



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 10 March 2009

TIME: 2.45 pm

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

John Fathers
ACTING CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE....	1
3	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	2
4	PUBLIC QUESTION TIME.....	2
	NEW ROAD CONNECTING OMRAH ROAD TO MUIRS HIGHWAY – MS LISE HOLST	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	4
6	DISCLOSURE OF INTEREST	4
7	APPLICATIONS FOR LEAVE OF ABSENCE	4
	APPLICANT: CR B HOLLINGWORTH.....	4
	APPLICANT: CR D NYE-CHART	4
8	CONFIRMATION OF MINUTES.....	5
9	COMMITTEE MINUTES	6
10	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	6
11	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION	7
12	REPORTS OF COMMITTEES AND OFFICERS.....	9
12.1	DEVELOPMENT SERVICES REPORTS.....	9
12.1.1	LOT 623, LOT 624 (RESERVE 6454), LOT 625 (RESERVE 9859) AND LOT 627 (RESERVE 7694) LOWOOD ROAD MOUNT BARKER – RESERVE RATIONALISATION	9
12.1.2	LOT 584 ALBANY HIGHWAY, MOUNT BARKER - LICENCE TO ACCESS WATER SUPPLY ON RESERVE 1790	12
12.2	WORKS AND SERVICES REPORTS.....	18
12.2.1	POLICY REVIEW – ROAD RENAMING – FUTURE STREET AND RESERVE NAMES	18

- 12.2.2 POLICY - PLAYGROUND MAINTENANCE AND IMPROVEMENT..... 22
- 12.3 **COMMUNITY SERVICES REPORTS 25**
- 12.3.1 PLANTAGENET MEDICAL GROUP - LEASE..... 25
- 12.4 **CORPORATE SERVICES REPORTS 28**
- 12.5 **EXECUTIVE SERVICES REPORTS..... 28**
- 12.5.1 INDIGENOUS FLAG 28
- 13 **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 31**
- 14 **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING..... 31**
- 15 **CONFIDENTIAL..... 31**
- 16 **CLOSURE OF MEETING..... 31**

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

Mr Fathers then read aloud the following disclaimer:

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

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

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

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr K Forbes AM	Shire President - Rocky Gully/West Ward
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

In Attendance:

Mr John Fathers	Acting 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)
Mr Eric Howard	Environmental Health Officer

Previously Approved Leave of Absence:

Nil

Apology

Cr M Skinner East Ward

There were three (3) member(s) of the public in attendance.

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

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

New Road Connecting Omrah Road To Muirs Highway – Ms Lise Holst

1. Concerns:

- a. Members of the public were not informed prior to construction of the road.
- b. Damage to bush:
 - i. Large trees felled.
 - ii. Areas of native bush bulldozed.
 - iii. Disturbance of top soil.
 - iv. Large amounts of damaged vegetation, displaced boulders and top soil.
 - v. Semitrailers continuously use road creating a hazard for wild life, hikers and cyclists.

- c. Unable to access information about who gave permission to construct the road.
 - i. Manager Works and Services, Mr Ian Bartlett, claims he was not informed prior to construction or gave permission for the construction of the road. Mentioned Mr Ray Parry may have some information.
 - ii. Mr Parry said he did not have the power to approve such a project and had told Main Roads that the land did not belong to the Council but to the Department of Environment and Conservation (DEC) and the Water Board.
 - iii. Main Roads WA (MRWA) alleges they corresponded with the Council, via emails, prior to construction of the road, and that the Council was informed about their intention to construct the road. MRWA claim DEC gave permission to construct a 4.0m wide road. When Ms Holst measured the road it was 5.4m at the narrowest and in excess of 8.0m in places, not measuring the damage caused in the bush along the road, but only the width of the road surface.
 - iv. DEC's Mr Garry Brown in Albany is investigating the concerns listed above and the matter is noted as a complaint. Mr Brown will visit the site as soon as he is able.

2. Suggestions:

- a. Road accesses to reserve blocked by gates.
- b. Classification of reserve changed to a status that will help to protect it from potential damage in the future, caused by:
 - i. Cutting of firewood.
 - ii. Trail bikes and 4-wheel driving.
 - iii. Dumping of rubbish.
 - iv. Road construction.
- c. Proposed walk trails are not to be used before proper construction and marking:
 - i. Poorly marked trails may lead to large areas of damaged vegetation as people may lose sight of markers and wander.
 - ii. Where vegetation cover is damaged erosion may occur in steeper sections of trails.
 - iii. Where existing soil covering vegetation is damaged by trampling and erosion it opens up the area for weed infestation.
 - iv. Poorly planned walk trails may lead to introduction of Phytophthora Root Rot into previously unaffected areas.
- d. Signs erected at entries to reserve alerting visitors to the 'Rules of Use' of the above mentioned reserve.

Cr K Forbes AM stated that DEC is still investigating. The Council knows very little of what has happened as there has been no consultation with the Council prior to works commencing. The organisation doing the carting originally requested permission to cart the gravel through the town which was refused for safety reasons.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

APPLICANT: CR B HOLLINGWORTH

Cr B Hollingworth requested Leave of Absence from 15 June 2009 to 12 July 2009 inclusive.

APPLICANT: CR D NYE-CHART

Cr D Nye-Chart requested Leave of Absence from 15 May 2009 to 25 May 2009 inclusive and from 3 July 2009 to 27 July 2009 inclusive.

Moved Cr J Mark, seconded Cr S Grylls:

That:

- 1. Cr B Hollingworth be granted Leave of Absence from 15 June 2009 to 12 July 2009 inclusive.**
- 2. Cr D Nye-Chart be granted Leave of Absence from 15 May 2009 to 25 May 2009 inclusive and 3 July 2009 to 27 July 2009 inclusive.**

CARRIED (8/0)

NO. 56/09

8 CONFIRMATION OF MINUTES

Moved Cr B Hollingworth, seconded Cr K Clements:

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 24 February 2009 as circulated, be taken as read and adopted as a correct record, subject to the words:

Page 42: 'Authority to participate pursuant to Section 5.69 (3) (a) and (b) of the Local Government Act 1995

The Acting Chief Executive Officer advised that pursuant to a letter dated 14 November 2008 (a copy of which is attached to these minutes) the Manager of Compliance and Advice of the Department of Local Government and Regional Development had approved the Shire's application, under section 5.69 of the Local Government Act 1995, to allow disclosing members Cr K Forbes, Cr M Skinner, Cr B Hollingworth, Cr J Moir and Cr D Nye-Chart to fully participate in the discussion and decision making process and for Cr Forbes to chair the meeting in relation to matters concerning the Great Southern Cattle Saleyards.

This approval is subject to the following conditions:

- 1. the approval is only valid for ordinary and special meetings of the Council to be held from 11 November 2008 until the next local government elections held in October 2009 and the approval does not permit a disclosing member to participate in the discussion and decision making procedures if there is a substantial change in the nature and extent of the disclosing Councillors' interests. However, if there is a significant change in the nature and extent of the interest of any Councillor and the Councillor believes that he/she should be allowed to participate, the Council should seek a further approval and provide reasons for the request;***
- 2. the approval is not valid for any decision of Council that may lead to expenditure from general revenue in excess of that advertised in the Annual Budget. However, if the Council considers that the declaring Councillors should be allowed to participate and vote in decisions that may lead to expenditures in excess of those indicated in the Annual Budget, the Council should seek a further approval and provide reasons for the request;***
- 3. the disclosing members are to declare the nature and extent of their interest at the Council meeting when this matter is considered together with the approval provided;***

4. *the CEO is to provide a copy of the Department's letter advising of the approval to the declaring members; and*

5. *the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of each meeting when the matter is discussed.'*

being added after 'A Financial Interest was disclosed by Cr Moir' in item 12.4.7 and the Department's letter being attached to the back of the minutes.

CARRIED (8/0)

NO. 57/09

9 COMMITTEE MINUTES

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

That the Minutes of:

Minutes - Roadwise Steering Committee – 29 January 2009

Minutes - Townscape Review Steering Committee – 4 February 2009

be received.

CARRIED (8/0)

NO. 58/09

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 25 February 2009 – Met with Mr Dennis Sawers of Great Southern Development Commission along with Cr Hollingworth and Mr Bartlett to discuss ranking of Timber Industry Roads Evaluation Study (TIRES) roads for 5 years funding programme.
- 27 February 2009 – With Crs Grylls, Nye-Chart, Hollingworth and Mr Bartlett met with Mr Anthony Scitton representing the Minister for Environment to discuss the clearing permit for Millinup Road.
- 3 March 2009 – 4.00pm – Sale by Tender of Lot 501 Chillinup Road – opening of the Tender box.
- 4 March 2009 – State Council meeting in Perth.
- 6 March 2009 – Attended Great Southern Area Consultative Committee meeting lunch in the Shire of Plantagenet with Mr Fathers.
- 6 March 2009 – Attended Recreation meetings at the Shire of Plantagenet at 11.30am and Frost Park at 6.30pm.
- 6 March 2009 – Special Meeting of the Council – 2.30pm.

- 8 March 2009 – Attended Mount Barker Race Club meeting lunch at Frost Park pre Mount Barker Cup.
- 12 March 2009 – TIRES meeting in Mount Barker.
- 13 March 2009 – Opening of Green Valley Nursery.
- 20 March 2009 – Great Southern Zone of Western Australian Local Government Association (WALGA) Teleconference.
- 20 March 2009 – Opening of Elders – Mount Barker Co-operative building.
- 24 March 2009 – Meeting with Renata Paliskis-Bessell of Western Australian Meat Industry Association to discuss saleyard sale to State Government.
- 24 March 2009 – Council meeting.

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr B Hollingworth

- 25 February 2009 – Timber Industry Roads Evaluation Study (TIRES) – Denis Sawers.
- 27 February 2009 – Millinup Road – Appeals discussion with Andrew Sutton.
- 28 February 2009 – Meeting with Mr Terry Redman, MLA Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education.
- 1 March 2009 – Porongurup Wine Festival.
- 3 March 2009 – Meeting with Cr Forbes AM and Mr Fathers regarding Local Government amalgamations.
- 3 March 2009 – Sale by Tender of Lot 501 Chillinup Road – opening of the Tender box.
- 6 March 2009 – Recreation Committee Meeting with consultants – 11.30am.
- 6 March 2009 – Special Meeting of the Council – 2.30pm.
- 6 March 2009 – Public Recreation meeting at Frost Oval – 6.30pm.
- 8 March 2009 – Mount Barker Cup races.
- 9 March 2009 – Roadside Conservation Committee meeting in Perth at the Department of Environment and Conservation.

Cr K Clements

- Meeting with Pardelup Prison – trialling a new prisoner release to commence later this year.
- 6 March 2009 – Recreation meetings were all very interesting.
- 21 March 2009 – Mock Accident demonstration occurring at the top roundabout on Lowood Road.

- 8 April 2009 – Blessing of the Roads – 11.00am.
- D-MAC – Emergency Services Meeting – Local Governments are required to lodge their emergency evacuation plans as soon as possible. Only two plans have been received to date – Shires of Denmark and Plantagenet.

Cr A Budrikis

- 6 March 2009 – Recreation Meeting and Public Meeting – there is some enthusiasm there.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

12.1.1 LOT 623, LOT 624 (RESERVE 6454), LOT 625 (RESERVE 9859) AND LOT 627 (RESERVE 7694) LOWOOD ROAD MOUNT BARKER – RESERVE RATIONALISATION

File No:	RV/182/118422, RV/182/136895
Attachments:	Location Plan Extract from Centenary and Wilson Park Proposals Plan TPS.No3 - Zonings
Responsible Officer:	John Fathers Acting Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	10 March 2009

PURPOSE

The purpose of this report is to propose rationalisation of reserves in the vicinity of the Council's administration building in Lowood Road Mount Barker. The land involved includes Lot 623, Lot 624 (Reserve 6454), Lot 625 (Reserve 9859) and Lot 627 (Reserve 7694) Lowood Road Mount Barker.

BACKGROUND

The Council's new administration building/Council Chambers were completed in 2006 and the southern car parking areas were completed in 2007. The Centenary and Wilson Park Precinct Plan has been under preparation and is now nearly completed. Attached to this report is an extract from that Precinct Plan which shows the approximate location of cadastral boundaries for lots and reserves in the vicinity of the administration building. It is clear from that extract that rationalisation of Lots 623 and 627 (Reserve 7694) is important as the Council's administration building straddles the lot/reserve boundary. It is considered appropriate as part of that process to address Lot 625 (Reserve 9859) and the southern leg of Lot 623 where it protrudes into Lot 624 (Reserve 6454).

STATUTORY ENVIRONMENT

Land Administration Act 1997

- Lot 623 owned by the Council in freehold;
 - Lot 624 (Reserve 6454) – purpose Recreation and Parkland – Management Order in favour of the Council.
 - Lot 625 (Reserve 9859) – purpose Shire Office – Management Order in favour of the Council.
 - Lot 627 (Reserve 7694) – 'A' Class Reserve – purpose hall site, parking, park-Management Order in favour of the Council.
-

Planning and Development Act 2005

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

- Lot 623 is with a TPS3 Railway Reserve
- Lot 624 is within a TPS3 Recreation Reserve
- Lots 625 and 627 are within a TPS3 Public Purpose Reserve (see plan attached)

CONSULTATION

This matter has been discussed with an officer from State Land Services of the Department for Planning and Infrastructure (DPI) and various Council officers.

FINANCIAL IMPLICATIONS

If the proposals put forward in this report are accepted by Department for Planning and Infrastructure (DPI) then there should be little or no cost to the Council.

A subsequent Amendment to TPS3 to rationalise zonings and reserves can be prepared in house but there will be costs for advertising and gazettal.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

In order to rationalise the boundaries of the land in the vicinity of the Council's administration building it is suggested the following is put to the DPI.

1. Lot 623 (Council freehold) and Lot 627 (Reserve 7694) be amalgamated to form one reserve for Shire Administration and Council Chambers, Park, Library, Car Parking, Toilets and Vehicular Access.
2. The southern (approximately 5m wide) leg of Lot 623 (Council freehold) which extends over a sewer line be amalgamated with Lot 624 (Reserve 6454) to be part of Wilson/Centenary Parks complex.
3. Lot 625 (Reserve 9859) be converted to freehold and transferred to the Council free of cost in exchange for the transfer of Lot 623 to the Crown at 1 and 2 above.

In Part 1 above, there is the reference to the purpose of Library. This has been done to cover any possible long term eventuality that the Council may wish to erect a Library in this location. Having the Library purpose listed does not mean the Council must erect a Library in the reserve but it will allow it as a possible long term facility should the Council determine this.

The extent of the TPS3 reserves are shown on the plan attached to this report. Should DPI agree to the rationalisation of the Crown reserves as put forward, then once finalised the TPS3 will need to be amended to adjust the extent of the reserves to match the alterations to the Crown reserves.

No action is proposed in respect to the former wool/fruit packing shed on the Public Transport Authority (PTA) reserve on the railway land. The future of that building is being discussed at State Government level between the PTA and the WA Heritage Council. Until there is a resolution of this matter the extent of the boundaries of the Railway Reserve (Lot 740, Reserve 10338) cannot be adjusted.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr K Clements, seconded Cr B Hollingworth:

That State Land Services of the Department for Planning and Infrastructure be requested to rationalise lot and reserve boundaries in the vicinity of the Council's administration building as follows:

- 1. Lot 623 (Council freehold) and Lot 627 (Reserve 7694) be amalgamated to form one reserve for Shire Administration and Council Chambers, Park, Library, Car Parking, Toilets and Vehicular Access.**
- 2. The southern (approximately 5m wide) leg of Lot 623 (Council freehold) which extends over a sewer line be amalgamated with Lot 624 (Reserve 6454) to be part of Wilson/Centenary Parks complex.**
- 3. Lot 625 (Reserve 9859) be converted to freehold and transferred to the Council free of cost in exchange for the transfer of Lot 623 to the Crown at 1 and 2 above.**

CARRIED (7/1)

NO. 59/09

**12.1.2 LOT 584 ALBANY HIGHWAY, MOUNT BARKER - LICENCE TO ACCESS
WATER SUPPLY ON RESERVE 1790**

File No: RV/182/1837
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 10 March 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 for the use of water sourced from the Government Dam located on Reserve 1790 for irrigation purposes at the caravan park.

BACKGROUND

The Council at its meeting held on 10 February 2009 considered an application from the owner of the Mount Barker Caravan Park facility seeking an extension of an existing five (5) year licence period issued to the applicant by the Council (dated 31 August 2006) to extract water from the Government Dam for irrigation purposes at the caravan park.

The Council resolved at Resolution 14/09:

'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'.

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

Following advice of the Council's decision, the proprietor of the Caravan Park made a presentation to the Council at its meeting held on 24 February 2009. In that presentation the proprietor requested the Council to re-consider the application with the inclusion of an offer for payment to the Shire by the applicant at a rate of \$1.08 per kL (1,000l) for the supply of water sourced from the Government Dam for irrigation purposes at the caravan park.

Following the applicant's presentation on 24 February 2009, the Council at Resolution 54/09 resolved:

'That a report be presented to the Council covering the following matters:

- a) *A proposal for a fair and equitable payment for water sourced from the Government Dam after 30 August 2011 for use by the Mount Barker Caravan Park;*
 - b) *Clarification as to responsibility for maintenance of the pump and hose and pumping operations; and*
-

- c) *Advice on the capacity of the dam and the Council's water use requirements for Frost and Sounness Parks.'*

In response, the following details have been provided:

- a. Fair and Equitable Water Charges –

Under the current 2008/09 Annual Budget the Council charges \$1.20 per kL for potable water (drinking quality).

The applicant has suggested purchasing water from the Government Dam at a cost of \$1.08 per kL (the Water Corporation charge for non-potable water). The use of the Water Corporation figure is fair and equitable.

- b. Water Pump Ownership and Maintenance Responsibilities –
Ownership and subsequent maintenance responsibilities for the pump and the associated water delivery system to the caravan park remain with successive owners of the caravan park as part of the normal operating systems within the caravan park. The current owner of the caravan park has maintained operational responsibility and maintenance costs for the pump.

In accordance with the original Contract of Sale document dated 5 November 1999, between the Council (Vendor) and RA & MAT Faulkner (Purchaser), that document provides:

Clause 8 Sewage and Water – Licence,
Sub-clause 8.1(b) *'a non-exclusive licence for a period of 5 years commencing on the date of settlement to draw water from the dam on the Vendor's adjoining reserve, using the existing water pipe, for the purpose of reticulating lawns on the Land'*.

Sub-clause 8.3 States this clause 8 shall survive settlement.

'The basis for subsequent licence renewals by the Council relate to approval to extract water from a Council controlled reserve via a privately owned pump and water carriage system.'

- c. Government Dam Water Supply –
- (i) Holding Capacity
The Government Dam has been calculated to hold approximately 7ML (Megalitre) (i.e.: 7,000m³ or 7,000,000L).
 - (ii) Water Usage
The Government Dam currently supplies irrigation water to Frost Park race track and football oval, Sounness Park football oval and the Mount Barker Caravan Park. Actual water usage figures for these areas are not available and have therefore been estimated.
 - Frost Park Race Track –
Irrigation area of approximately 35,000m² and may use between 5ML and 10ML per annum, subject to seasonal variations in rainfall.

- Frost Park Football Oval – Irrigation area of 22,000m² and may use between 3ML and 5ML per annum, subject to seasonal variations in rainfall.
- Sounness Park Oval – Irrigation area of 32,000m² and may use between 5ML and 10ML per annum, subject to seasonal variations in rainfall.
- Mount Barker Caravan Park & Cabins – This facility is approximately 33,000m² of which 1,500m² is grassed area and may use between 50kL and 70kL per watering event (maximum of 1 watering event per week) x 20 weeks (extreme summer) equates to a potential total water usage between 1ML and 1.4ML per annum, subject to seasonal variations in rainfall.

These figures have been estimated to 'worse-case scenario' to allow for 1 in 10 year extreme weather events.

(iii) Water Re-charge Rate

The Government Dam has the potential to re-charge or replenish water through natural seepage at a rate of approximately 25mm/30mm height per day (i.e. 5kL to 7.5kL/day) to maintain a constant summer holding capacity of approximately 5ML. Summer rainfall events also replenish this water supply as does direct roadside drainage and run-off.

The park owner has recently advised that the water pump serving the caravan park located at the Government Dam now requires replacement as part of the park's asset management program. 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 seeks an extension of the formal approval period to access water sourced 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, upgrade and maintain the irrigation system.

CONSULTATION

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

FINANCIAL IMPLICATIONS

The Council's next Annual Budget 2009/2010 – Schedule of Fees and Charges should include provision for non-potable water use at a rate of \$1.08 per kL.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report

OFFICER COMMENT

Further to the applicant's previous request to extend the licence to access the water supply at the Government Dam for a period of ten (10) years the applicant has now suggested paying for the water at a current rate of \$1.08 per kL. A fee of \$1.08 per kL for the supply of water sourced from the Government Dam would represent a fair and equitable charge for an un-treated (non-potable) irrigation water at the present time. It is suggested that this should be a charge listed in the annual budget and reviewed on an annual basis.

The provision of water supply fees will be conditional upon the applicant installing a water meter to the satisfaction of the Council capable of accurately measuring total water consumption by the caravan park at the applicant's expense. The water meter shall remain the property of the caravan park proprietor.

The applicant currently has a conditional five (5) year licence 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 such, 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 extension of the existing licence period will provide both assurity to the applicant to commit substantial funds for the renovation and up-grade 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.

The applicant's request is for an increased licence period of ten (10) years to enable the substantial upgrade of the existing irrigation system. It is believed however, that an extension to the year 2016 (being a further 5 years) is adequate. Further, it is recommended that the proprietor of the caravan park be advised that this arrangement may not be renewed in 2016 and that alternative water sources should be investigated before that time.

On the issue of the upgrading of Frost and Sounness Parks there may be the need for more reticulation and water use. As part of that planning, the possibility of a water reuse scheme with the Water Corporation is also being investigated. This will take some years to set in place hence the 2016 date recommended in the licence renewal.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr K Clements, seconded Cr B Hollingworth:

That a licence be granted to the Mount Barker Caravan Park at Lot 584 Albany Highway, Mount Barker 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:

-
- a) The consumption of that water not impacting adversely upon the usual and actual quality and quantity of the Government Dam water source in the opinion of the Council's Environmental Health Officer;
 - b) the installation of an approved water metering device capable of accurately measuring water supplied to the caravan park prior to 30 August 2011, at the licence holder's expense;
 - c) the payment by the licence holder for the supply of non-potable water at a rate set in the Annual Budget;
 - d) the licence shall be renewable and transferable to subsequent proprietors of the Caravan Park;
 - e) the licence may not necessarily be renewed by the Council at the expiry of the licence period in 2016;
 - f) the licence holder is to investigate alternative means of water supply for the reticulation of the caravan park grounds prior to the licence expiry in 2016; and
 - g) the licence holder is to be aware the continued water consumption from Government Dam for the Council's facilities and operations will have priority over the caravan park use requirements.

AMENDMENT

Moved Cr J Moir, seconded Cr A Budrikis:

That part a) above be deleted and replaced with 'the primary purpose of the water within the Government Dam being for municipal uses and if the consumption of that water impacts adversely upon the usual and actual quality and quantity of the Government Dam water source in the opinion of the Council's Environmental Health Officer, the water supply to the caravan park may be restricted at any time;'

EQUALITY (4/4)

CASTING OF SECOND VOTE

Pursuant to Section 5.21 (3) of the Local Government Act (1995), the Presiding member exercised the discretion to cast a second vote, such vote being cast in the affirmative.

CARRIED (5/4)

NO. 60/09

FURTHER AMENDMENT

Moved Cr K Clements, seconded Cr J Moir:

That part g) above be deleted.

CARRIED (7/1)

NO. 61/09

FURTHER AMENDMENT

Moved Cr B Hollingworth:

That:

1. the words 'may not necessarily' in part e) above be deleted and replaced with the words 'will not'.
2. the words 'is to investigate' in part f) above deleted and replaced with the words 'will have in place'.

The Presiding member ruled the motion out of order as it is outside the scope of this Council.

COUNCIL DECISION

That a licence be granted to the Mount Barker Caravan Park at Lot 584 Albany Highway, Mount Barker 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:

- a) the primary purpose of the water within the Government Dam being for municipal uses and if the consumption of that water impacts adversely upon the usual and actual quality and quantity of the Government Dam water source in the opinion of the Council's Environmental Health Officer, the water supply to the caravan park may be restricted at any time;
- b) the installation of an approved water metering device capable of accurately measuring water supplied to the caravan park prior to 30 August 2011, at the licence holder's expense;
- c) the payment by the licence holder for the supply of non-potable water at a rate set in the Annual Budget;
- d) the licence shall be renewable and transferable to subsequent proprietors of the Caravan Park;
- e) the licence may not necessarily be renewed by the Council at the expiry of the licence period in 2016; and
- f) the licence holder is to investigate alternative means of water supply for the reticulation of the caravan park grounds prior to the licence expiry in 2016.

CARRIED (7/1)

NO. 62/09

12.2 WORKS AND SERVICES REPORTS

12.2.1 POLICY REVIEW – ROAD RENAMING – FUTURE STREET AND RESERVE NAMES

File No:	LP/120/8, LP/120/9
Attachments:	Policy Review - Future Street Names - guidelines
Responsible Officer:	Ian Bartlett Manager Works and Services
Author:	Emma Gardner Administration Officer
Proposed Meeting Date:	10 March 2009

PURPOSE

The purpose of this report is to review Council Policy No. I/RR/1 – Future Street and Reserve Naming and Council Policy No. I/R/1 – Road Renaming.

BACKGROUND

Council Policy No. I/R/1 – Road Renaming reads as follows:

'Policy: That the naming of roads for business promotional purposes not be accepted.'

Council Policy No. I/RR/1 – Future Street and Reserve Names reads as follows:

OBJECTIVE:

To provide clear guidelines to the Council and its officers for receipt of applications for future street and reserve names.

POLICY:

- 1. That the Council shall cause to be maintained a Road Name Register which shall be a record of names to be used for future roads and reserves such register being endorsed by the Geographic Names Committee.*
 - 2. Additions and deletions to the Road Name Register shall only be by Council decision.*
 - 3. Applications for future road and reserve names shall be accompanied by sufficient information from the application to include that name on the Register, in addition to any further information being required by the Geographic Names Committee.*
 - 4. The Geographic Names Committee makes the final decision from those listed on the Road Name Register.*
 - 5. No road shall be named until it is constructed, except where construction by Main Roads (WA) is scheduled and the Department of Land Information has requested such naming and the project involves the extension of existing, named roads.'*
-

STATUTORY ENVIRONMENT

Part 2, Division 3 of the Land Administration Act 1997.

CONSULTATION

Consultation has occurred between Ian Bartlett – Manager Works and Services, John Fathers – Deputy Chief Executive Officer, Sharon Williams – Senior Administration/Project Officer, Emma Gardner – Administration Officer Works and Services.

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 1.4) provides the following:

'Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation 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

It is considered that Council Policy I/R/1 – Road Renaming and Council Policy No. I/RR/1 – Future Street and Reserve Names would be better served if incorporated in to one policy as they both relate to the naming of roads and there is no need for them to be separate. Some additional matters have been included into the draft policy to reflect current practice and the principles adopted by the Geographic Names Committee.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

THAT:

1. **Council Policy I/R/1 – Road Renaming be revoked.**

2. **Amended Council Policy No I/RR/1 – Future Road and Reserve Naming and Renaming as follows:**

OBJECTIVE:

1. To provide the Council, staff, the local community and developers with clear information on the requirements for the naming and renaming of roads and reserves.
2. To ensure that road names comply with relevant legislation and requirements.
3. To ensure consideration and regard to the history, natural environment, indigenous culture and character of the area is duly given when determining road and reserve names.

POLICY:

That:

1. That a Road and Reserve Register be maintained which shall be a record of names to be used for future roads and reserves.
 2. Additions and deletions to the Road and Reserve Register shall only be by Council decision.
 3. Applications for future road and reserve names shall be accompanied by sufficient information from the applicant to include that the name on the register, in addition to any further information being required by the Geographic Names Committee.
 4. The Geographic Names Committee makes the final decision from those listed on the Road and Reserve Register.
 5. No road shall be named until it is constructed, except where construction by Main Roads WA is scheduled and the State Government has requested such naming and the project involves the extension of existing, named roads.
 6. Roads and reserves will not be named or renamed for business or promotional purposes.
 7. Developers of new subdivisions shall advise the Council of their preference on names for new roads within subdivisions prior to lodgement of clearance of subdivision.
 8. Proposed road and reserve names should be appropriate to the history, natural environment, indigenous culture and/or character of the area.
 9. An applicant who is applying to have a road renamed is responsible for obtaining the necessary written support from the owners/residents.
-

10. Applicants are advised to have regard for the document 'Geographical Names Committee W.A. – Principles, Guidelines and Procedures' when suggesting a road or reserve name.'

be endorsed.

CARRIED (8/0)

NO. 63/09

12.2.2 POLICY - PLAYGROUND MAINTENANCE AND IMPROVEMENT

File No: PR/120/5
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Sharon Williams
Senior Administration/Project Officer (Works
and Services)
Proposed Meeting Date: 10 March 2009

PURPOSE

The purpose of this report is to adopt Council Policy No. I/PR/1 – ‘Playground Maintenance and Improvement’.

BACKGROUND

In 2006, Local Government Insurance Services were engaged to undertake an inspection of the Council’s playgrounds. The inspection provided the Council with a benchmark to current standards and advice about the state and quality of the equipment in place.

The inspection identified that no policy or inspection/maintenance process exists for the ongoing maintenance and improvement of Council playgrounds. To ensure the safety and serviceability of all playground equipment throughout the Shire of Plantagenet, the report recommended that a documented inspection/maintenance process be established.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has occurred between Rob Stewart – Chief Executive Officer, Ian Bartlett – Manager Works and Services, Jamie Rutter – Supervisor Parks and Gardens and Sharon Williams – Senior Administration/Project Officer Works and Services.

FINANCIAL IMPLICATIONS

There are no financial implications in this report but if any item of equipment is found to be dangerous or is rendered unsafe there will be a cost involved in repairing or removing the equipment.

POLICY IMPLICATIONS

The adoption of the recommendation will result in a new policy for the Council.

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 playground equipment within the Shire is reasonably maintained, however some is quite old and when compared to modern equipment may be considered obsolete or even dangerous.

The formation of a Playground Maintenance and Improvement Policy will ensure that the Council has a documented process for the inspection and maintenance of this equipment.

Playgrounds will be inspected on a monthly basis but the frequency of inspection may be varied by determining patronage, age of equipment, extreme weathering or susceptibility to vandalism. To reduce risk levels the regular inspection of older or high use equipment is important in identifying dangerous hazards and defects.

With the above recommendations taken into consideration, the following proposed Playground Maintenance and Improvement Policy is recommended for adoption.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark:

That Council Policy No. I/PR/1 Playground Maintenance and Improvement, as follows:

OBJECTIVE:

To ensure the safety and serviceability of all playground equipment throughout the Shire of Plantagenet is maintained to a high standard.

POLICY:

- 1. The Manager Works and Services or a person nominated by the Manager shall carry out a safety inspection of all playground equipment on a monthly basis to determine compliance with relevant Australian Standards for playground equipment.**
- 2. A register shall be maintained, recording the date of inspection, the person carrying out the inspection, all maintenance required and general comments regarding the maintenance required shall be promptly carried out.**

3. If any item of equipment is found to be dangerous, it shall be deemed unsafe and made inoperative until such time as repairs are carried out. If it cannot be repaired in sufficient time, it shall be removed.'

be adopted.

CARRIED (8/0)

NO. 64/09

12.3 COMMUNITY SERVICES REPORTS

12.3.1 PLANTAGENET MEDICAL GROUP - LEASE

File No:	CP/156/6
Attachments:	<u>Plantagenet Medical Group - Lease</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	10 March 2009

PURPOSE

The purpose of this report is to recommend to the Council that a Lease be entered into between the Shire of Plantagenet and Carol May Fitzpatrick and Victor Seah of the Plantagenet Medical Group Unit Trust for the purpose of a new Medical Centre at Lot 530, Reserve 49690 Marmion Street, Mount Barker.

BACKGROUND

By Memo dated 9 September 2008 the Chief Executive Officer advised as follows:

'Councillors will be aware that on today's agenda there is a report regarding the construction of the Mount Barker Medical Centre.

Councillors may also like further information regarding progress with the negotiation for a lease of the Medical Centre. It will be important to finalise this document prior to the actual letting of a tender for construction to ensure occupation of the building. Such finalisation should be imminent subject to some minor alterations which have been requested by the medical practice.

Some important components of the lease include the Council being responsible for the construction of the building including the fit-out of the building and any other works reasonably necessary to enable the building to be used as a medical centre and doctor's surgery.

The rent has been set at sixty two thousand four hundred dollars (\$62,400.00) per annum payable by monthly instalments of five thousand two hundred dollars (\$5,200.00). The lease provides for a three percent increase at each review date.

The tenant must maintain, repair, replace and keep the leased premises in good, clean substantial repair and condition but does not need to carry out structural work or repairs that are necessary because of their wear and tear. The tenant is also responsible for cleaning.

The cost of preparation of the lease is being borne by the tenant.'

STATUTORY ENVIRONMENT

Local Government Act (1995) - Section 3.58(2)(f) – A disposition of land is an exempt disposition if it is the leasing of land to a 'medical practitioner' (as defined in section 3 of the *Medical Act 1984*) to be used for carrying on his or her medical practice.

CONSULTATION

Consultation has occurred with Drs Seah and Fitzpatrick, Mr Rob Stewart – Chief Executive Officer and Council solicitors Hudson Henning and Goodman.

FINANCIAL IMPLICATIONS

The rent has been set at sixty two thousand four hundred dollars (\$62,400.00) per annum payable by monthly instalments of five thousand two hundred dollars (\$5,200.00). The lease provides for a three percent increase at each review date.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The lease refers to Lot 530, Reserve 49690 Marmion Street, Mount Barker.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan details the following vision:

'We see families and economic development as the mainstay for creating a community that will provide everything that is needed: economic security, safety and social networks within an environment that is clean and safe.'

A district where people will come to raise families because of educational opportunities, health facilities, economic infrastructure and a variety of housing opportunities'.

The Medical Centre addresses the provision of health facilities, which will in turn support a growing population and assist economic development.

OFFICER COMMENT

The Lease was prepared by the Council's solicitors Hudson Henning and Goodman. The Chief Executive Officer, Manager Community Services and representatives from the Plantagenet Medical Group have examined the Lease and it is recommended that the Lease be entered into.

The lease term is ten years with two options of five years each. It is subject to the appeal of the Minister for Lands.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark:

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 Carol May Fitzpatrick and Victor Seah from the Plantagenet Medical Group Unit Trust trading as the Plantagenet Medical Centre for the purpose of a Medical Centre at Lot 530, Reserve 49690 Marmion Street, Mount Barker.

CARRIED (8/0)

NO. 65/09

12.4 CORPORATE SERVICES REPORTS

Nil

12.5 EXECUTIVE SERVICES REPORTS

12.5.1 INDIGENOUS FLAG

File No: GR/97/3
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: John Fathers
Acting Chief Executive Officer
Proposed Meeting Date: 10 March 2009

PURPOSE

The purpose of this report is to present a draft policy regarding the flying of the Indigenous Flag from Council masts.

BACKGROUND

In 2002, a request to fly the Indigenous Flag from a Council Flag pole during NAIDOC (National Aborigines and Islanders Day Observance Committee) week was informally refused on the grounds that the Australian Flag represents all Australians.

Although this position has never been formalised, any subsequent request to fly the Indigenous Flag has been refused.

By letter dated 12 February 2009 a request was received from the Protocol Branch of the Department of Premier and Cabinet for Councils to fly the Indigenous Flag on 13 February 2009 being the first anniversary of the apology by the Australian Parliament to members of the Stolen Generations.

The Council at its meeting held on 24 February resolved as follows:

'That a further report be presented to the Council with a draft policy enabling the flying of the Indigenous Flag on specific occasion or occasions along with the Australian Flag.'

CONSULTATION

No consultation has occurred in regard to this matter with any other group.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

The Council's Policy Manual is silent with regard to flag flying although Federal and State Protocols do exist. These particularly relate to the Australian Flag. For example, with regard to the flying of the Indigenous Flag it should never displace the Australian Flag and where there is only one flag pole available the Indigenous Flag shall not be flown.

STRATEGIC IMPLICATIONS

One of the Shire's values, adopted in its Strategic Plan is:

'We will show respect for each other regardless of individual benefits, age, race, gender, religion or lifestyle.'

OFFICER COMMENT

This matter is again brought before the Council as a result of the decision of the Council made on 24 February 2009.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

That Council Policy No. CS/S/PA/15 Indigenous Flag, be included in the Council's Policy Manual.

,

INDIGENOUS FLAG

Division	Business Unit	Responsibility Area
Corporate Services	Administration	Property Administration

OBJECTIVE:

To give guidance on the flying of the Indigenous flag.

POLICY:

That where possible the Indigenous flag be flown from the Council official masts along with the Australian flag on specific occasions requested by the Protocol Branch of the Department of Premier and Cabinet.'

be adopted.

AMENDMENT

Moved Cr K Clements, seconded Cr B Hollingworth:

That the words 'where possible' be deleted.

CARRIED (8/0)

NO. 66/09

FURTHER AMENDMENT

Moved Cr J Mark, seconded Cr A Budrikis:

That:

1. the words 'Indigenous flag' after CS/S/PA/15 be deleted and replaced with 'Alternative Flags'.
2. the heading '**INDIGENOUS FLAG**' be deleted and replaced with the heading '**ALTERNATIVE FLAGS**' at the start of the policy.
3. the words 'the Indigenous flag' be deleted and replaced with the words 'alternative flags' in the objective.
4. the words 'the Indigenous flag' be deleted and replaced with the words 'alternative flags' in the Policy.
5. the words 'or the Council' be added after the word 'Cabinet' in the Policy.

CARRIED (7/1)

NO. 67/09

COUNCIL DECISION

That Council Policy No. CS/S/PA/15 Alternative Flags, be included in the Council's Policy Manual.

ALTERNATIVE FLAGS

Division	Business Unit	Responsibility Area
Corporate Services	Administration	Property Administration

OBJECTIVE:

To give guidance on the flying of alternative flags.

POLICY:

That alternative flags be flown from the Council official masts along with the Australian flag on specific occasions requested by the Protocol Branch of the Department of Premier and Cabinet or the Council.'

be adopted.

CARRIED (8/0)

NO. 68/09

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

The following business was introduced to the meeting by the Presiding member under Section 3.8 of Standing Orders.

- Elected Members Expenses to be Reimbursed.

Moved Cr B Hollingworth, seconded Cr D Nye-Chart:

That a report be submitted to the Council in relation to the recent review of Policy CE/CS/1 – ‘Elected Members Expenses to be Reimbursed’ with particular reference to the reimbursement of partners’ meals (point 3.).

CARRIED (8/0)

NO. 68/09

15 CONFIDENTIAL

Nil

16 CLOSURE OF MEETING

3:58 PM The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____