.2(b) above as the building setback requirements are in part 6 of the RCodes.

CONSULTATION

The proponent as part of the application provided letters of support for the dwelling with a front setback of 1.5m from the owners of lot 71 to the west and lot 204 to the immediate south. The land to the east is a vegetated Crown reserve and as such there are no neighbours to the east.

As the use, grouped dwellings, is a discretionary (SA) use, the proposal was advertised by way of newspaper notices and a sign on site. At the close of the twenty-one (21) day advertising, no submissions were received.

FINANCIAL IMPLICATIONS

The application fee of \$128.80 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 4 (Development Services – Town Planning) 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

This application is for a second dwelling on a Residential zoned lot and the two (2) dwellings fall into the category of 'grouped dwellings' under the RCodes. The only area of conflict is the proposed 1.5m front boundary setback where the R5 coding requires a 12.0m front setback.

This proposal involves an existing house which is setback 8.0m from the front boundary and an existing bricked up concrete pad which incorporates plumbing and also some wall framing which has been erected by previous landowners. The pad and plumbing would have a value of between \$10,000.00 and \$20,000.00.

The pad is located in an area where a previous approval had been granted in 1987 which is prior to TPS3 coming into effect (1991).

The owners wish to use the existing pad and plumbing to construct a separate dwelling and not construct a section of the original proposal that was to have tied in with the existing house.

The RCodes (at clause 2.5.2) do provide the Council with the power to vary standards such as boundary setbacks and in this instance as there has been no public objection received it is considered the proposal could be approved.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr A Budrikis:

That planning consent be granted for a second grouped dwelling at Lot 12 Morpeth Street, Mount Barker with a reduced front setback of 1.5m subject to:

1. Development being in accordance with the plans dated 10 November 2008.
2. The provision of two (2) car parking spaces for the second grouped dwelling.
3. Any new vehicle crossover to Morpeth Street being constructed drained and sealed to the satisfaction of the Manager Works and Services.
4. Connection of the grouped dwelling to an appropriate on site effluent disposal system to the satisfaction of the Council's Environmental Health Officer.

CARRIED (7/0)

NO. 7/09

3.10 pm Cr J Mark returned to the meeting.

12.1.2 LOT 51 CHESTER PASS ROAD, PORONGURUP - HOME OCCUPATION AND SIGN

File No:	RV/182/4911
Attachments:	<u>Locality Plan</u> <u>Floor Plan</u> <u>Photograph of Sign</u>
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	10 February 2009
Owner:	Paul and Teresa Offin

PURPOSE

The purpose of this report is to consider a proposal to utilise a portion of a house on a rural lot for the purpose of a home occupation (electrical contracting office) and to erect a sign on Lot 51 Chester Pass Road, Porongurup.

BACKGROUND

The owner of the property is in the process of erecting a new house and intends to use one of the rooms in the house as an office for his electrical contracting business. The owner further wants to erect a sign that exceeds the size of 0.2m² prescribed in the definition of home occupation.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

The use of an electrical contracting office falls within the ambit of the definition for home occupation. A home occupation is a discretionary use 'AA' in a Rural zone.

The proposed sign exceeds the prescribed size as contained in paragraph (e) of the definition of a home occupation. The prescribed size in the definition for home occupation is 0.2m² and the proposed size for the sign is 0.7m² (2.0m x 0.35m).

Clause 5.2 of TPS3 enables the Council to vary particular development standards if the Council is satisfied that:

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

CONSULTATION

As the use home occupation is a discretionary use (AA) in a Rural zone and is not likely to affect the amenity of the area, the application was not advertised by way of newspaper notices or a sign on the site.

FINANCIAL IMPLICATIONS

The application fee of \$123.00 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The application is for an electrical contacting office (home occupation) with a sign on a rural lot. The only area of conflict is the proposed size of the sign 0.7m² where the definition of a home occupation allows 0.2m².

An inspection was conducted and it was established that the owner has erected the sign. Attached to the report is a photo of the sign.

The use is not likely to affect the amenity of the area and will be restricted to administrative activities in an office within the house. There is no additional demand for parking of vehicles. All electrical work will be conducted off site. The use complies with the definition for home occupation in TPS3 except for the prescribed size of the sign.

The size, location and appearance of such signs must be carefully considered in order to protect the amenity of the locality. Also, in the context of road safety and efficiency, signs must not have the potential to hinder the interpretation of or become confused with traffic signals or road signs.

The size restriction in the definition of the home occupation is set generally for residential areas. Allowing bigger size signs in this particular rural instance is not likely to affect the amenity of the area. Road safety and efficiency will also not be unduly affected.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Nye-Chart:

That planning consent be granted for an electrical contracting office (home occupation) at Lot 51 Chester Pass Road, Porongurup with an oversize sign of 0.7m² subject to development being in accordance with the plans dated 22 January 2009.

CARRIED (8/0)

NO. 8/09

12.1.3 RESERVES 16271 AND 16447 MOUNT BARKER-PORONGURUP ROAD - ACCESS ARRANGEMENTS

File No: PR/99/6

Attachments: [Location Plan](#)
[Aerial photo](#)
[DPI Proposal](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to consider a request from the Department for Planning and Infrastructure (DPI) to formalise access arrangements to Reserves 16271 and 16447 Mount Barker-Porongurup Road. This will involve the creation of a separate access reserve to be vested in the Council.

BACKGROUND

Reserve 16447 is occupied by the rifle range and is Commonwealth owned. The State Government has been negotiating with the Commonwealth on the return of a number of rifle ranges to State control. The agreement reached between the State and Commonwealth is that it be returned to the State with a lease to the Western Australian Rifle Association Inc. for the management control of the reserve. Reserve 16447 runs from north west to south east, is over 3km in length and has a 20 wide right angle frontage to the Mount Barker-Porongurup Road.

Reserve 16271 consists of three lots 2207, 3879 and 7361 which are either side of the 20m portion of reserve 16447 (rifle range). Lots 7361 and 3879 to the east are occupied by the speedway. Lot 2207 to the west consists of remnant vegetation.

The actual constructed access to both the rifle range and the speedway has been located on the western (lot 2207) portion of reserve 16271 and not on the 20m portion of reserve 16447.

The DPI has been investigating ways of rationalising the access to both the speedway and rifle range to ensure there is no conflict between either organisation.

There is an emergency access point to the speedway reserve 16271 further to the east but as this area is within a 110km/h speed zone no further entry points should be allowed other than for emergencies. It is preferable to have one shared entry point to both the speedway and the rifle range in this speed zone.

STATUTORY ENVIRONMENT

Land Administration Act 1997

- The purpose of reserve 16271 is Recreation (since 1916) (prior to that for gravel).
- The purpose of reserve 16447 is Rifle Range (since 1916).

CONSULTATION

The DPI has been liaising with the Commonwealth Government, the Rifle Association and the Speedway.

Council staff have been discussing this with DPI since July 2007 and the current proposal now put forward by DPI reflects a suggestion made by staff in January 2008.

FINANCIAL IMPLICATIONS

The Council has, on an occasional basis, maintained the gravel access road from Mount Barker-Porongurup Road. This will continue to be the case if the DPI proposal is finalised as the management order will be in favour of the Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The current proposal put forward by DPI is shown on the plan attached and involves creating a separate access reserve over the existing constructed access. That reserve will have a management order in favour of the Council. The existing 20m frontage for reserve 16447 to the road will be removed from that reserve and added to reserve 16271 (speedway). A small triangular portion of reserve 16271 will be added to reserve 16447 as this follows an as constructed fence for the rifle range.

The proposal as put forward is the best solution to the present 'as constructed' situation. The creation of a separate reserve for 'access' purposes with a management order in favour of the Council will remove any possible chance of a dispute occurring between both clubs over who has control over the access.

The DPI will need to have the reserve boundaries surveyed in this area before the proposal is finalised. If necessary there may need to be some minor adjustments to existing fencing depending upon the final survey.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Nye-Chart:

That the adjustment of boundaries between reserves 16271 and 16447 Mount Barker-Porongurup Road and the creation of a new reserve for access purposes with a management order in favour of the Council be supported subject to:

- 1. The reserve adjustments being in accordance with the plan accompanying the Department for Planning and Infrastructure letter of 11 December 2008.**

2. Any fencing adjustments being made where necessary to reflect the survey and this being at no cost to the Council.

CARRIED (8/0)

NO. 9/09

12.1.4 LOTS 105, 500 AND 1330 MITCHELL STREET, WarBURTON ROAD AND MARMION STREET – SCHEME AMENDMENT REQUEST - SUBMISSIONS RECEIVED

File No: LP/181/22

Attachments: [Locality Plan](#)
[Preliminary Concept Plan](#)
[Summary of submissions](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to consider submissions received on a proposed Scheme Amendment Request (SAR) to rezone lots 105, 500 and 1330 Mitchell Street, Warburton Road and Marmion Street, Mount Barker from 'Rural' to 'Rural Residential'.

BACKGROUND

The Shire records show the owners of the subject land are:

Lot 105 – H Griffiths and L Welsh

Lot 500 – L Welsh

Lot 1330 – P Wallinger

Lot 1067 – D and P Pomery

Lot 502 – M and J Garland

Lot 503 – Great West Corporation Pty Ltd

The Mount Barker Local Rural Strategy of August 1997 refers to these lots as included in Precinct 4.

The SAR was submitted in September 2008 and in accordance with Council Policy No. 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 11 November 2008 the SAR was considered by the Council and the Council resolved at Resolution 251/08:

'THAT:

1. *The Scheme Amendment Request for Lots 105, 500 and 1330 Mitchell Street, Warburton Road and Marmion Street, Mount Barker be advertised to seek public feedback for a period of sixty (60) days.*

2. *At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 10 February 2009.'*

The SAR was then advertised and at the close of submission period five (5) government agencies provided comment. One (1) late submission was received from the Department of Industry and Resources (DOIR). No submissions from the public were received.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Town Planning Regulations 1967 – set the procedure for Amending a Town Planning Scheme.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Lots 500 and the northern portion of 105 are zoned Rural Residential with a different lot pattern to that now proposed. The other lots are zoned Rural.

CONSULTATION

In accordance with Council Policy No TP/SDC/6, the SAR has been advertised with the sixty (60) day period closing 27 January 2009. Six (6) submissions were received and these are contained in the attached summary of submissions.

FINANCIAL IMPLICATIONS

The fee of \$550.00 has been paid.

POLICY IMPLICATIONS

Council Policy No. TP/SDC/6 – Scheme Amendment Requests applies.

STRATEGIC IMPLICATIONS

Mount Barker Local Rural Strategy – 1997 – discussed in SAR.

OFFICER COMMENT

The SAR has been advertised in accordance with the policy requirements and six (6) submissions were received.

The submissions received raised a range of issues which will need to be addressed as part of a formal Amendment to TPS3. Some of the issues will need to be addressed at the subsequent subdivision stage. The Amendment document will need to include a comprehensive fire management plan to the satisfaction of FESA and the Council. The Amendment will also need to pay careful attention to the EPA comments about the creek protection, remnant vegetation protection and the need to closely liaise with the DEC regional office.

The consultants in preparing the Amendment will also need to have discussions with the Water Corporation in respect to water supply and its operating license area as changes to that area will be required and this can take time.

The Amendment document will also need to ensure it addresses the earlier comments provided by the DPI, DoW and DEC which were detailed in the 11

November 2008 report to the Council. Issues such as lot sizes, Pwakkenbak Creek Management Plan, flood analysis, access separation from vineyards, fencing of creekline, stormwater management and protection of Quenda population were discussed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr M Skinner:

That the submissions received on the Scheme Amendment Request for Lots 105, 500 and 1330 Mitchell Street, Warburton Road and Marmion Street be noted and:

- 1. The proponents be advised that the Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.**
- 2. This support is subject to various matters raised in the submissions, including policy issues such as lot sizes, environmental (including creek line protection and effluent disposal), servicing, fire management plan, flood analysis, separation from vineyards, stormwater management and protection of Quenda population being adequately addressed.**

CARRIED (8/0)

NO. 10/09

FURTHER MOTION

Moved Cr J Moir, seconded Cr J Mark:

That a briefing session on the proposed amendment be held prior to the meeting day that the Council formally considers the Amendment.

CARRIED (8/0)

NO. 11/09

12.1.5 LOT 5 (11) LOWOOD ROAD, MOUNT BARKER - APPLICATION FOR PERMIT FOR OUTDOOR EATING FACILITY

File No: RV/182/1170
Attachments: [Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 10 February 2009
Applicant: Hank Mirtl

PURPOSE

The purpose of this report is to consider an application for a permit to conduct an outdoor eating facility (alfresco dining) and trading on a Public Thoroughfare adjacent to the Pizza Pollo food business located at Lot 5 (11) Lowood Road, Mount Barker.

BACKGROUND

The operator of Pizza Pollo wishes to locate two (2) small tables and seating for four (4) persons on the public footpath directly in front of the store to enable customers to consume food purchased from the store. Alfresco dining will be available during business hours between 5.00 pm to 9.00 pm seven (7) days per week.

The alfresco dining tables and chairs will be arranged across the front of the premises and will occupy a total floor area of approximately 4m² leaving an unobstructed 2.0m wide access pathway for pedestrian movement along the footpath between the tables, verandah posts and roadside kerbing.

STATUTORY ENVIRONMENT

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 (Local Law) - Part 6 Division 3 – Outdoor eating facilities on public places. This requires the issue of a permit and the Council may consider the following matters:

- a) the facility is conducted in conjunction with and as an extension of food premises which abut on the facility, and whether the applicant is the person conducting such food premises;
- b) any abutting food premises are registered in accordance with the *Health Act 1911* and whether the use of the premises is permitted under the town planning scheme;
- c) the facility will comply with any local law made under section 172 of the *Health Act 1911*;
- d) users of the facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- e) the Facility would -

- i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
 - ii) impede pedestrian access; and
- f) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

Health Act 1911

Health (Food Hygiene) Regulations 1993

Australia New Zealand Food Safety Standards 2000

CONSULTATION

The Environmental Health Officer has been liaising with operators of retail premises to ensure appropriate applications are made to the Council for alfresco dining activities.

FINANCIAL IMPLICATIONS

The \$110.00 application fee has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan – Key Result Area 4 (Development Services – Town Planning) aims to:

‘Encourage and guide local development, retain local business and encourage new businesses that will create long-term sustainable local employment’.

OFFICER COMMENT

Should the Council grant approval for a permit to operate an outdoor eating facility on a public thoroughfare, the following conditions may be imposed:

- The permit is valid for a period of twelve (12) months or unless otherwise stated in the permit and a period effective from 1 July to 30 June the following year;
- The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further twelve (12) month period;
- The permit is transferable;
- The applicant providing proof of public risk insurance for the proposed trading area;
- A statement indemnifying the Local Government in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare by the permit holder; and
- The permit may be cancelled if the permit holder does not comply with any conditions of the permit or any other written law related to activities regulated by the permit.

In addition to the above mentioned suggested conditions, the permit holder should:

- Ensure that the facility is conducted at all times in accordance with the provisions of the Local Law and the Health Act 1911;
- Ensure that the eating area is kept in a clean and tidy condition at all times;
- Maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
- Be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the facility;
- Whenever, in the opinion of the Council, any work is required to be carried out to a facility, the Council may give a notice to the permit holder.

Alfresco patrons will have access to staff toilet facilities located at the rear of the pizza premises. The proposed dining area will not obstruct sight lines of vehicular traffic in the vicinity, and pedestrian access and movement will not be unreasonably impeded.

The applicant has submitted proof of public liability insurance covering the proposed outdoor eating facility.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Mark:

That in accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2008, a permit be issued to H Mirtl to conduct an outdoor eating facility on a public thoroughfare adjacent to the Pizza Pollo food premises, Lot 5 (11) Lowood Road, Mount Barker subject to:

- 1. The outdoor eating facility occupying a maximum area of 4m² of public thoroughfare directly adjacent to the Pizza Pollo food premises in accordance with the application dated 14 January 2009.**
- 2. The outdoor eating facility being operated and maintained in accordance with the provisions of:**
 - a) Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 (Local Law);**
 - b) Health Act 1911;**
 - c) Health (Food Hygiene) Regulations 1993; and**
 - d) Australia New Zealand Food Safety Standards 2000.**
- 3. A minimum of 2.0m wide unobstructed pathway will be required to be maintained at all times to allow pedestrians to pass freely.**

4. The footpath is to be cleaned daily and maintained to a good standard.
5. The permit is valid for a period of twelve (12) months or part thereof, effective until 30 June 2009.
6. The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further twelve (12) month period.
7. The applicant maintaining public liability insurance to the value of at least \$5,000,000.00 for the proposed area.
8. A statement from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare.
9. All signage to be in accordance with Council requirements.

CARRIED (7/1)

NO. 12/09

12.1.6 LOT 999 (49) HASSELL AVENUE, KENDENUP - APPLICATION FOR A PERMIT TO CONDUCT AN OUTDOOR EATING FACILITY AND TRADING ON A PUBLIC THOROUGHFARE

File No: RV/182/102509
Attachments: [Location Plan](#)
[Floor Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 10 February 2009
Applicant: Luke and Helen Buffham

PURPOSE

The purpose of this report is to consider an application for a permit to conduct an outdoor eating facility (alfresco dining) and trading on a Public Thoroughfare adjacent to Ridge Bros. food premises located at Lot 999 (49) Hassell Avenue, Kendenup.

BACKGROUND

The operators of Ridge Bros. wish to locate four (4) small tables and seating for twelve (12) persons on the public footpath directly in front of their store to enable customers to consume food purchased from the store. Alfresco dining will be available during normal business hours from between 8.00 am to 6.30 pm seven (7) days per week.

The alfresco dining tables and chairs will be arranged across the front of the premises and will occupy a total floor area of approximately 12m² leaving an unobstructed 2.0m wide access pathway for pedestrian movement along the footpath between the tables, building verandah posts and roadside kerbing.

The operators also seek a permit for a packaged ice machine located on the public footpath abutting the store front wall.

STATUTORY ENVIRONMENT

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 (Local Law) - Part 6 Division 3 – Outdoor eating facilities on public places. This requires the issue of a permit and the Council may consider the following matters:

- g) the facility is conducted in conjunction with and as an extension of food premises which abut on the facility, and whether the applicant is the person conducting such food premises;
 - h) any abutting food premises are registered in accordance with the *Health Act 1911* and whether the use of the premises is permitted under the town planning scheme;
 - i) the facility will comply with any local law made under section 172 of the *Health Act 1911*;
-

- j) users of the facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- k) the Facility would -
 - iii) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
 - iv) impede pedestrian access; and
- l) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

Part 6 – Division 1 – Subdivision 3 – Conduct of stallholders and traders.

Health Act 1911

Health (Food Hygiene) Regulations 1993

Australia New Zealand Food Safety Standards 2000

CONSULTATION

The Environmental Health Officer has been liaising with operators of retail premises to ensure appropriate applications are made to the Council for alfresco dining activities.

FINANCIAL IMPLICATIONS

The \$110.00 application fee has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan – Key Result Area 4 (Development Services – Town Planning) aims to:

‘Encourage and guide local development, retain local business and encourage new businesses that will create long-term sustainable local employment’.

OFFICER COMMENT

Should the Council grant approval for a permit to operate an outdoor eating facility on a public thoroughfare, the following conditions may be imposed:

- The permit is valid for a period of twelve (12) months or unless otherwise stated in the permit and a period effective from 1 July to 30 June the following year;
- The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further twelve (12) month period;
- The permit is transferable;
- The applicant providing proof of public risk insurance for the proposed trading area;
- A statement indemnifying the Local Government in respect to any injury to persons or damage to property which may occur in connection with the use of

the public thoroughfare by the permit holder; and

- The permit may be cancelled if the permit holder does not comply with any conditions of the permit or any other written law related to activities regulated by the permit.

In addition to the above mentioned suggested conditions, the permit holder should:

- Ensure that the facility is conducted at all times in accordance with the provisions of the Local Law and the Health Act 1911;
- Ensure that the eating area is kept in a clean and tidy condition at all times;
- Maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
- Be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the facility;
- Whenever, in the opinion of the Council, any work is required to be carried out to a facility, the Council may give a notice to the permit holder.

The proposed alfresco dining area will not obstruct sight lines of vehicular traffic in the vicinity. The applicant has submitted proof of public liability insurance covering the proposed outdoor eating facility.

The packaged ice freezer has been located adjacent to the shop entry door for the convenience of customers and packaged ice will only be available during normal business hours.

The packaged ice freezer, tables and chairs will be located along the shop front wall and therefore should not impede pedestrian access and movement along the public thoroughfare.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr D Nye-Chart:

That in accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2008, a permit be issued to L & H Buffham to conduct both an outdoor eating facility and trading on a public thoroughfare adjacent to the Ridge Bros food premises, Lot 999 (49) Hassell Avenue, Kendenup subject to:

- 1. The outdoor eating facility occupying a maximum area of 12m² of public thoroughfare directly adjacent to the Ridge Bros. food premises in accordance with the application dated 11 December 2008.**
- 2. The outdoor eating facility and trading of goods being operated and maintained in accordance with the provisions of:**
 - a) Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 (Local Law);**

- b) Health Act 1911;
 - c) Health (Food Hygiene) Regulations 1993; and
 - d) Australia New Zealand Food Safety Standards 2000.
3. A minimum of 2.0m wide unobstructed pathway will be required to be maintained at all times to allow pedestrians to pass freely.
 4. The footpath is to be cleaned daily and maintained to a good standard.
 5. The permits are valid for a period of twelve (12) months or part thereof, effective from 1 July 2008 until 30 June 2009.
 6. The permit holder shall apply in writing prior to expiry of the permits, for renewal for a further twelve (12) month period.
 7. The applicant maintaining public liability insurance to the value of at least \$5,000,000.00 for the proposed area.
 8. A statement from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which may occur in connection with the use of the public thoroughfare.
 9. All signage to be in accordance with Council requirements.

CARRIED (8/0)

NO. 13/09

12.1.7 LOT 584 ALBANY HIGHWAY, MOUNT BARKER - LICENCE TO ACCESS ENVIRONMENTAL WATER SUPPLY

File No: RV/182/1837
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to consider a request from the owner of the Mount Barker Caravan Park to extend the time period of an existing licence issued by the Shire, to extract water from the Government Dam water supply located on Shire Reserve 1790 for irrigation purposes at the caravan park.

BACKGROUND

A stationary water pump and irrigation lines were installed by the Shire (as original owners of the caravan park) at the Government Dam and caravan park respectively, for the exclusive use at the caravan park for irrigation purposes. This pump is owned and operated by the caravan park and is additional to an existing larger stationary pump also located at Government Dam and operated by the Shire to irrigate and water Sounness Park and Frost Park.

Subsequent owners/operators of the Mount Barker Caravan Park have utilised water from the Government dam to water the caravan park grounds under a general agreement from the Shire for a nominated period of five (5) years subject to certain water quality, quantity and operational conditions.

Following transfer of the caravan park ownership in 2006, the new facility owner sought a formal agreement from the Shire for the continued access and use of the Government Dam water supply for irrigation purposes at the caravan park in accordance with previous general agreements granted by the Shire.

In August 2006 a formal agreement in the form of a licence was granted by the Chief Executive Officer on behalf of the Council to the proprietor of the caravan park for a period of five (5) years (after discussions with the previous owner) for the continued use of the water supply for the reticulation of lawns within the caravan park, provided that the use did not impact adversely upon the usual and actual quality and quantity of the Government Dam water source. Further, the licence for reticulated water may be revoked by the Council at the expiry of the five (5) year licence period, upon the giving of reasonable notice of that fact.

The current licence period is due for renewal/revocation prior to 30 August 2011.

The caravan park owner has recently advised the Shire that the Government Dam water pump serving the caravan park now requires replacement. The park owner has recognised the need to also upgrade and automate the existing irrigation system at the park at the same time.

The park owner now seeks an extension of the formal approval period to access water from the Government Dam supply for irrigation purposes at the caravan park

from five (5) years to ten (10) years in support and recognition of the substantial financial outlay required by the park owner to renew and upgrade the irrigation system.

CONSULTATION

Consultation has taken place between Rob Stewart – Chief Executive Officer, Peter Duncan – Manager Development Services, Eric Howard – Environmental Health Officer and the applicant.

FINANCIAL IMPLICATIONS

There are no policy implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The applicant is seeking a formal agreement to access the water supply at the Government Dam for a period of ten (10) years for the purposes of providing irrigation water at the Mount Barker Caravan Park.

The applicant currently has a conditional five (5) year licence (agreement) from the Shire to access water from Government Dam for the continued use of that water supply for the reticulation of lawns within the caravan park. This licence is subject to water quality and quantity standards and as the licence may be revoked by the Shire at any time should there be an adverse impact upon the water quality or quantity of supply.

The doubling of the existing licence period issued to the applicant (with similar conditions of approval) will provide both assurity to the applicant to commit substantial funds for the renovation and upgrade of the existing reticulated irrigation system serving the caravan park and also provide the Council with the ability to control, regulate or suspend water harvest activities from the water source should the Government Dam water supply be potentially compromised.

The applicant's request for an increased licenced period to enable the substantial upgrade of the existing irrigation system is supported. However, it is believed that an extension to the year 2016 (being a further 5 years from the expiry of the current agreement) is adequate. Further, it is recommended that the proprietor of the caravan park be put on notice that this arrangement may not be renewed and that alternative water sources should be found.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr J Mark, seconded Cr K Clements:

That:

1. A licence be granted to the proprietor of the Mount Barker Caravan Park for the continued use of the Government Dam water supply for the reticulation of lawns within the caravan park expiring 30 August 2016, subject to the use not impacting adversely upon the usual and actual quality and quantity of the Government Dam water source in the opinion of the Environmental Health Officer.
2. The licence shall be transferable to subsequent proprietors.
3. The licence may not be renewed by the Council at the end of the licence period and it is recommended that the proprietor of the Mount Barker Caravan Park take action to secure alternative water sources.

LOST (0/8)

ALTERNATIVE MOTION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr A Budrikis:

That the proprietor of the Mount Barker Caravan Park be advised that the Council will not renew or extend the licence to take water from the Government Dam (Reserve 1790) for Caravan Park purposes after the expiry of the present licence on 30 August 2011.

CARRIED (8/0)

NO. 14/09

Reason for Change

Councillors believe that a private organisation should not have exclusive use of the Council owned water.

12.1.8 STRATEGIC WASTE MINIMISATION PLAN 2008 - 2013 - GREAT SOUTHERN GROUP OF COUNCILS

File No:	WM/118/3
Attachments:	<u>Strategic Waste Minimisation Plan</u> (separate attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Eric Howard Environmental Health Officer
Proposed Meeting Date:	10 February 2008

PURPOSE

The purpose of this report is to seek the Council's adoption of the Great Southern Group of Councils Strategic Waste Minimisation Plan (attached).

BACKGROUND

Waste and waste management strategies have been recognised by successive state governments as one of the most significant and pressing environmental and financial liabilities upon state and local government resources.

Under the guidance of the Department of Environmental Protection and with the support of the Minister for the Environment, a dedicated Waste Management Bill was drafted in 2000. This Bill was the result of extensive public consultation and departmental consideration commencing in 1997. Since that time, extensive review and amendment of the Bill has taken place involving a range of key stakeholders including industry representatives, inter-government agencies and local government representatives.

The Waste Avoidance and Resource Recovery (WARR) Act 2007 and the Waste Avoidance and Resource Recovery Levy (WARRL) Act 2007 were proclaimed on 1 July 2008.

The primary objectives of the (*WARR*) Act are to, in part;

- Protect public health – consistent with the Health Act 1911;
 - Protect the environment – consistent with the Environmental Protection Act 1986;
 - Support and promote waste minimisation strategies;
 - Establish a statutory 'Waste Authority' with wide ranging powers and obligations to develop waste strategies;
 - Develop and support strategic policy and planning initiatives for transition towards zero waste to landfill;
 - Provide mechanisms to support waste avoidance, recovery and recycling;
 - Promote extended producer responsibility and product stewardship programs with industry;
 - Implementation of those policies and plans to achieve transition towards zero waste to landfill; and
 - Administer systems for the collection of waste disposal levies and the allocation of waste minimisation funding programs through the WARRL Act.
-

Subsidiary WARR regulations have since been implemented and policy strategies developed by the Department of Environment's Waste Management Branch and the Western Australian Local Government Association to support the objectives of efficient and effective waste minimisation programs and functions throughout the state, with focus on the diversion of waste to landfill to achieve the vision of 'towards zero waste'.

To assist with achieving this, Section 40(2) of the WARR Act 2007 states that 'a local government may include within its plan for the future, a waste plan outlining how, in order to protect human health and the environment, waste services provided by the local government in the relevant district will be managed to achieve consistency with the waste strategy'.

Whilst the development and adoption of a Waste Plan by local governments is not compulsory, (under the Act) the Chief Executive Officer of the Department of Environment and Conservation (DEC) may require a local government to include within its plan for the future, a waste plan detailing how a local government will provide waste services consistent with the Waste Authority's waste strategy.

To encourage, assist and enable local governments to develop and implement such waste plans, DEC and the Waste Authority (previously the Waste Management Board) has developed the Zero Waste Plan Development Scheme (ZWPDS).

In order to ensure a timely implementation of the zero waste planning process, limited funding through the Waste Management and Recycling Account has been provided for all local governments to assist with the preparation of Strategic Waste Management Plans (SWMP) (previously Zero Waste Plans).

Access to this funding has been made available in two phases. Phase 1 required local governments to complete a data gathering survey. The Shire of Plantagenet participated in this survey and consequently received \$5,000.00. Phase 2 requires the development and adoption of a Strategic Waste Management Plan.

The funding structure for the ZWPDS provides increased financial incentives to local governments to form regional partnerships with other local governments to jointly develop regional strategies for waste minimisation initiatives.

The Shires of Plantagenet, Cranbrook and Denmark have formed a regional waste management partnership and jointly developed the Great Southern Group of Councils Strategic Waste Minimisation Plan 2008 – 2013 (SWMP).

The purposes and objectives of the plan are to enable partnerships between member local governments, business and industry which can involve the exchange of skills and knowledge, better use and resourcing of infrastructure, better markets, opportunities and economies of scale in all matters relative to waste management.

The Great Southern Group is acutely aware that the attainment of the stated goals can only be achieved by working closely with State Government agencies and identifying synergies amongst neighbouring shires. The Great Southern Group of Councils is committed to leading by example and actively reducing waste generation, optimising recycling and maximising the use of recycled products within its day-to-day operations.

In accordance with the Shires' plans for future requirements, the SWMP has an active life span of five (5) years and will be subject to continual review and amendment to meet changing objectives, challenges, outcomes and priorities.

STATUTORY ENVIRONMENT

Waste Avoidance and Resource Recovery Act 2007
Waste Avoidance and Resource Recovery Regulations 2008
Waste Avoidance and Resource Recovery Levy Act 2007
Waste Avoidance and Resource Recovery Levy Regulations 2008

CONSULTATION

There has been extensive discussion between senior staff from all participating member local governments, DEC Officers and Ian Watkins – Consulting Engineer, IW Projects.

FINANCIAL IMPLICATIONS

The implementation of the Great Southern Group of Councils Strategic Waste Minimisation Plan 2008 – 2013 will assist the Council to effectively monitor and measure waste stream volumes to enable detailed waste reduction strategies within budgetary constraints.

Through the ZWPDS the Plantagenet Shire has received \$5,000.00 funding for the completion of the Phase 1 survey and will receive a further \$15,000.00 following and subject to the adoption of a Waste Management Plan.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan - Key Result Area 2 (Infrastructure) aims to:
‘Protect the community’s health by managing waste in a timely, effective, economic and environmentally safe manner’.

OFFICER COMMENT

The development, adoption and implementation of the Great Southern Group of Councils Strategic Waste Minimisation Plan 2008 – 2013 will enable the Shire of Plantagenet to meet its obligations to achieve waste minimisation principles in accordance with the State’s vision of Towards Zero Waste.

The plan, whilst appearing prescriptive, provides a system for the Shire to identify and quantify waste products entering the municipal waste stream, thus enabling opportunities wherever possible, to divert or recover waste to recycling or re-use applications or implement waste reduction strategies.

The reduction of waste to landfill has the potential to conserve valuable landfill area and reduce the harmful effects of landfill practice. The opportunity to divert reusable and recyclable waste to the growing market for such products is also offered and again extends the operational landfill life expectancy.

The true value of a landfill disposal area is grossly undervalued and therefore strategies to divert waste from landfill will have significant financial benefits in the future.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr S Grylls:

That the Great Southern Group of Councils Strategic Waste Minimisation Plan 2008 – 2013 be adopted.

CARRIED (7/1)

NO. 15/09

12.2 WORKS AND SERVICES REPORTS

12.2.1 ROAD NAMING – ST WERBURGHS WAPC 132326 SUBDIVISION

File No:	LP/158/63, RO/107/1
Attachments:	Subdivision Map – St Werburghs WAPC 132326
Responsible Officer:	Ian Bartlett Manager Works and Services
Author:	Emma Gardner Administration Officer Works & Services
Proposed Meeting Date:	10 February 2009

PURPOSE

The purpose of this report is to consider an alternative to resolution 258/08 to name the new subdivisional road within the St Werburghs WAPC 132326 subdivision.

BACKGROUND

A request was received from Harley Survey Group to apply the name Hotchin within the WAPC 132326 Subdivision of St Werburghs Road. The Council approved the name Hotchin at the Council Meeting held 11 November 2008 and no objections were received when advertised. The name Hotchin has not been supported by the Geographic Names Committee as there is a Hotchin Avenue less than 50km away in the City of Albany.

The Geographic Names Committee suggested extending Mokare Rise through the subdivision to St Werburghs Road. Harley Survey Group has also indicated that extending Mokare Rise is their preferred option.

STATUTORY ENVIRONMENT

The Land Administration Act 1997 governs the road naming process.

CONSULTATION

Consultation has occurred with the Harley Survey Group's Operations Co-ordinator, Simona Damm.

FINANCIAL IMPLICATIONS

The subdivision developers will be required to meet the cost of all road name signage.

POLICY IMPLICATIONS

The road name proposed in this report has been selected in accordance with Council Policy I/RR/1 – Future Street and Reserve Names.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr D Nye-Chart:

That:

- 1. The proposal to extend Mokare Rise through to St Werburghs Road within the WAPC 132326 St Werburghs Road Subdivision, as shown on the attached map be advertised for public comment.**
- 2. The cost of all road name signage be paid by the subdivider.**
- 3. Subject to no objections being received, the proposal be forwarded to the Geographic Names Committee for endorsement.**

CARRIED (8/0)

NO. 16/09

12.2.2 ROAD NAMING - UNNAMED ROAD RESERVE OFF MUIRS HIGHWAY

File No:	RO/107/1
Attachments:	<u>Location Plan</u> <u>Map and Engineering Drawing showing Unnamed Road Reserve off Muirs Highway Future Street and Reserve Name Policy</u>
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	10 February 2009

PURPOSE

The purpose of this report is to consider naming the unnamed road reserve located north off Muirs Highway, formerly part of Taylor Road.

BACKGROUND

Following the construction of the Northern Bypass, Taylor Road has been re-aligned. The former north-western part of Taylor Road (referred to as Shire Road on the attached Main Roads' engineering drawing) intersects with the Northern Bypass approximately 300m west of Taylor Road. Land owners of properties abutting this road have requested that it be named. A map and engineering drawing showing the unnamed road reserve is attached.

STATUTORY ENVIRONMENT

The Land Administration Act 1997 governs the road naming process.

CONSULTATION

Correspondence was received from Ms Elaine Rose requesting that the road be named. Ms Rose owns one of the two residences that are accessed via this unnamed road reserve.

Ms Rose suggested that the road be named 'Roseback' after herself and the other landowner Mr Back. The Geographic Names Committee's guidelines state however, that only under exceptional circumstances would the use of a living person's name be used to name a road and any such application must be accompanied with comprehensive biographical details, including community involvement. No supporting information has been supplied for either Ms Rose or Mr Back.

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

A road name has been suggested from Council Policy I/RR/1 – Future Street and Reserve Names. A copy is attached.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

It is suggested that the next available name on the Council's Future Street and Reserve List, that is not applicable to a specific locality, be utilised to name this unnamed road reserve. The next available name is Chester.

According to the local historian Mr Harry Reeves, the Chester Family owned and built the original abattoirs and were 'contributors to a number of charities including St John's Ambulance Service and the Plantagenet Hospital.'

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr D Nye-Chart:

That:

1. The proposal to name the unnamed road reserve located north off Muirs Highway, 'Chester Street', as shown on the attached map be advertised for public comment.
2. Subject to no objections being received during the public submission period the proposal be forwarded to the Geographic Names Committee for endorsement.

CARRIED (8/0)

NO. 17/09

12.2.3 BUDGET REALLOCATION - ROADS TO RECOVERY

File No: RO/50/22
Attachments: [Yellanup Road - Location Plan](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Sharon Williams
Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to seek Council approval to transfer Barrow Road funds to Yellanup Road.

BACKGROUND

A one off grant was received in 2006 under the Supplementary AusLink Roads to Recovery Programme to clear 4,700 metres of overhanging vegetation to six metres in height and 2 metres either side of Barrow Road. Although Council records showed Barrow Road 'Road Reserve' was the standard 20 metres, when works commenced a survey was undertaken and confirmed that the northern end for a length of 1,000 metres was only 10 metres wide. The project has been delayed due to the need to approach adjoining landholders for the resumption of a ten metre wide strip of land to provide the requisite 20 metre road reserve.

Negotiation with the adjacent landholder involves a 'swap' of private land for road reserve in Woogenellup Road. The negotiations for this will likely take 12 months with no guarantee that the outcome would be favourable. This job will not be completed by 30 June 2009. Although the Government has announced that there will be another Roads to Recovery program commencing on 1 July 2009, this will be a new program and there will be no capacity to carry over unclaimed funds from 2008/2009 to 2009/2010.

STATUTORY ENVIRONMENT

There is no specific section of the Local Government Act 1995 that deals with the re-allocation of funds.

CONSULTATION

Consultation has occurred with Roads to Recovery, Chief Executive Officer - Rob Stewart, Accountant – Cherie Delmage, Engineering Technical Officer – Jim Robertson and Senior Administration/Project Officer Works and Services – Sharon Williams.

FINANCIAL IMPLICATIONS

Barrow Road 2008/2009 (51281.0250 Budget \$60,000.00 Actual \$4,370.00). The grant was made on the condition that the funds are spent by 30 June 2009. Breach of this condition may result in the forfeiture of funds and the potential loss of future payments for initiatives related to local roads.

POLICY IMPLICATIONS

There are no policy implications for this report.

LEGAL IMPLICATIONS

There are no legal implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 (Infrastructure) aims to:

'Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.'

OFFICER COMMENT

Following the submission of the last quarterly report, Roads to Recovery encouraged Council to plan for the full expenditure of funding by the specified deadline and advised that the remaining budget allocation could be transferred to another project. It is proposed that Barrow Road funds be transferred to the existing Yellanup Road job to clear vegetation, undertake drainage improvements and widen the width of the road. This will be an extension to works already planned for Yellanup Road and will reflect in a further 2.5 km of clearing and drainage works being completed.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Moir:

That the adopted 2008/2009 Annual Budget and Works Program be amended to reallocate the remaining Roads to Recovery funding for Barrow Road (51281.0250) to Yellanup Road (51287.0250).

LOST (4/4)

Note

As the resolution required an absolute majority (five votes) to be carried, the Presiding Member declared the motion Lost.

**12.2.4 LAND ACQUISITION - MAIN ROADS WA - STAGE 4 DENMARK-MOUNT
BARKER ROAD INTERSECTION TO HAY RIVER BRIDGE**

File No:	GR/97/4
Attachments:	<u>Muir's Highway – Main Roads WA letter and plans</u>
Responsible Officer:	Ian Bartlett Manager Works and Services
Author:	Sharon Williams Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	10 February 2009

PURPOSE

The purpose of the report is to obtain the Council's support for the resumption of land between Denmark-Mount Barker Road Intersection to Hay River Bridge for the purpose of increasing the carriageway width of Muir's Highway.

BACKGROUND

Main Roads WA is upgrading Muir's Highway between Denmark-Mount Barker Road Intersection and Albany Highway. The works will increase the carriage-way width of Muir's Highway to 11.0m (8.0m seal and 3.5m marked traffic lanes), improve St Werburghs and Denmark Road-Mount Barker Road Intersections and provide a 1.6km west bound passing lane.

This section of the highway is within the Shire of Plantagenet and to comply with the Land Administration Act 1997, it is a requirement for the Council to grant its approval to the dedication of the following land as road:

- a) Lot 6116 on Deposited Plan 165241 (CT 1697/979);
- b) Lot 5475 on Deposited Plan 144780 (CT 1888/105);
- c) Lot 1 on Strata Plan 47390 (CT 2603/397);
- d) Lot 2 on Strata Plan 47390 (CT 2603/398);
- e) CP 3 on Strata Plan 47390 (Common Property);
- f) Lot 3085 on Deposited Plan 80337 (CT 1035/563);
- g) Lot 2764 on Deposited Plan 138294 (CT 1713/735);
- h) Portion of Plantagenet Location 3330 (CT 1045/822);
- i) Lot 581 on Deposited Plan 301880 (CT 1505/475); and
- j) Lot 29 on Diagram 6282 (CT 1505/476).

Main Roads WA will indemnify the Shire of Plantagenet against all costs and charges in respect to the dedication action.

STATUTORY ENVIRONMENT

Land Administration Act 1997 – Section 56.

CONSULTATION

Main Roads WA has undertaken consultation with residents.

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.

OFFICER COMMENT

Endorsement is recommended.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That the taking of land under Section 56 of the Land Administration Act for the Muirs Highway and passing lane – Stage 4 Denmark-Mount Barker Road Intersection to Hay River Bridge as described below:

- a) Drawing No. 200801-108 – Lot 6116 on Deposited Plan 165241 (CT 1697/979);
- b) Drawing No. 200801-100 – Lot 5475 on Deposited Plan 144780 (CT 1888/105);
- c) Drawing No. 200801-102 – Lot 1 on Strata Plan 47390 (CT 2603/397);
- d) Drawing No. 200801-103 – Lot 2 on Strata Plan 47390 (CT 2603/398);
- e) Drawing No. 200801-104 – CP 3 on Strata Plan 47390 (Common Property);
- f) Drawing No. 200801-105 – Lot 3085 on Deposited Plan 80337 (CT 1035/563);
- g) Drawing No. 200801-106 – Lot 2764 on Deposited Plan 138294 (CT 1713/735);
- h) Drawing No. 200801-109 – Portion of Plantagenet Location 3330 (CT 1045/822);
- i) Drawing No. 200801-099 – Lot 581 on Deposited Plan 301880 (CT 1505/475); and
- j) Drawing No. 200801-101 – Lot 29 on Diagram 6282 (CT 1505/476).

be adopted.

CARRIED (8/0)

NO. 18/09

12.2.5 LAND ACQUISITION - PLANTAGENET LOCATION 2689 THE PASS ROAD, NARRIKUP

File No: RV/182/3474
Attachments: [Location Plan](#)
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to obtain the Council's support for the acquisition of 2.3790 ha of land from Location 2689 for inclusion into the existing road reserve of The Pass Road and consider a compensation payment to R & A Carter.

BACKGROUND

The creation of a new road through freehold Location 2689 was undertaken by the Shire of Albany on behalf of the Shire of Plantagenet during 1958. Landgate notified the Shire of Plantagenet in 2000 regarding the need to dedicate the portions of the road that traverse through Location 2689 due to the possible legal implications should an accident occur on this portion of the road.

Council staff investigated the situation and determined that the required road creation had not been finalised, although surveyed many years ago. The Manager Works and Services re opened discussions with R & A Carter in order to ascertain their present stand on this matter.

In December 2000 a consulting surveyor was requested to do a cadastral survey to determine the area needed for road resumption. This work was carried out in February 2001 however the matter was not followed through to completion.

In 2008 R & A Carter advised the Manager Works and Services that they had entered into negotiations with a forestry company to sell Location 2689. The forestry company sought clarification regarding the proposed caveat upon the land to acknowledge the Agreement between the Carters and the Shire of Plantagenet. Shire of Plantagenet legal representatives have liaised with the forestry company legal representatives regarding the type and form of the caveat.

To finalise this matter the Manager Works and Services sought written confirmation from R & A Carter for the acquisition of 2.3790 ha of land. R & A Carter have accepted and signed their agreement for compensation.

STATUTORY ENVIRONMENT

Land Administration Act 1997 – Section 56

CONSULTATION

The Manager Works and Services has had ongoing consultation with resident owners - Ralph and Allison Carter, Landgate Certified Practising Valuer – Andy Muir, John Kinnear & Associates, ITC Forestry Land Manager WA - Peter McKenzie, Chief Executive Officer – Rob Stewart and Engineering Technical Officer – Jim Robertson.

FINANCIAL IMPLICATIONS

\$10,000.00 has been budgeted for land resumptions in 2008/2009. A further \$20,893.00 is available within the Outstanding Land Resumptions Reserve Fund.

Compensation has been set at \$24,000.00 after valuation.

POLICY IMPLICATIONS

There are no policy implications for this report.

LEGAL IMPLICATIONS

Hudson Henning & Goodman are acting on behalf of the Shire of Plantagenet in relation to the lodgement of the caveat.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan, Key Result Area 2 (Infrastructure) aims to:

'Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.'

OFFICER COMMENT

The land which is affected by this resumption was sold on 3 February 2009 and in order to not delay the transfer of land the Chief Executive Officer authorised a caveat on the land so that compensation be paid to the vendors.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Moir:

That:

1. Compensation be set at \$24,000.00 for the acquisition of 2.3790 ha from Plantagenet Location 2689 for inclusion into the existing road reserve of The Pass Road, Narrikup.
2. The sum of \$14,000.00 to be transferred from the Outstanding Land Resumptions Reserve Fund to Municipal Fund.

CARRIED (8/0)
(Absolute Majority)

NO. 19/09

12.2.6 ONE WAY STREET CONSIDERATION - SHORT STREET, MOUNT BARKER

File No: RO/99/22
Attachments: [Short Street Concept Plan](#)
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to propose the classification of Short Street, Mount Barker as a one way street.

BACKGROUND

The Council has completed the majority of the upgrading of Lowood Road. A resolution of the Council is needed to designate Short Street as a one way road, should this be the Council's preference.

Although the Council has not formally adopted a one way configuration for Short Street it has nevertheless adopted parking restrictions for the central business district including Short Street based on a one way format at its meeting held on 14 November 2006.

In March 2008 the Townscape Review Steering Committee when prioritising future upgrading works agreed to this one way proposal combined with footpaths and tree planting being treated as the first priority.

STATUTORY ENVIRONMENT

The Council is responsible for the care and control of road reserves within the Shire of Plantagenet. Accordingly, any proposal to improve or modify a road reserve requires approval by the Council.

Additionally, Regulation 291 of the Road Traffic Code 2000, is the statutory means by which a road is classified as One-Way. The Regulation states:

"Where for the more effective control of traffic, it appears to the Commissioner of Main Roads to be necessary or expedient to close a road or portion of a road or set apart a road or portion of a road for traffic traveling in one direction or for traffic of a particular class, the Commissioner of Main Roads may, with the authority of the Minister and after giving such notice as the Minister may direct, do any of those things by means of road signs".

CONSULTATION

Should the Council be prepared to consider a one way configuration for Short Street, the proposal is to be advertised for 35 days for public comment, prior to consideration by Main Roads WA.

FINANCIAL IMPLICATIONS

The upgrade of Mount Barker Town Centre is being staged over several financial years to lessen the financial impact on the Council's Annual Budget. Subject to endorsement of the concepts and drawings, detailed estimates of cost will be prepared to identify the funding required to successfully implement sections of the project and planting and associated site. The detailed cost estimates will be the basis of a separate report to the Council.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan, Key Result area 2 (Infrastructure) aims to:

'Maximise the benefit to the community, in an equitable manner, by effectively and efficiently developing and maintaining the road network and buildings infrastructure within the financial resources of the Shire.'

Manage public open space and natural resources to equitably meet the community's social and economic needs in an environmentally responsible manner.'

OFFICER COMMENT

The plan attached indicates the proposed east to west traffic flow and parking arrangements for Short Street. The design allows for left and right hand turns into Short Street from Lowood Road.

The advantages of the one way street proposal are primarily based on streetscape and amenity improvements. The proposed one way street will provide angle and parallel parking on both sides of the one way street. The proposed one way design allows for the inclusion of street trees.

The one way configuration will reduce the number of turning movements.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That:

1. The proposal to create a one way configuration (east to west) for Short Street, Mount Barker be advertised for a period of thirty five (35) days seeking public comment.

2. At the conclusion of the thirty five (35) day advertising period a further report presented to the Council at the Ordinary Meeting to be held on 14 April 2009.

CARRIED (8/0)

NO. 20/09

12.2.7 POLICY REVIEW - TELSTRA - DEPARTMENT LINE CLEARING

File No: ET/120/2
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to review Council Policy No. I/R/11 – Telstra – Department Line Clearing.

BACKGROUND

Council Policy I/R/11 – Telstra – Department Line Clearing reads as follows:

POLICY:

That Council adopt existing Telstra standards, in accordance with their written instructions to field staff, as the maximum clearing requirement for telephone line installations and maintenance on road reserves.'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation occurred at the Technical Services Meeting of Works and Services Staff on Thursday 22 January 2009.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Results Area 1, New Initiative provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations to be undertaken.'

To achieve this we will:

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- *Promote and provide access to policies, standards and legislation.'*

OFFICER COMMENT

The current policy does not provide sufficient information in relation to Telstra Department Line Clearing and no policies exist for other public utility companies. Therefore the Works and Services section propose that this policy be revoked and replaced with a new separate policy that covers clear guidelines for all public utility companies regarding the undertaking of public service and utility work within the Shire of Plantagenet.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That:

1. **Current Council Policy No. I/R/11 – Telstra – Department Line Clearing, be revoked.**
2. **New Council Policy No. I/R/12 - Notice of Entry for Public Services and Utilities, as follows:**

OBJECTIVE:

To provide clear guidelines to the Council, its officers and public utility companies and their contractors regarding the undertaking of public service and utility work within the Shire of Plantagenet.

POLICY:

1. **The Council will provide a letter of approval for public services and utilities works to occur with the Shire of Plantagenet provided that the Manager Works and Services is satisfied with the proposed works and provided that the following conditions are adhered to by the utility company:**
 - a) **Should it be necessary to install cabling across any thoroughfare, the cabling shall be under bored to minimise destruction of the road pavement and connecting infrastructure. Open trenching across bitumen sealed road infrastructure is not permitted except where rock is found and can not be under bored. Permission should be sought from the Manager Works and Services if rock is found and an open trench is required.**
 - b) **All trenches located within the footway (verge) shall be backfilled with quality material and suitably compacted following installation of the plant/cables. The finished surface level of the compacted backfill**

material shall generally match the existing surface profile of the footway.

- c) All disturbed areas shall be reinstated to pre-existing conditions following completion of the works. As a minimum, areas denuded by installation of the plant/cables shall be top soiled, turfed and regularly watered following completion of the works.
- d) All manholes, inspection points and/or other permanent above ground features, which are to be located within the road reserve, shall be flush with the natural ground to avoid potential trip hazards.
- e) No fixed plant (pits, manholes, inspection points etc) or cabling shall be constructed either near or within existing road formation. This will ensure that, should the Council ever widen Street Name, the fixed plant/cable is sufficiently clear of the works.
- f) All cabling shall be laid to the following depths:
 - Under roads – minimum 1.0 metre
 - Within verges – minimum 0.75 metre
 - Within public open space – minimum 0.75 metre
- g) The Contractor shall regularly remove rubbish and/or surplus materials as the work proceeds and keep the site clean and tidy. The Contractor shall leave tidy the whole of the works upon completion of the Contract, and make good any damage caused during the works to the satisfaction of the Council.
- h) Where work is likely to affect vehicular access to private properties, every attempt shall be made to accommodate the needs of landowners/residents regarding entry and/or exit from the property.
- i) A minimum of one (1) trafficable lane shall remain open to the public at all times and traffic control shall be employed during the course of the works. A copy of the Traffic Control Plan shall be forwarded to Council Works Supervisor for consideration.
- j) The finished condition of the road and/or verge shall be to the satisfaction of Council's Works Supervisor.
- k) Where work is to be carried out within privately or publicly owned land, the affected property owners shall be notified in writing of the utilities intent to install plant/cabling. All areas denuded or affected by the works within privately owned land or public open space shall be made good upon completion of the works. In addition, vegetation within public open space shall not be removed without prior consent from the Council.
- l) All works are to comply with the Utility Providers Code of Practice for Western Australia, effective 1 November 2002, and the Restoration and Reinstatement Specification for Local Governments in Western Australia, effective October 2002.'

be adopted.

CARRIED (8/0)

NO. 21/09

12.2.8 POLICY REVIEW - ROADS - LOG HAUL REQUIREMENTS

File No: RO/120/19
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to review Council Policy No. I/R/6 – Roads – Log Haul Requirements.

BACKGROUND

Council Policy I/R/6 – Roads – Log Haul Requirements reads as follows:

OBJECTIVE:

To provide clear guidelines to the Council, its officers and tree farm companies regarding log / woodchip haulage on roads within the Shire of Plantagenet.

POLICY:

- The Council will provide letters of support for Main Roads WA permits for log / woodchip haulage on roads within the Shire of Plantagenet provided that the Manager Works and Services is satisfied with the proposed haulage route(s) and provided that the following conditions are adhered to by the tree farm companies:
All Heavy Haulage permits being obtained from Main Roads WA;
Neighbouring properties to access routes being notified of the commencement date and anticipated duration, at least one (1) week prior to the commencement of harvest;
Speeds being limited to 60km/h on unsealed roads and 80km/h on sealed roads without pavement markings and 90km/h on sealed roads with pavement markings or 10km/h lower than the posted speed limit of roads under 80kms or whichever is the lesser;
Suitable sign posting for traffic as per Australian Standard AS1742.3-2002, with signs identifying truck movements to be placed at the entrance and exit of the property according to standard;
All owner / operators adhering to any road closure as specified in Section 3.50 of the Local Government Act 1995 and refraining from driving heavy vehicles on roads affected by wet weather conditions;
Cartage through townsites being limited to twelve hours daily between the hours of 6.00am and 6.00pm;
School bus operators being notified of the commencement date and the anticipated duration, at least one (1) week prior to the commencement of harvest;*

All gravel roads covered under the letter of approval being graded during haulage as required;

The Council being advised of any seal failures on bitumen roads within twenty-four hours so that repairs can be carried out;

Roads being reinstated to pre-haulage condition, by the tree farm companies, at the completion of harvest;

Post haulage inspections being carried out on roads covered in the letter of approval, as advised by the Manager Works and Services; and

Cartage being ceased on Christmas Day and New Year's Day.

2. *The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition / user safety is in question.'*

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has occurred at the Technical Services Meeting of Works and Services Staff on Thursday 22 January 2009.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Results Area 1, New Initiative provides the following:

- '1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations to be undertaken.*

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- Promote and provide access to policies, standards and legislation.'*

OFFICER COMMENT

This policy is presented to the Council as part of its ongoing policy review cycle. This policy is considered relevant and should be retained, although numbering has been added for clarity and consistency.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr J Moir:

That amended Council Policy No. I/R/6 – Roads – Log Haul Requirements, as follows:

OBJECTIVE:

To provide clear guidelines to the Council, its officers and tree farm companies regarding log/woodchip haulage on roads within the Shire of Plantagenet.

POLICY:

1. The Council will provide letters of support for Main Roads WA permits for log/woodchip haulage on roads within the Shire of Plantagenet provided that the Manager Works and Services is satisfied with the proposed haulage route(s) and provided that the following conditions are adhered to by the tree farm companies:
 - a) All Heavy Haulage permits being obtained from Main Roads WA;
 - b) Neighbouring properties to access routes being notified of the commencement date and anticipated duration, at least one (1) week prior to the commencement of harvest;
 - c) Speeds being limited to 60km/h on unsealed roads and 80km/h on sealed roads without pavement markings and 90km/h on sealed roads with pavement markings or 10km/h lower than the posted speed limit of roads under 80kms or whichever is the lesser;
 - d) Suitable sign posting for traffic as per Australian Standard AS1742.3-2002, with signs identifying truck movements to be placed at the entrance and exit of the property according to standard;
 - e) All owner/operators adhering to any road closure as specified in Section 3.50 of the Local Government Act 1995 and refraining from driving heavy vehicles on roads affected by wet weather conditions;
 - f) Cartage through townsites being limited to twelve hours daily between the hours of 6.00am and 6.00pm;
 - g) School bus operators being notified of the commencement date and the anticipated duration, at least one (1) week prior to the commencement of harvest;
 - h) All gravel roads covered under the letter of approval being graded during haulage as required;
 - i) The Council being advised of any seal failures on bitumen roads within twenty-four hours so that repairs can be carried out;

- j) Roads being reinstated to pre-haulage condition, by the tree farm companies, at the completion of harvest;
 - k) Post haulage inspections being carried out on roads covered in the letter of approval, as advised by the Manager Works and Services; and
 - l) Cartage being ceased on Christmas Day and New Year's Day.
2. The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition/user safety is in question.'

be endorsed.

CARRIED (8/0)

NO. 22/09

12.3 COMMUNITY SERVICES REPORTS

12.3.1 APPOINTMENT OF BUSH FIRE CONTROL OFFICER 2008/2009

File No: ES/151/12
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Rayona Evans
Administration Officer (Relief)
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to appoint Mr Jim Bailey as a Fire Control Officer with the South Porongurup Bush Fire Brigade for the 2008/2009 fire season, pursuant to Section 38 of the Bush Fires Act 1954.

BACKGROUND

The Council appointed the 2008/2009 Bush Fire Control Officers at its ordinary meeting held on 26 August 2008. Since the meeting Mr Phillip Rule, Fire Control Officer and Captain of the South Porongurup Bush Fire Brigade, has resigned from his position.

The South Porongurup Bush Fire Brigade has nominated Mr Jim Bailey as their new Captain and Bush Fire Control Officer.

STATUTORY ENVIRONMENT

Bush Fires Act 1954.

Section 38 – Local Government may appoint Bush Fire Control Officers:

‘A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act’.

CONSULTATION

The Chief Bush Fire Control Officer and members of the South Porongurup Bush Fire Brigade have been consulted regarding the appointment of Mr Jim Bailey to the position of Bush Fire Control Officer. Both parties support the nomination.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Mr Jim Bailey has been an active member of the South Porongurup Bush Fire Brigade for many years and has held the position of Fire Control Officer and Captain

of the Gnowellen Brigade and the Deputy Chief Bush Fire Control Officer (NE) for the City of Albany.

Mr Bailey resides on Millinup Road, within the South Porongurup Brigade district.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

That:

- 1. The previous appointment of Mr Phillip Rule to the position of Bush Fire Control Officer for the South Porongurup Bush Fire Brigade be cancelled.**
- 2. Mr Jim Bailey be appointed to the position of Bush Fire Control Officer for the South Porongurup Bush Fire Brigade for 2008/2009.**

CARRIED (8/0)

NO. 23/09

12.4 CORPORATE SERVICES REPORTS

12.4.1 FINANCIAL STATEMENTS NOVEMBER AND DECEMBER 2008

File No:	FM/65/1
Attachments:	<u>Financial Statements – November 2008</u> (separate attachment) <u>Financial Statements – December 2008</u> (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	10 February 2009

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 30 November 2008 and 31 December 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 Moir, seconded Cr J Mark:

That the Financial Statements for periods ending 30 November 2008 and 31 December 2008 be received.

CARRIED (8/0)

NO. 24/09

12.4.2 LIST OF ACCOUNTS – NOVEMBER AND DECEMBER 2008

File No: FM/65/3
Attachments: [List of Accounts - November 2008](#)
[List of Accounts - December 2008](#)
Responsible Officer: John Fathers
Chief Executive Officer
Author: Donna Jo Fawcett
Debtors/Creditors Officer
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to present the list of payments that were made during the months of November and December 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 M Skinner, seconded Cr J Mark:

That:

1. The payments of accounts for the month of November 2008 covering the following:
 - a) Electronic payments and direct debits totalling \$422,923.14.
 - b) Municipal Cheques 39473 - 39546 and 39548 – 39564 totalling \$175,221.69.
 - c) Trust Cheques 250-252 totalling \$1,030.14.

be approved.

2. Cancelled municipal cheque 39547 be noted.
3. The payment of accounts for the month of December 2008 covering the following:
 - a) Electronic Payments and direct debits totalling \$1,142,555.59;
 - b) Municipal Cheques 39565 – 39587 and 39589 - 39678 totalling \$76,283.12be approved.
4. Cancelled municipal cheque 39588 be noted.

CARRIED (8/0)

NO. 25/09

12.5 EXECUTIVE SERVICES REPORTS

12.5.1 POLICY REVIEW - CE/CS/1 - ELECTED MEMBER EXPENSES TO BE REIMBURSED

File No: ES/151/12
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to review the Council's current Policy CE/CS/1 'Elected Member Expenses to be Reimbursed'.

BACKGROUND

At its meeting held on 26 September 2006, the Council adopted the following:

'That Council Policy CE/CS/1 – Elected Member Expenses to be Reimbursed as detailed below:

'OBJECTIVE: *To enable Councillors to attend meetings, conferences and training opportunities whilst ensuring that individuals are not financially disadvantaged in doing so.*

POLICY: *That elected members receive reimbursement of expenses as detailed below whilst attending the following:*

- *Council and Committee meetings held in accordance with the provisions of the Local Government Act;*
- *Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;*
- *Conferences and training sessions specifically authorised by the Council;*
- *Any official social function organised by, or on behalf of, the Shire of Plantagenet.*

That elected members not receive reimbursement for attendance at the following:

- i. ANZAC Day services; and*
- ii. Remembrance Day Services.*

- 1. Travel*

Reimbursement for the use of a private vehicle to be set in accordance with Clause 29 of the current Local Government Officers' (Western Australia) Award.

Reimbursement for the use of a private vehicle to be set in accordance with Clause 29 of the Local Government Officers'

(Western Australia) Award 1999 for the 'South West Land Division' at the appropriate engine displacement rates.

2. Accommodation

Reimbursement within the \$250.00 per day limit of accommodation, meal, and parking expenses incurred to a maximum of \$250.00 per day. Any unforeseen or additional expenses incurred will be paid only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

Refreshments consumed with meals will be reimbursed however, all other refreshments (e.g.: hotel mini bar) will not be reimbursed by the Council.

3. Conference / Meeting Attendance Costs

All conference attendance costs will be paid / reimbursed.

Notes:

Accommodation requirements, whenever possible, are to be arranged in advance by the Chief Executive Officer and confirmed by an official purchase order. With regard to all other expenses, receipts are to be submitted to the Chief Executive Officer for reimbursement.'

STATUTORY ENVIRONMENT

Local Government (Administration) Regulation 31, linked to Section 5.98(2)(a) of the Local Government Act 1995, prescribes the expenses that are to be reimbursed to elected members. These include telephone and facsimile line rental, child care costs and travel expenses.

With regard to travel expenses, Regulation 31 (4) states:

'(4) The extent to which travel costs referred to in Subregulation (1)(b) can be reimbursed.

- (a) If a person lives or works in the local government district or an adjoining local government district, is the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or*
 - (b) if the person does not live or work in the local government district or an adjoining local government district, is the actual cost, in relation to a journey from the person's place of residence or work and back.*
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or*
 - (ii) if the distance travelled referred to in subparagraph (i) is more than 100km, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.*
5. *For the purposes of Subregulation (2) to (4), actual amounts and actual costs are to be verified by sufficient information.'*

When considering the components that make up the cost of travel, such as depreciation, fuels, oils and general vehicle wear and tear, the most appropriate method of calculating the 'actual cost' would be to use an appropriate cents per kilometre rate. The rates as defined in the Local Government Officers' Western

Australia Award 1999 are appropriate to use for the reimbursement of elected members travel expenses.

With regard to the reimbursement of expenses incurred whilst attending meetings, conferences and the like, Local Government (Administration) Regulations 32 relates:

This regulation states:

1. *For the purposes of Section 5.98 (2)(b), the kinds of expenses that may be approved by an local government for reimbursement by the local government are-*
 - a) *an expenses incurred by a council member in performing a function under the express authority of the local government;*
 - b) *an expenses incurred by a council member to whom paragraph 9a) applies by reason of the council member being accompanied by not more than one other person while performing the function, if having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and*
 - c) *an expense incurred by a council member in performing a function in his or her capacity as a council member.*
2. *The extent to which an expense referred to in Subregulation (1) can be reimbursed is the actual amount, verified by sufficient information.'*

FINANCIAL IMPLICATIONS

The 2008/2009 adopted budget contains the following allocations in relation to elected member fees, expenses and allowances:

Conferences and Training	\$25,000.00
Councillors Incidental Expenses	\$ 8,000.00
President's Allowance	\$ 4,400.00
Deputy President's Allowance	\$ 1,120.00
Travelling Allowance	\$20,000.00
Elected Members Sitting Fees	\$70,000.00

POLICY IMPLICATIONS

This item recommends that the amended Council Policy CE/CS/1 be endorsed.

STRATEGIC IMPLICATIONS

Priority will be given to any conference or seminar that is specifically relevant to Councillors. Attendance at such conference or seminar is subject to approval by the Council. Councillors attendance at seminars/conferences is subject to budget provision.

Conferences, seminars or courses held by organisations of which Council is a member, or has an interest in, would usually be attended by the Council's appointed representatives to those organisations.

When determining costs of a conference or seminar, all costs associated with attendance at the conference or seminar, including travel, accommodation, meals,

telephone and other expenses, within reason and supported by receipts, to be included and paid for by the Council.

Conferences or seminars in other states would be dealt with in the same way as any other conference within the State, except that whenever attendance at the conference entails travelling outside the State, the proposal is to be referred for the approval of Council.

It would be preferable for reports of conference or seminar attendance to be provided in writing to the Council by inclusion in the Information Bulletin.

The type of conference or seminar that Councillors attend would generally be related to a particular function or activity in which the Council is involved, rather than individual or personal development type conference/seminars.

All newly elected Councillors who have not previously attended are strongly encouraged to attend the module 'Getting Started – Introduction to Local Government for Elected Members', which is the first module of the Elected Member Development Program, as soon as possible.

All Councillors are encouraged to complete all 14 modules of the Elected Member Development Program, potentially leading to the award Diploma of Local Government (Elected Member).

OFFICER COMMENT

It is recommended that Policy CE/CS/1 'Elected Member Expenses to be Reimbursed' be amended to increase the reimbursement rate from \$250.00 to \$350.00 to reflect increasing costs and to incorporate a new requirement that the Chief Executive Officer in consultation with the Shire President decide on the level of reimbursement for partners' costs.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr J Mark, seconded Cr D Nye-Chart:

That amended Council Policy CE/CS/1 Elected Member Expenses to be reimbursed as detailed below:

'OBJECTIVE:

To enable Councillors to attend meetings, conferences and training opportunities whilst ensuring that individuals are not financially disadvantaged in doing so.

POLICY:

That elected members receive reimbursement of expenses as detailed below whilst attending the following:

- a) Council and Committee meetings held in accordance with the provisions of the Local Government Act;**

- b) Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;
- c) Conferences and training sessions specifically authorised by the Council;
- d) Any official social function organised by, or on behalf of, the Shire of Plantagenet.

Elected members shall not receive reimbursement for attendance at the following:

- i) ANZAC Day services;
- ii) Remembrance Day Services.

1. Travel

- a) Councillors should utilise Council vehicles to attend meetings where they are authorised delegates of the Council subject to a vehicle being available;
- b) Reimbursement for the use of a private vehicle to be set in accordance with clause 29 of the Local Government Officers' (Western Australia) Award 1999 for the 'South West Land Division' at the appropriate rate set for an engine displacement;
- c) Where a Councillor is a member of an external committee and reimbursement of expenses is a condition of the membership, reimbursement of mileage expenses will not be provided by the Council; and
- d) If a Council vehicle is made available and not utilised, then no mileage will be reimbursed for the use of a private vehicle.

2. Accommodation

Reimbursement of accommodation, meals, and parking expenses incurred to a maximum of \$350.00 per day will be accommodated provided that all receipts are presented. Any unforeseen or additional expenses incurred will be paid only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

Refreshments consumed with meals will be reimbursed however, all other refreshments (e.g. hotel mini bar) will not be reimbursed by the Council.

3. Conference/Meeting Attendance Costs

All conference attendance costs will be paid / reimbursed to all members. Reimbursement of partners of members will be at the discretion of the Chief Executive Officer in consultation with the Shire President.

- 4. Priority will be given to any conference or seminar that is specifically relevant to Councillors. Attendance at such conference or seminar is

- subject to approval by the Council. Councillors' attendance at seminars/conferences is subject to budget provision.
5. Conferences, seminars or courses held by organisations of which the Council is a member, or has an interest in, would usually be attended by the Council's appointed representatives to those organisations.
 6. When determining costs of a conference or seminar, all costs associated with attendance at the conference or seminar, including travel, accommodation, meals, telephone and other expenses, within reason and supported by receipts, to be included and paid for by the Council.
 7. Conferences or seminars in other states would be dealt with in the same way as any other conference within the State, except that whenever attendance at the conference entails travelling outside the State, the proposal is to be referred for the approval of the Council.
 8. Reports of conference or seminar attendance are preferred to be in writing to the Council by inclusion in the Information Bulletin.
 9. The type of conference or seminar that Councillors attend would generally be related to a particular function or activity in which the Councillor is involved, rather than individual or personal development type conference/seminars.
 10. All newly elected Councillors who have not previously attended are strongly encouraged to attend the module 'Getting Started – Introduction to Local Government for Elected Members', which is the first module of the Elected Member Development Program, as soon as possible.
 11. All Councillors are encouraged to complete all 14 modules of the Elected Member Development Program, potentially leading to the award Diploma of Local Government (Elected Member).

Notes:

Accommodation requirements, whenever possible, are to be arranged in advance by the Chief Executive Officer and confirmed by an official purchase order. With regard to all other expenses, receipts are to be submitted to the Chief Executive Officer for reimbursement.'

be endorsed.

AMENDMENT

Moved Cr J Moir, seconded Cr J Mark:

That the second sentence in point 3. be deleted and replaced with:

'Reimbursement for partners of members will be limited to:

- a) Accommodation, where such account does not incur any additional expenditure for the Council;

- b) Any official social functions included on the official program of the conference/meeting; and
- c) All events listed on the partner's itinerary.'

CARRIED (8/0)

NO. 26/09

COUNCIL DECISION

That amended Council Policy CE/CS/1 Elected Member Expenses to be reimbursed as detailed below:

OBJECTIVE:

To enable Councillors to attend meetings, conferences and training opportunities whilst ensuring that individuals are not financially disadvantaged in doing so.

POLICY:

That elected members receive reimbursement of expenses as detailed below whilst attending the following:

- a) Council and Committee meetings held in accordance with the provisions of the Local Government Act;
- b) Any function or meeting as an appointed representative of the Council where specifically authorised by the Council;
- c) Conferences and training sessions specifically authorised by the Council;
- d) Any official social function organised by, or on behalf of, the Shire of Plantagenet.

Elected members shall not receive reimbursement for attendance at the following:

- i) ANZAC Day services;
- ii) Remembrance Day Services.

1. Travel

- a) Councillors should utilise Council vehicles to attend meetings where they are authorised delegates of the Council subject to a vehicle being available;
- b) Reimbursement for the use of a private vehicle to be set in accordance with clause 29 of the Local Government Officers' (Western Australia) Award 1999 for the 'South West Land Division' at the appropriate rate set for an engine displacement;

- c) Where a Councillor is a member of an external committee and reimbursement of expenses is a condition of the membership, reimbursement of mileage expenses will not be provided by the Council; and
- d) If a Council vehicle is made available and not utilised, then no mileage will be reimbursed for the use of a private vehicle.

2. **Accommodation**

Reimbursement of accommodation, meals, and parking expenses incurred to a maximum of \$350.00 per day will be accommodated provided that all receipts are presented. Any unforeseen or additional expenses incurred will be paid only with respect to each individual claim at the discretion of the Chief Executive Officer in consultation with the Shire President.

Refreshments consumed with meals will be reimbursed however, all other refreshments (e.g. hotel mini bar) will not be reimbursed by the Council.

3. **Conference/Meeting Attendance Costs**

All conference attendance costs will be paid / reimbursed to all members. Reimbursement for partners of members will be limited to:

- a) Accommodation, where such accounts does not incur any additional expenditure for the Council;
 - b) Any official social functions included on the official program of the conference/meeting; and
 - c) All events listed on the partner's itinerary.
- 4. Priority will be given to any conference or seminar that is specifically relevant to Councillors. Attendance at such conference or seminar is subject to approval by the Council. Councillors' attendance at seminars/conferences is subject to budget provision.
 - 5. Conferences, seminars or courses held by organisations of which the Council is a member, or has an interest in, would usually be attended by the Council's appointed representatives to those organisations.
 - 6. When determining costs of a conference or seminar, all costs associated with attendance at the conference or seminar, including travel, accommodation, meals, telephone and other expenses, within reason and supported by receipts, to be included and paid for by the Council.
 - 7. Conferences or seminars in other states would be dealt with in the same way as any other conference within the State, except that whenever attendance at the conference entails travelling outside the State, the proposal is to be referred for the approval of the Council.
 - 8. Reports of conference or seminar attendance are preferred to be in writing to the Council by inclusion in the Information Bulletin.
 - 9. The type of conference or seminar that Councillors attend would generally be related to a particular function or activity in which the

Councillor is involved, rather than individual or personal development type conference/seminars.

10. All newly elected Councillors who have not previously attended are strongly encouraged to attend the module 'Getting Started – Introduction to Local Government for Elected Members', which is the first module of the Elected Member Development Program, as soon as possible.
11. All Councillors are encouraged to complete all 14 modules of the Elected Member Development Program, potentially leading to the award Diploma of Local Government (Elected Member).

Notes:

Accommodation requirements, whenever possible, are to be arranged in advance by the Chief Executive Officer and confirmed by an official purchase order. With regard to all other expenses, receipts are to be submitted to the Chief Executive Officer for reimbursement.'

be endorsed.

CARRIED (8/0)

NO. 27/09

12.5.2 HOME AND COMMUNITY CARE - LEASE OF PREMISES AND LAND

File No: CS/151/1
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to recommend to the Council that a Lease be entered into between the Council and the WA Country Health Service for the purpose of conducting the Home and Community Care Service at Lots 48 and 49 Memorial Road (Lesser Hall and new structure) Mount Barker.

BACKGROUND

At its meeting held on 12 December 2006 the Council resolved:

'That:

- 1. Support for the construction of a new Home and Community Care Building on Lot 48 Albany Highway Mount Barker be confirmed.*
- 2. An unbudgeted financial contribution of \$95,319.47 be allocated towards the construction of the facilities referred to in part 1 above.'*

The Home and Community Care facility is part of the Multi Purpose Service under the control of the WA Country Health Service.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act (1995) relates to the disposition of land and buildings. As the WA Country Health Service is a government body this Lease is exempt from the provisions of Section 3.58. (Regulation 30 (2)(c)(ii) Local Government [Functions and General] Regulations 1996).

CONSULTATION

A Meeting with WA Country Health Service and Home and Community Care representatives occurred on Thursday 8 January 2009 with the Chief Executive Officer and Manager Community Services in attendance.

The main purpose of this meeting was to settle any final queries regarding the Lease.

FINANCIAL IMPLICATIONS

No rental is proposed for either the land or the Lesser Hall.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The Lease refers to two distinct assets. The Lesser Hall, being a building owned by the Council, will be subject to normal lessor/lessee responsibilities covered in the Lease. The new structure to the north of the Lesser Hall is owned by the WA Country Health Service and therefore no maintenance will be undertaken by the Council although the building is sitting on Council owned land which is the subject of the Lease.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Result Area 3 (Community Services) aims 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

The Lease was prepared by the State Solicitors Office. The Chief Executive Officer and the Manager Community Services have examined it and it is recommended that the Lease be entered into.

The Lease will also need to be authorised by the Minister for Lands.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Nye-Chart, seconded Cr J Moir:

That authority be granted for the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Lease Agreement between the Shire of Plantagenet and the WA Country Health Service for the purpose of conducting the Home and Community Care Service at Lots 48 and 49 Memorial Road (Lesser Hall and new structure) Mount Barker.

CARRIED (8/0)

NO. 28/09

12.5.3 LOT 364, RESERVE 23771 OSBORNE ROAD, MOUNT BARKER - LEASE - MOUNT BARKER SUB BRANCH RETURNED AND SERVICES LEAGUE (RSL)

File No: CS/150/1
Attachments: [Lease](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to consider the leasing of Lot 364 Osborne Road, Mount Barker being the total of Reserve 23771 to The Returned and Services League of Australia Western Australian Branch (Incorporated) (RSL), for use by the Mount Barker Sub Branch of the RSL.

BACKGROUND

At its meeting held on 23 January 2007 the Council authorised the leasing of the subject land to Girl Guides Western Australia. The lease was subsequently executed. Girl Guides Western Australia is now happy to relinquish this lease in favour of the RSL.

Until 31 December 2006, the subject land was leased to the Minister for Education for the Mount Barker Kindergarten. Due to the Kindergarten being relocated as part of the 'One Community One College' initiative, the land became available for other purposes.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 govern the disposal of property.

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

- a) the land is disposed of to a body, whether incorporated or not;
- b) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- c) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

A lease agreement to the RSL could be classed as an exempt disposition.

The Land Administration Act 1997 requires, as Lot 364 is vested in the Shire of Plantagenet, that lease approval be granted by the Minister for Lands.

CONSULTATION

Consultation has occurred with RSL (WA), the Mount Barker RSL Sub Branch and members from the RSL and Girl Guides Mount Barker.

FINANCIAL IMPLICATIONS

It is suggested that the rental be set at 'one peppercorn' per annum.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

As all parties are agreeable, it is recommended that the existing lease with Girl Guides be cancelled and that a new lease, as attached, be entered into.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr A Budrikis:

That:

1. **Subject to the approval of the Minister for Lands Lot 364 Osborne Road Mount Barker be leased to The Returned and Services League of Australia (Western Australian) Branch and the existing lease of the property be cancelled.**
2. **Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Lease referred to in part 1 above with the following provisions:**
 - a) **Rental to be set at 'one peppercorn' per annum;**
 - b) **The term of the lease be five (5) years;**
 - c) **The Returned and Services League of Australia (Western Australian Branch) be responsible for public liability insurance, contents insurance, minor building maintenance, garden maintenance, water usage and electricity charges;**
 - d) **The Shire of Plantagenet shall be responsible for building insurance, property and water rates and major building maintenance; and**
 - e) **The lessee be permitted to hire the building for community purposes.**

CARRIED (8/0)

NO. 29/09

12.5.4 MINUTES – ANNUAL GENERAL MEETING OF ELECTORS - 2007/2008

File No: FM/19/1
Attachments: [Minutes Electors Meeting 17 December 2008 Council](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 10 February 2009

PURPOSE

The purpose of this report is to receive the Minutes of the Annual General Meeting of Electors held on 17 December 2008.

BACKGROUND

The Annual General Meeting of Electors for the Shire of Plantagenet was held on 17 December 2008 for the purpose of receiving the Shire's 2007/2008 Annual Report and to consider any general business.

STATUTORY ENVIRONMENT

Pursuant to Section 5.27 of the Local Government Act (1995), a General Meeting of the Electors of a district is to be held once every financial year.

Further, pursuant to Section 5.32 of the Act, copies of the Minutes are to be made available for inspection by members of the public before the Council Meeting at which decisions made at the electors meeting are first considered.

Further, pursuant to Section 5.33 of the Act all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of the Council where practicable.

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.

OFFICER COMMENT

There were no decisions made at the Electors Meeting needing consideration by the Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr J Mark:

That the Minutes of the Annual General Meeting of Electors of the Shire of Plantagenet held on 17 December 2008 be received.

CARRIED (8/0)

NO. 30/09

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15 CONFIDENTIAL

Nil

16 CLOSURE OF MEETING

5:00 PM The Presiding Member declared the meeting closed.

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