



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 12 May 2009

TIME: 2.45 pm

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

Rob Stewart
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).....	1
4	PUBLIC QUESTION TIME.....	2
	BANKSIA FARM SIGNAGE - MR KEVIN COLLINS.....	2
5	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	5
6	DISCLOSURE OF INTEREST	5
7	APPLICATIONS FOR LEAVE OF ABSENCE	5
8	CONFIRMATION OF MINUTES.....	5
9	COMMITTEE MINUTES.....	5
10	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	6
11	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION	6
12	REPORTS OF COMMITTEES AND OFFICERS.....	7
12.1	DEVELOPMENT SERVICES REPORTS.....	7
12.1.1	CROWN LAND KENDENUP - PROPOSED RELEASE	7
12.1.2	TOWN PLANNING SCHEME POLICY NO. 18 DRAFT - DRAFT LOCAL PLANNING STRATEGY	10
12.1.3	LOT 5102 NEWMAN ROAD, NARRIKUP - SCHEME AMENDMENT REQUEST	17
12.1.4	LOTS 11 AND 12 WARBURTON ROAD, MOUNT BARKER - THIRTY-TWO (32) LOT SUBDIVISION.....	21
12.1.5	RESERVE 24734, LOTS 1940, 1941, 1942 AND 1943 MUIRS HIGHWAY AND MILL ROAD, ROCKY GULLY – ESTABLISHMENT OF A CLASS A NATURE RESERVE.....	27
12.1.6	TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 50 - KENDENUP ZONINGS	29

12.2	WORKS AND SERVICES REPORTS.....	32
12.2.1	NAMING OF UNNAMED ROAD - CHESTER PLACE.....	32
12.2.2	POLICY REVIEW – PRIVATE WORKS	34
12.2.3	POLICY REVIEW – VEHICLE USAGE	36
12.3	COMMUNITY SERVICES REPORTS	42
12.3.1	LOT 105 FIRST AVENUE, KENDENUP - KENDENUP FIRST RESPONDERS PROPOSAL.....	42
12.4	CORPORATE SERVICES REPORTS	47
12.4.1	BUDGET REVIEW - MARCH 2009	47
12.5	EXECUTIVE SERVICES REPORTS.....	60
12.5.1	COMMUNICATION FACILITY ON DEPARTMENT OF ENVIRONMENT AND CONSERVATION LAND - PORONGURUP	60
12.5.2	DELEGATIONS - ANNUAL REVIEW	62
12.5.3	LOCAL GOVERNMENT CONVENTION AND EXHIBITION - VOTING DELEGATES	64
12.5.4	LOCAL GOVERNMENT REFORM - PROJECT TEAM.....	65
13	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	68
14	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	68
14.1.1	REGIONAL PARTNERSHIPS GRANT – PLANTAGENET MEDICAL CENTRE	68
14.1.2	COUNCIL REPRESENTATION - WA LOCAL GOVERNMENT ASSOCIATION AND REGIONAL ROAD GROUP.....	70
15	CONFIDENTIAL.....	73
16	CLOSURE OF MEETING.....	73

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2:49 PM The Presiding Member declared the meeting open.

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

Mr Stewart then read aloud the following disclaimer:

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

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

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

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Members Present:

Cr K Forbes AM	Shire President - Rocky Gully/West Ward
Cr K Clements	Deputy Shire President - Town Ward
Cr B Hollingworth	Town Ward
Cr S Grylls	Rocky Gully/West Ward
Cr J Mark	Town 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)

Previously Approved Leave of Absence:

Cr D Nye-Chart	15 May 2009 to 25 May 2009 inclusive.
Cr J Mark	25 May 2009 to 12 June 2009 inclusive.
Cr B Hollingworth	15 June 2009 to 12 July 2009 inclusive.
Cr D Nye-Chart	3 July 2009 to 27 July 2009 inclusive.

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

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

Apologies

Cr A Budrikis	Kendenup
Cr J Moir	South Ward

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Banksia Farm Signage - Mr Kevin Collins

I wish to express my extreme disappointment at the recent removal of the Banksia Farm sign from the junction of Albany Highway and Mondurup Street.

This is our business front gate and the signs down the back paddock are now rendered ineffective.

Statistics

1. 30% of our visitors state that they came solely because they saw the Banksia Farm sign and others use it as a simple guide as shown on our brochures or advised from the Visitor Centre to get to our business.
2. We have traded and advertised as 'Banksia Farm' for the past 15 years. We have had some queries as to whether we were still in business as the sign had been removed.
3. Our tourist visitor numbers are 1500 in autumn, 4500 in spring. These visitors add greatly to the economic welfare and benefit to our shire and other businesses. A further 1000 people visit for seminars, meetings, functions and events.
4. Our attraction is world renowned, unique and publicised in directories such as 'The Lonely Planet', internet sites and many other sources as 'Banksia Farm'.
5. Our visitation has dropped dramatically since the sign has been removed. Our decline is disproportionate to increased visitor numbers recorded in the region, despite the so called 'depression'.

Our business, 'Banksia Farm', is a multi-faceted business comprising:

1. A unique Botanic Arboretum – a tourist attraction.
2. Café/Gallery for lunches and functions.

3. Wildflower Nursery – specialising in Banksia, Dryandra and Hakea plants.
4. Bed and Breakfast accommodation.
5. A Function Centre for seminars, meetings, events.

Industries such as timber, agricultural, medical, wine and banks are regular users.

Privately it is used for functions such as anniversaries, weddings, concerts and events.

The currently rationalised generic highway signage only indicates Bed and Breakfast and Tourist attraction. This does not truly show our business operations. In fact I don't believe there exists generic signs for these facets above mentioned and I should be entitled as are other highway businesses to have a nursery sign added, a café symbol added as well as a function centre sign added, to assist the public to find us.

I feel the rules are not applied uniformly as most businesses on the highways have their business name and distance, even some newly installed ones. Others are still operating with temporary signage.

It is my intention to apply through the Council and Main Roads to have our Banksia Farm sign reinstalled. It is shorter, more practical and alleviates the necessity for numerous signs, generic and otherwise.

I further will be applying for a new sign on Muir Highway at the Langton Road intersection as with the bypass road now functioning our signs on the former highway (now Langton Road) are rendered useless. This is to catch traffic, who now go directly from Perth to Denmark, bypassing businesses in Mount Barker.

I trust the Council will strongly support our applications for replacement of our sign as we are one of our Shire's major tourist attractions. We also trust the possibility of function centre signage be seriously considered.

Shire Communication

I also wish to convey my dismay and disappointment that my highway sign was removed with **no** notification, forewarning or discussion from Council or Main Roads.

I had paid for this sign and had to ring Main Roads to have it returned and am now faced with a \$150.00 application fee and cost of a new sign as the original one was damaged while being dismantled by CRS, sub-contracted, by Main Roads.

I am particularly disappointed as I, through the tourism board, had set up a signage committee and had had positive meetings with Council in relationship to the development of Shire's Signage Policy. Rationalisation of Mount Barker-Porongurup Road was mentioned with the business names being retained on a new information panel, but no mention was ever made of Mondurup Street signage rationalisation.

In fact it was stated that Main Roads signage, was their jurisdiction, not Council's.

Having questioned Main Roads as to why my sign was removed they said it was from Council's request.

Mondurup Street Signage on Albany Highway, with communication, could have been rationalised differently with the same or less signs and would have appeased businesses. Wine symbols still exist to non-existent wineries. Goundry and Garlands are closed. The only other two venues operating in this town quadrant are Banksia Farm and Hutong's Gallery. These are ineffectively indicated with two generic sign boards presently and would be better served with business names.

I am very concerned at the mixed messages we are receiving as business operators in this shire which appear to be emanating from poor communication between staff, elected councillors and third parties.

On one hand dialogue has improved tremendously with the tourist board with establishment of a memorandum of understanding. Then on the other hand tourism signs are removed without discussion with the operators or the tourism board.

Further, on another subject, Banksia Farm had written permission to display plant labels and use Mondurup Reserve as walk trails for tourists until the end of November 2008.

Tourists alerted us to major road works and blockages on these trails at the end of October 2008. Some of our plant signs disappeared and have not been returned.

I notified Councillors Hollingworth and Clements of this roadwork and they stated they were unaware of this activity.

On my understanding of Class A reserves I believe public notification must first be given and approval of both state and federal governments be sought for any changes.

If these procedures were not followed the work may well have been illegal.

Prior to this event council had kept us very informed of any activities in this reserve.

E.g.: Fire break works, track maintenance, sewerage lines to Omrah Estate and more recently partners in hiring a consultant to establish more formalised walk trails in this reserve. The Visitor Centre and Banksia Farm were financial contributors to this process.

We merely seek to promote our shire and businesses through clarity, uniform guidelines and comprehensive processes.

We will continue to actively work for the betterment of our town and shire as we have done previously through voluntary establishment of Centenary Park, the celebration of the Centenary of Federation and other town improvements and would appreciate reciprocal support.

Response by Mr P Duncan – Manager Development Services

Mr Duncan replied that he believes the signs were not removed at Council's request. Main Roads WA has been rationalising their signage in conjunction with the new northern bypass for Muirs Highway. The Council has worked with Main Roads WA to rationalise the signage for Mount Barker-Porongurup Road with the installation of a large information sign about 800m along that

road. Main Roads WA do allow variations to their policy for generic signs with Windrush Wines as an example of signs not meeting their policy.

If the Council receives an application from Main Roads WA for a directional sign for Banksia Farm, the recommendation to the Council is likely to be to support the application until such a time as the Mount Barker Visitors Centre erects their large tourist map outside the Tourist Bureau which was considered a long time ago.

The firebreak access roadway in the reserve leading to Omrah Road has been put through by Southern Road Services to access a gravel supply for the Muirs Highway roadworks.

Cr K Forbes AM recommended that Mr Collins works through Main Roads WA to have the sign re-erected.

Mrs Linda Harris added that the signage needs to be sorted because in March 2010 there will be in excess of 5,000 motorcyclists visiting Mount Barker and we would not want them getting lost.

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

All Councillors declared a proximity interest for Item 12.1.2

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

8 CONFIRMATION OF MINUTES

Moved Cr B Hollingworth, seconded Cr M Skinner:

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 28 April 2009 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 118/09

9 COMMITTEE MINUTES

Nil

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 30 April 2009 – Along with Chief Executive Officer, Mr Rob Stewart, attended a breakfast in Albany with Ministers Brendan Grylls and Terry Waldron.
- 1 May 2009 – Chief Executive Officer's review papers.
- 2 May 2009 – Attended the official opening of the Porongurup Bush Fire Brigade Shed.
- 4 May 2009 – Western Australian Local Government Association (LGMA) forum – structural reform outcome due in by the end of August 2009.
- 6 May 2009 – Attended the Bush Fire Advisory Meeting with Crs Skinner and Grylls. All officers were returned to their previous positions.
- 19 May 2009 – Chief Executive Officers review – all Councillors please be here at 8.00am sharp.

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSIONCr S Grylls

- 6 May 2009 – Attended the Bush Fire Advisory Meeting with Cr K Forbes AM and Cr Skinner.
- 11 May 2009 – Timber 2020 Seminar at the Department of Agriculture and Food.

Cr M Skinner

- 6 May 2009 – Attended the Bush Fire Advisory Meeting with Cr K Forbes AM and Cr Grylls.

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

12.1.1 CROWN LAND KENDENUP - PROPOSED RELEASE

File No:	N10865
Attachments:	Location of Crown Lots
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	12 May 2009

PURPOSE

The purpose of this report is to consider a request from the Department for Planning and Infrastructure (DPI) State Land Services for comments on the possible disposal of 34 lots owned by the Crown in Kendenup.

BACKGROUND

The 34 unallocated Crown land lots are located in Hassell, First, Second, Third and Seventh Avenues and Chauvel Road within the Kendenup village. All of the lots are vacant.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Rural, Residential (R10) and Service Industry.

Land Administration Act 1997 – sets the procedure for the disposal of Crown land.

Native Title Act 1993 – As the lots are owned by the Crown the DPI will need to use the Native Title Future Acts process to ensure there are no rights to Native Title before disposal is considered.

CONSULTATION

The Manager Development Services inspected all of the lots with representatives of DPI and LandCorp on 30 April 2009.

The DPI has written to several government agencies for comment.

FINANCIAL IMPLICATIONS

As the 34 lots are owned by the Crown they are not rated. Should they be sold to private landowners they then become rateable. As a guide a 1,000m² vacant lot in Kendenup is rated at approximately \$590.00 p/a.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The Council at this meeting will also be considering the initiation of an amendment (No. 50) to TPS3 to rezone various lots in the Kendenup village to Residential (R5) and Enterprise Zone (R5). The R5 density coding requires a minimum lot size of 2,000m².

The reason for the R5 density coding is the 2,000m² minimum lot size where the R10 density coding has a minimum lot size of 1,000m² and this is below that recommended in the draft Country Towns Sewerage Policy (2,000m²) for on site effluent disposal systems. There is no reticulated sewer in Kendenup hence all effluent disposal has to be by on site methods.

All of the 34 lots are vacant, some of which contain native vegetation and the bulk of them are grassed. Most of the lots have reasonable gravel road frontage, the ability to connect to scheme water, power and telephone. Lots 6378, 6379, 6998 and 6402 Second Avenue have dirt road access and some contribution would be required to ensure a reasonable quality gravel road serviced the lots. Lots 6393, 6394 and 6395 Second Avenue have only a track form of access which provides the access to the house on lot 239 Second Avenue. That owner of 239 has expressed an interest in acquiring or leasing lots 6393, 6394 and 6395 from DPI. If that is the case the road construction in this portion of Second Avenue may not be necessary. Lots 6328, 6329 and 6330 Hassell Avenue have frontage to a road which again would require a contribution to ensure a reasonable quality gravel road.

Where two 1,000m² Crown lots adjoin, then they should be amalgamated to form one 2,000m² lot. When they do not adjoin other Crown lots then the DPI will be approaching adjoining owners with the option for them purchasing and amalgamating with that land.

The Council has been considering the need for an area of public open space in Kendenup but none of these lots are in a suitable location for this.

No objection is seen to the disposal of these Crown lots by the DPI. Once the necessary clearances have been obtained the DPI will hand the lots over to LandCorp for the disposal process.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark:

That the disposal of 34 unallocated Crown lots in the Kendenup village be supported subject to:

1. The amalgamation of adjoining Crown lots to form 2,000m² lots for the disposal.
2. The provision of services such as reticulated water, power and telephone to all lots to be disposed of.
3. A contribution to the upgrading of portions of Hassell Avenue (lots 6330, 6329, 6328), Second Avenue (lots 6378, 6378, 6998 and 6402) and Second Avenue (possible lots 6393, 6394 and 6395 if not sold to owner of lot 239). This contribution would be \$2,400.00 per lot.
4. The amalgamation of individual 1,000m² lots with adjoining privately owned land wherever possible.

CARRIED (7/0)

NO. 119/09

12.1.2 TOWN PLANNING SCHEME POLICY NO. 18 DRAFT - DRAFT LOCAL PLANNING STRATEGY

A Proximity Interest was disclosed by Cr K Forbes. Cr Forbes indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr B Hollingworth. Cr Hollingworth indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr S Grylls. Cr Grylls indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr K Clements. Cr K Clements indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr A Budrikis. Cr Budrikis indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr M Skinner. Cr Skinner indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr D Nye-Chart. Cr Nye-Chart indicated the nature and extend of her interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr J Mark. Cr Mark indicated the nature and extent of his interest is of a property owner within the Shire.

A Proximity Interest was disclosed by Cr J Moir. Cr Moir indicated the nature and extent of his interest is of a property owner within the Shire.

Authority to participate pursuant to Section 5.69 (3) (a) of the Local Government Act 1995

Approval has been received from the Department of Local Government and Regional Development via letter dated 7 May 2009, giving permission for Cr K Forbes, Cr B Hollingworth, Cr S Grylls, Cr D Nye-Chart, Cr M Skinner, Cr A Budrikis, Cr K Clements, Cr J Mark and Cr J Moir to participate in discussion and decision making procedures relating to Council's consideration of the draft Local Planning Strategy (LPS).

All Councillors received a copy of the letter which is attached to these minutes.

File No: N10782

Attachments: [Local Planning Strategy - updates Information Sheet](#)
Town Planning Scheme Policy No. 18 (separate attachment)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 12 May 2009

PURPOSE

The purpose of this report is to consider Draft Town Planning Scheme Policy No. 18 – Draft Local Planning Strategy, to enable it to be advertised for public comment.

BACKGROUND

The Council when it considered the Draft Local Planning Strategy (LPS) at its meeting held on 10 June 2008 resolved at Resolution 98/08 as follows:

'That the Council adopt the Draft Plantagenet Local Planning Strategy and refer it to the Western Australian Planning Commission for its approval to advertise for public comment for a period of sixty (60) days.'

The draft LPS was delivered to the Department for Planning and Infrastructure (DPI) Albany office on 11 June 2008 for it to report to the Western Australian Planning Commission (WAPC).

The LPS has been prepared to satisfy Regulation 12A of the Town Planning Regulations made under the Planning and Development Act 2005. It was prepared using the suggested format for such a document prepared by the WAPC as part of its Planning Schemes Manual which satisfies the guidelines for the Model Scheme Text.

The LPS preparation process involved community consultation with a series of public workshops involving stakeholders and interested community members in October and November 2005. Six workshops were held in Mount Barker, the Porongurup Hall, the Narrikup Hall, the Kendenup Country Club and at the Rocky Gully CWA rooms.

Existing strategic planning documents were a useful starting point in the LPS preparation process. These documents included:

- Porongurups Rural Strategy (1996);
- Mount Barker Local Rural Strategy (1997); and
- Mount Barker Townscape Review (2002).

Other strategic planning documents prepared to a draft stage were also useful resource documents and these included:

- Industrial Land Review: Mount Barker (Draft 1998);
- Mount Barker Commercial Review (Draft 1999);
- Mount Barker Townsite Strategy (Draft 2002);
- Kendenup Townsite Review (Draft 1998/2002);
- Narrikup Townsite Review (Draft 1999/2002); and
- Rocky Gully Townsite Review (Draft 1999/2002).

The LPS will replace all of these earlier strategic initiatives.

In an attempt to determine future proposals from various government agencies with infrastructure or facilities within the Shire, the Council wrote in August 2007 to 19 agencies seeking advice on future directions. Responses were received from several of these agencies.

The WAPC's Lower Great Southern Strategy (LGSS) was commenced in 2001 and the final document was released in June 2007. It is the aim of the LGSS to encourage development around existing nodal settlements and ensure policies

provide a presumption in favour of consolidating settlements. Not only is this an efficient use of resources such as land, infrastructure and energy but also assists in supporting social services such as hospitals, libraries, shops and community facilities. The timing of the implementation phase of the LGSS is unknown.

Through the preparation phase of the LPS a series of workshops were held with Councillors to discuss various aspects of the draft components of the document. Those workshops are listed as follows:

1. 13 November 2007 – Introduction, State, Regional and Local Context, Profile and Issues, Strategic Plan, Risk, Monitoring and Reviews.
2. 27 November 2007 – Narrikup and Porongurup.
3. 11 December 2007 – Kendenup and Rocky Gully.
4. 12 February 2008 – Mount Barker, Urban Settlement, Industrial Strategies, Climate Change.
5. 27 May 2008 – Rural District.

Officers from the Albany office of the DPI attended all of the workshops with the exception of that held on 11 December 2007. The officers were provided with all of the papers for the various components in advance of each workshop. They have advised on occasions that the LPS would be considered soon, that officers were to meet in the first week of October 2008 and that it would be considered in early 2009 due to their workloads. The Hon Minister for Planning John Day advised it was anticipated the LPS would be considered by the WAPC in March 2009 on the advice provided by the Department. The CEO spoke with the Acting Regional Manager of the Department on 16 April 2009 who advised it would be several weeks before the LPS was looked at and this depended on resources.

It would seem from the lack of action that local planning strategies have a very low priority from a DPI officers perspective and it is feared it could be another six months or so before it may be looked at. When it would be reported to the WAPC for advertising approval is unknown. When the Council considers this report, the DPI would have had the LPS for 11 months.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations – Regulation 12A allows a Council to prepare a Local Planning Strategy and requires such a Strategy to be forwarded to the WAPC. A Local Planning Strategy is to:

- (a) set out the long-term planning directions for the local government;*
- (b) apply State and regional planning policies; and*
- (c) provide the rationale for the zones and other provisions of the Scheme.'*

Regulation 12B requires that when the WAPC is satisfied with the strategy, it is to be advertised for public comment for a minimum period of 21 days. Following the advertising the Council is to review the Strategy in the light of any submissions received, adopt the strategy with any modifications it thinks fit and submit a copy of the Strategy to the WAPC for its endorsement.

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

‘7.6.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.

7.6.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:

- (a) the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
- (b) the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;*
- (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

7.6.3 A Town Planning Scheme Policy may only be altered or rescinded by:

- (a) preparation and final adoption of a new policy pursuant to this clause, specifically worded to supercede an existing policy;*
- (b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

7.6.4 A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.’

CONSULTATION

A series of public workshops on the LPS was held in October and November 2005. A series of five workshops was held with Councillors in late 2007 and early 2008 to discuss the components of the LPS.

It was proposed that the LPS, once adopted as a draft by the Council and the WAPC, be advertised for public comment for a period of 60 days. Following the advertising a further report would be placed before the Council.

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft policy once a week for two consecutive weeks within a newspaper circulating within the area. The advertisement is to contain details of where the draft policy may be

inspected and in what form submissions can be made during a period of not less than 21 days.

It is proposed to advertise the LPS as a draft Town Planning Scheme Policy for a period of 60 days to enable the public to provide comment. That advertising will consist of newspaper notices, notices on notice boards at the Council offices, Porongurup, Kendenup, Narrikup and Rocky Gully and letters to the five adjoining local Councils.

FINANCIAL IMPLICATIONS

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

The draft policy document has been prepared in-house. The mapping for the LPS has been updated by the DPI in Perth at no cost to the Council.

POLICY IMPLICATIONS

This is a new Town Planning Scheme Policy.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Results Area 4 indicates that the Council will:

'Develop and Review Town Planning Policies.'

The Strategic Plan 2003 Key Results Area 4 also indicates that the Council will:

'Facilitate the development of a Local Planning Strategy for the Shire that embraces the aims and focus of the Strategic Plan.'

'Review the existing draft Rural and Townsite Planning Strategies.'

'Ensure the outcomes of the Customer Needs Survey and relevant community workshops are incorporated into the Local Planning Strategy.'

The LPS at part 3 discusses the Strategic Plan.

OFFICER COMMENT

As in 11 months the DPI has not looked at the LPS prior to it reporting to the WAPC for public advertising, it was considered an alternative approach would be for the Council to consider adopting the draft LPS as a draft Town Planning Scheme Policy and then embarking on a public advertising program to at least enable the public to have a say on the document. The LPS has been updated to address many of the changes that have occurred in the past 11 months. A list of those changes has been attached. Also as a separate attachment for Councillors is a copy of the LPS as draft Town Planning Scheme Policy No. 18 with all of the changes included.

As Councillors are aware, the LPS does differ in some instances from WAPC policy however these differences are not considered to be major and reflect local circumstances. As part of the advertising process it is proposed to include information with the document that briefly explains the process to date and also the

differences from the WAPC policy. This will enable the public to clearly see where there are differences and provide them with the opportunity to comment. That information is also attached.

In the current economic climate, a LPS is a vehicle for providing the stimulus for potential for growth and pre-planning to ensure there is the ability for the economy to grow and foster future development in a planned and coordinated manner. It also provides the vehicle for Amendments to TPS3 to follow in a planned and coordinated manner in accordance with the Council's and obviously the community's wishes.

The Council is aware a Scheme Amendment Request (SAR) for land north of Narrikup has been referred out to the Department of Water (DOW), Department of Environment and Conservation (DEC) and DPI for comment in accordance with policy. A report on the agency responses will be considered by the Council at this meeting. The DPI in its response suggested the rezoning based on the SAR should be 'deferred until the Shire's draft Local Planning Strategy has sufficiently progressed through the statutory plan making process'. The SAR is in accordance with the draft LPS proposals, but the difficulty is the DPI has not looked at the LPS in eleven (11) months and it may be many more months.

The proposal now put forward in this report is to adopt the LPS as a draft Town Planning Scheme Policy in order that it can be advertised to gain public feedback. The Council will not be finalising the LPS by adopting it as a draft Scheme Policy for advertising. At the conclusion of the advertising a further report on submissions received will be placed before the Council. It is at that point when the Council will need to determine whether to adopt the Scheme Policy with or without modifications. By that stage the DPI may have provided some feedback on the LPS.

The LPS is a critical document in the long term planning of the whole Shire and looks at all aspects to guide growth and development well into the future. In accordance with the Town Planning Regulations, a Local Planning Strategy can be prepared at any stage in the life of a Town Planning Scheme and there is no requirement for it to be prepared as part of the writing of a new town planning scheme.

The purpose and role of the LPS is to review current planning strategies, to set long term planning directions for the Council, apply regional and state planning policies and strategies and to provide a rationale for various town planning scheme provisions and zones. The time frame for the LPS will be for the next 10 to 20 years and beyond.

In preparing this LPS the Council has had regard to documents such as the State Planning Strategy, the Lower Great Southern Strategy, the State Water Conservation Strategy and the State Sustainability Strategy.

The Shire has experienced steady population growth over the years. The sub-regional centre of Mount Barker is only 50km from the regional centre of Albany and is experiencing strong growth.

The LPS main sections consist of 5 – Strategic Plan, 6 – Strategies and Actions and 8 – Appendices. The six appendices discuss in detail the Mount Barker Sub Regional Centre, the Rural Villages of Kendenup, Narrikup, Porongurup and Rocky Gully and the Rural District.

The future proposals for the Rural areas are discussed under section 6 and this work was completed by consultants (Landvision) following on from an environmental component for the rural areas prepared in 2003. Appendix 6 provides detailed recommendations for each of the rural planning units.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark:

That:

- 1. Draft Town Planning Scheme Policy No. 18 – Draft Local Planning Strategy be advertised in accordance with clause 7.6.2(a) of Town Planning Scheme No. 3 for a period of 60 days.**
- 2. At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held on 8 September 2009.**

CARRIED (7/0)

NO. 120/09

12.1.3 LOT 5102 NEWMAN ROAD, NARRIKUP - SCHEME AMENDMENT REQUEST

File No:	N10871
Attachments:	Site Plan Concept Plan Summary of Submissions
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	12 May 2009
Applicant	Thompson McRobert Edgeloe

PURPOSE

The purpose of this report is to consider a Scheme Amendment Request (SAR) to rezone Lot 5102 Newman Road, Narrikup, from Rural to Rural Residential.

BACKGROUND

The Shire records show the owners of the subject land are Joe and Shirley Plowright.

The SAR was submitted in February 2009 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 by 8 April 2009. Three submissions were received and these are contained in the attached summary of submissions.

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) – Lot is zoned Rural.

CONSULTATION

The SAR has been referred to the three government agencies in accordance with the Council's SAR Policy to obtain early feedback. If the Council agrees the SAR will be advertised for a 42 day period.

FINANCIAL IMPLICATIONS

The application fee of \$550.00 has been paid.

POLICY IMPLICATIONS

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

Clause 4 of Council Policy No. TP/SDC/6 states:

'SAR submitted to Council

The SAR is to be submitted with an officer's report and recommendation to the Council for consideration. Possible outcomes are:

- a) *The Council decides to seek community feedback on the SAR if the application warrants it.*
- b) *The Council agrees to the SAR to allow further detailed documentation of the proposal and a subsequent assessment process to initiate the Scheme Amendment (Note: detailed documentation may identify unresolved issues not known on initial SAR and as such the Amendment may not be initiated.)'*

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services advocates:

'Encourage and guide local development in accordance with the strategic Plan and Town Planning Scheme No 3 (as amended).'

OFFICER COMMENT

From the comments offered by the government agencies any subsequent formal Scheme Amendment document will need to address the following matters as well as those proposed in the SAR:

- preparation of a full vegetation assessment and weed management strategy due to several Declared Rare and Priority Flora species within 3 km of the site;
- integrate larger lots in the vicinity of remnant vegetation and adjacent to un-cleared land including a 100m buffer for building envelopes;
- introduce a development exclusion zone abutting Sleeman Creek for reason of drainage;
- re-vegetate Sleeman Creek to reinstate the riparian zone of the creek being watchful of the fire protection plan for the site;
- investigate land capability in detail to justify the lot sizes and appropriately matched land capability for effective on-site effluent treatment of potential low capability soils and/or the use of Aerobic Treatment Units (ATU's);
- justify the proposed 100m buffer to Sleeman Creek for reason of on-site effluent disposal;
- address stormwater, environmentally sensitive water management and drainage methods with reference to the Stormwater Management Manual for WA; and
- ensure that stormwater be contained and managed on-site.

Although not mentioned by the DPI lot sizes below 1 ha needs justification. These lots are a more efficient use of land but the Western Australian Planning Commission (WAPC) policy states a 1 ha to 4 ha lot size range, therefore justification is required due to the location of the proposed zone adjacent to the village of Narrikup.

The Shire of Plantagenet draft Local Planning Strategy (LPS) was adopted by the Council in June 2008 and is still with the WAPC for assessment and awaiting the Commission's authority to advertise for public comment. Under the draft LPS the subject land has been identified for future rural residential use development.

Considerable investment in infrastructure has been undertaken such as roads (e.g. Spencer Road by-pass), power, telecommunications, reticulated water, fire fighting services, general store/post office, public hall, recreation and sporting facilities. These facilities are capable of supporting the rural residential development and the development in turn help to ensure the village is more sustainable. The development also increases the provision of residential variety in Narrikup.

The farmland is mostly cleared with some remnant vegetation in the lots northern-central part. The site provides good access to the Albany Highway via the Spencer Road by-pass. There is no direct access from the site to Narrikup Townsite; access to the townsite would be via Spencer Road by-pass, Newman Road and Hannah Way or the Spencer Road by-pass and Spencer Road.

The proposed development in the main is in accordance with the objectives of the draft LPS.

If the SAR is advertised there may be additional matters needing to be addressed in a formal Scheme Amendment. A forty-two (42) day advertising period is required by the SAR policy. Notification will involve letters to property owners, a sign erected on site and notices in the press, on the Council's notice board and at the shop notices board.

It is not considered appropriate to defer the proposed amendment as recommended by the DPI until the LPS is considered by the DPI and WAPC as this may be many months away as the LPS has been with the DPI for 11 months now.

The Council can decide to allow further detailed documentation in the form of a formal Scheme Amendment or the Council can decide to advertise in accordance with Council Policy No. TP/SDC/6 and seek community feedback on the SAR. In this case it is considered worthwhile to advertise the proposal to gain input from the public before the Council makes a decision on whether the proposal proceeds to the detailed Scheme Amendment stage or not.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That:

- 1. The Scheme Amendment Request for Lot 5102 Newman Road, Narrikup be advertised to seek public feedback for a period of 42 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 14 July 2009.

CARRIED (7/0)

NO. 121/09

12.1.4 LOTS 11 AND 12 WARBURTON ROAD, MOUNT BARKER - THIRTY-TWO (32) LOT SUBDIVISION

File No:	N10872
Attachments:	Location Plan Subdivision Guide Plan Plan of Subdivision
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	12 May 2009
Applicant	Dykstra Planning

PURPOSE

The purpose of this report is to respond to the Western Australian Planning Commission (WAPC) regarding a proposal for a 32 lot subdivision at Lots 11 and 12 Warburton Road, Mount Barker.

BACKGROUND

Shire records indicate the owners of the subject land are:

Lot 11 – Alfred John McLaren.

Lot 12 – Island Views Pty Ltd.

Lots 11 and 12 have been zoned Rural Residential since 1998. Lot 12 Warburton Road was granted approval by the WAPC for an 11 lot rural residential subdivision in April 2007. A further approval was granted by the WAPC for a boundary realignment involving Lots 11 and 12 in April 2008.

Amendment No. 48 to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) proposes to alter the special provisions of this Rural Residential zone and to alter the Subdivision Guide Plan (SGP) to increase the lot yield. Following formal advertising of the Amendment the Council considered submissions at its meeting held on 11 November 2008 and resolved at resolution 250/08:

'That:

- 1. The submissions lodged on Amendment No. 48 to Town Planning Scheme No. 3 be noted.*
- 2. Amendment No. 48 to Town Planning Scheme No. 3 be adopted with the modifications listed in the attached Schedule of Modifications and be forwarded to the Western Australian Planning Commission for the final approval of the Honourable Minister for Planning.*
- 3. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to Amendment No. 48 once approved by the Honourable Minister.'*

The Amendment was forwarded to the Department for Planning and Infrastructure (DPI) on 13 November 2008 and no final decision has been made. Developers are at liberty to apply for a subdivision such as this one in anticipation of the Scheme Amendment being finalised.

Amendment No. 48 includes a revised SGP (copy attached) which provided an indication of how the land could be subdivided into 35 lots. The consultants have been liaising with the DPI officers in an attempt to get the Amendment finalised. Following meetings with the DPI in January some adjustments to the SGP have been made to reduce the lots to 32.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No.3 (TPS3) – Zoned Rural Residential. Amendment No. 48 proposes to alter the provisions and the SGP.

CONSULTATION

The revised SGP was discussed with Council staff in January 2009.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Delegation LG043 – as the subdivision involves more than five lots the matter needs to be determined by the Council.

STRATEGIC IMPLICATIONS

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

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

OFFICER COMMENT

The plan of subdivision now submitted differs from the previous SGP but reflects the recent changes discussed in January 2009. The differences are an improvement to the design that addresses the DPI issues regarding the rifle range. The main differences are:

1. Reduction to the number of the lots abutting the rifle range reserve from eight to five to reflect the original number in the 1998 SGP.
2. Increase the building exclusion area from 80m to 100m on lots abutting the rifle range reserve.
3. Designating the building envelopes as ‘fixed’ preventing further modifications in the future.
4. Barrier fencing with affixed warning signs to prevent people and animal movement is indicated on the boundary with the rifle range and extending 100m north of lot 12.

5. Dog/Stock proof fencing is indicated on the boundary with lot 3.
6. Plan notes included to require restrictive covenant to apply to lots adjoining the reserve in order to prevent access.
7. Plan notes require detailed memorials on all Titles to advise of the presence of the rifle club and the occurrence of rifle club activity.
8. A note to prevent further subdivision of lots under the subdivision guide plan.

Due to the intensification of lot sizes and the close proximity of the land to Mount Barker connection to reticulated water and power is possible. For reasons of land capability, Aerobic Treatment Unit (ATU) systems are to be used on all lots for on-site effluent disposal.

Lots 1 and 10 are respectively 3.7ha and 3.2 ha in area and involve the retaining of existing development (dwellings and outbuildings) previously located on lots 11 and 12. Lots 10 to 14 abutting the rifle range from 3.2 ha to 8.4 ha in area and include fixed building envelopes and a building exclusion area of 100m. The remaining lot areas range from 1.0ha to 2.3ha.

The main access road and all internal roads of the development are serviced by a 20m wide road reserve with a sealed surface. Truncations are provided at all road intersections and junctions.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr K Clements, seconded Cr J Mark:

That the subdivision of Lots 11 and 12 Warburton Road, Mount Barker (WAPC 139688) be supported subject to the following conditions:

- 1. Amendment No. 48 to Town Planning Scheme No. 3 being finalised.**
- 2. All lots created by this application being provided with access to a 6m wide hot mix sealed road, designed, drained and constructed to the satisfaction of the Manager Works and Services.**
- 3. Crossovers to all lots shall be constructed, drained and sealed to the satisfaction of the Manager Works and Services.**
- 4. A stormwater drainage plan shall be prepared and submitted for approval by the Manager Works and Services prior to the issue of a building licence and commencement of any site works. This may involve the setting of the verge at a particular gradient.**
- 5. All cleared vegetation shall remain on site to be processed (mulched) and re-spread over disturbed areas within the site.**
- 6. Warburton Road being constructed, drained and sealed (hot mix) from the boundary of lot 2 to 10m past the new entry road.**

7. A road upgrade contribution shall be paid for the design, construction, draining and sealing (hot mix) for Warburton Road from this land to its junction with Martin Street.
8. Construction is not to commence until the Council has approved detailed engineering plans and specifications of works, including earth works, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction.
9. All lots being provided with underground power.
10. Street lighting being provided to the satisfaction of the Manager Works and Services.
11. Section 70A memorials on all Titles to advise of the presence of the rifle club and the occurrence of rifle club activity and also of the Fire Management Plan.
12. Compliance with the relevant provisions of the Fire Management Plan in Amendment No 48.
13. Strategic fire breaks/emergency access to be 6m wide with a 4m wide gravel hard surface to the satisfaction of the Council's Ranger.
14. All buildings and effluent disposal systems having the necessary clearance from the new lot boundaries.
15. Truncations are to be provided at both ends of the battleaxes for lots 8 and 9.
16. A 1.8m high dog/stock proof fence being erected along the southern and western boundaries.
17. An easement being provided over the east-west water main.
18. The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of the following in writing that:
 - a) the Rural Residential zone special provisions;
 - b) Aerobic Treatment Unit (ATU) systems are to be used on all lots;
 - c) the Fire Management Plan; and
 - d) all buildings to comply with AS3959.

AMENDMENT

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

That the word 'hot mix' be deleted from point 2.

CARRIED (7/0)

NO. 122/09

COUNCIL DECISION

That the subdivision of Lots 11 and 12 Warburton Road, Mount Barker (WAPC 139688) be supported subject to the following conditions:

1. Amendment No. 48 to Town Planning Scheme No. 3 being finalised.
2. All lots created by this application being provided with access to a 6m wide sealed road, designed, drained and constructed to the satisfaction of the Manager Works and Services.
3. Crossovers to all lots shall be constructed, drained and sealed to the satisfaction of the Manager Works and Services.
4. A stormwater drainage plan shall be prepared and submitted for approval by the Manager Works and Services prior to the issue of a building licence and commencement of any site works. This may involve the setting of the verge at a particular gradient.
5. All cleared vegetation shall remain on site to be processed (mulched) and re-spread over disturbed areas within the site.
6. Warburton Road being constructed, drained and sealed (hot mix) from the boundary of lot 2 to 10m past the new entry road.
7. A road upgrade contribution shall be paid for the design, construction, draining and sealing (hot mix) for Warburton Road from this land to its junction with Martin Street.
8. Construction is not to commence until the Council has approved detailed engineering plans and specifications of works, including earth works, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction.
9. All lots being provided with underground power.
10. Street lighting being provided to the satisfaction of the Manager Works and Services.
11. Section 70A memorials on all Titles to advise of the presence of the rifle club and the occurrence of rifle club activity and also of the Fire Management Plan.
12. Compliance with the relevant provisions of the Fire Management Plan in Amendment No 48.
13. Strategic fire breaks/emergency access to be 6m wide with a 4m wide gravel hard surface to the satisfaction of the Council's Ranger.
14. All buildings and effluent disposal systems having the necessary clearance from the new lot boundaries.
15. Truncations are to be provided at both ends of the battleaxes for lots 8 and 9.

16. A 1.8m high dog/stock proof fence being erected along the southern and western boundaries.
17. An easement being provided over the east-west water main.
18. The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are aware of the following in writing that:
 - a) the Rural Residential zone special provisions;
 - b) Aerobic Treatment Unit (ATU) systems are to be used on all lots;
 - c) the Fire Management Plan; and
 - d) all buildings to comply with AS3959.

CARRIED (7/0)

NO. 123/09

12.1.5 RESERVE 24734, LOTS 1940, 1941, 1942 AND 1943 MUIRS HIGHWAY AND MILL ROAD, ROCKY GULLY – ESTABLISHMENT OF A CLASS A NATURE RESERVE

File No:	N10935
Attachments:	Location plan Aerial photo
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	12 May 2009
Applicant	Department of Environment and Conservation

PURPOSE

The purpose of this report is to consider a proposal to have the land the subject of this report set aside as a class A nature reserve for the purpose of conservation of flora and fauna with a management order in favour of the Conservation Commission of Western Australia.

BACKGROUND

Shire records show Reserve 24734 to be Crown land set aside for the purpose of water with a management order in favour of the Minister of Water Resources (Water Corporation). The reserve also includes lot 133 which includes the Water Corporation's water supply dam and overhead tank which serves Rocky Gully. The proposal from the Department of Environment and Conservation (DEC) involves adjoining lots 1940, 1941, 1942 and 1943 extending to the south east of Rocky Gully but does not include lot 133.

STATUTORY ENVIRONMENT

Land Administration Act 1997

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Public Purpose Reserve.

CONSULTATION

The Manager Development Services has discussed the proposal with the Water Corporation and it supports the proposal as it does not need the vegetated land.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Result Area 4 Development Services advocates:

'Conserve and enhance the natural environment, the rural landscape and the features and views unique to the Shire, such as the Stirling & Porongurup Ranges.'

OFFICER COMMENT

The proposed area for the nature reserve is extensively covered with remnant vegetation. Various indigenous species of flora and fauna including fiveawn spear grass (*Pentapogon quadrifidus*), tail donkey orchid (*Diuris drummondii*), chuditch (*Dasyurus geoffroii*), brush tailed phascogale (*Phascogale tapoatafa*), and western corella (*Cacatua pastinator*) have been recorded within 1km of the reserve. The proposal for a class A nature reserve will significantly contribute to the conservation, preservation, protection, enhancement and management of the environment at Rocky Gully.

The provision of water services to Rocky Gully will not be affected as the proposal from the DEC does not include lot 133 which includes the Water Corporation's water supply dam and overhead tank which serves Rocky Gully.

The proposal is not in conflict with the Council's draft Local Planning Strategy.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That the proposal to set aside Reserve 24734, Lots 1940, 1941, 1942 and 1943 Muirs Highway and Mill Road, Rocky Gully as a class A nature reserve be supported subject to the area being maintained in an adequate state of fire safety adjacent to the Rocky Gully Townsite.

CARRIED (6/1)

NO. 124/09

Note

Under Section 5.21(4)(a) of the Local Government Act 1995 Cr Grylls requested that his vote against the motion be recorded.

12.1.6 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 50 - KENDENUP ZONINGS

File No:	N10741
Attachments:	Amendment No. 50 (separate attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Peter Duncan Manager Development Services
Proposed Meeting Date:	12 May 2009

PURPOSE

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No. 3 (TPS3) to create an Enterprise Zone and to alter the zonings in the Kendenup Village.

BACKGROUND

The Council's draft Local Planning Strategy (LPS) has been with the Department for Planning and Infrastructure (DPI) since June 2008 for it to report to the Western Australian Planning Commission (WAPC) for its approval to advertise. With no real sign of the LPS progressing to advertising and as it has been with DPI for 11 months it was considered appropriate to prepare this particular Amendment to initiate one of the important actions in the LPS.

A separate copy of the full Amendment is provided to each Councillor with this agenda.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Town Planning Regulations – these have set procedures for Amending a Town Planning Scheme including once initiated by the Council, referral to the Environmental Protection Authority (EPA) for 28 days. Once cleared by the EPA a 42 day advertising period applies. Once advertised the Council must consider any submissions lodged within 42 days and refer its recommendations to the Western Australian Planning Commission and the Minister within 28 days.

CONSULTATION

There has been no consultation in this report. If cleared by the EPA to proceed the Amendment will be advertised for 42 days with letters to landowners, one or two signs in strategic locations, a notice on the shop notice board, notices in the newspaper and letters to government agencies.

FINANCIAL IMPLICATIONS

Should the Council agree to initiate the Amendment and should the EPA authorise it to proceed, there will be the cost of advertising and if finalised, the cost of publishing a notice in the Government Gazette. The DPI Perth office have prepared the existing and proposed zoning maps for \$104.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Key Area 4 of the Council's Strategic Plan refers to the Town Planning Scheme as being a blueprint for future development and is the mechanism by which many of the community's aims and initiatives can be implemented. An up-to-date Scheme is critical.

The proposals here reflect the proposals in the Council's draft LPS of June 2008.

OFFICER COMMENT

The proposed Amendment consists of several parts. The main components are to alter the Scheme Text to create an Enterprise Zone and to alter the Scheme Maps to zone the majority of the Rural zoned lots in the village to Residential (R5) and to zone the area bounded by Hassell Avenue, Simons Street, Third Avenue and Beverley Road to the Enterprise Zone.

The Amendment also rezones the tennis courts and agricultural show grounds from Rural to Recreation, and rezones the golf course from Public Purpose to Recreation.

The Council owned Lot 976 Austin Street and the now closed portion of Sixth Avenue between Newman and Austin Streets is to be zoned Recreation. This is the eastern portion of the Doc Rowe Reserve. The western portion is a Crown Reserve vested in the Department of Education and officers from that Department do not favour changing the present Public Purpose Reserve to Recreation. They are prepared to consider a Memorandum of Understanding (MOU) with the Oyster Harbour Catchment Group Inc over the use and management of the western part of the Doc Rowe Reserve.

The primary reason for the R5 (2,000m² lots size) density coding is to ensure that new lots will comply with the Country Towns Sewerage Policy which sets a minimum lot size without sewer at 2,000m².

With the application of the R5 (2,000m² lot size) density to the Residential zone, the front boundary setbacks should increase to 12.0m from the 7.5m presently imposed. This 12.0m setback is considered excessive where many of the lots are 1,000m² in area and as such it is proposed in the Amendment to include a provision to allow the current R10 setback standards (7.5m) to be continued with.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That:

- 1. Amendment No. 50 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.**

2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.
3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 8 September 2009.

CARRIED (7/0)

NO. 125/09

12.2 WORKS AND SERVICES REPORTS

12.2.1 NAMING OF UNNAMED ROAD - CHESTER PLACE

File No:	N10936
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Administration Officer (Works and Services)
Proposed Meeting Date:	12 May 2009

PURPOSE

The purpose of this report is to consider feedback received from the Geographic Names Committee regarding the name Chester Road being applied to an unnamed road off Muirs Highway, Mount Barker.

BACKGROUND

At its meeting held 10 February 2009, the Council resolved:

- '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.'*

It was later brought to Councils attention that 'Chester Street' was not appropriate as 'street' is generally used within the town site.

At its meeting held 14 April 2009, the Council resolved:

- '1. The unnamed road reserve located north off Muirs Highway, Mount Barker be called 'Chester Road'.*
- '2. The proposal be forwarded to the Geographic Names Committee for endorsement.'*

The proposal was then forwarded to Geographic Names Committee for their consideration. The Geographic Names Committee has advised that the name 'Chester' is acceptable, however as the road is considered to be a cul-de-sac, the 'road' suffix is inappropriate.

After considering the list of suffixes for cul-de-sacs supplied in the Geographic Names Committees Principals, Guidelines and Procedures document the suffixes of Close, Court, Cove and Place were identified as the most appropriate.

STATUTORY ENVIRONMENT

The Land Administration Act 1997 governs the road naming process.

CONSULTATION

Consultation has occurred with Lynne Smith from the Geographic Names Committee.

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.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The Geographic Names Committee Principals, Names and Guidelines document describes the suffix as follows:

- Close – A short enclosed roadway.
- Court – A short enclosed roadway.
- Cove – A short enclosed roadway.
- Place – A short sometimes-narrow enclosed roadway.

It is believed that the suffix 'Place' is the most appropriate.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the cul-de-sac suffix 'Place' will be used as an alternative to 'Road' and that the unnamed road reserve off Muir Highway will be called 'Chester Place'.

COUNCIL DECISION

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

That the Geographic Names Committee be requested that the unnamed road reserve off Muirs Highway be called 'Chester Road'.

CARRIED (7/0)

NO. 126/09

Reason for change

There are many cul-de-sac within the Shire of Plantagenet with the suffix of 'Road' including Wragg Road South which was recently approved by the Geographic Names Committee.

12.2.2 POLICY REVIEW – PRIVATE WORKS

File No: N10923
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Emma Gardner
Administration Officer – Works & Services
Proposed Meeting Date: 12 May 2009

PURPOSE

The purpose of this report is to review Council Policy No.RO/120/5 – Private Works.

BACKGROUND

Council Policy RO/120/5 – Private Works reads as follows:

Objective:

To provide clear guidelines regarding the carrying out of private works.

Policy:

That private works be carried out at the convenience of the Council at the discretion of the Chief Executive Officer and / or Manager Works and Services at full cost recovery inclusive of overheads, plant depreciation and administration at rates approved annually by the Council provided that plant and equipment is not required by the Council's workforce. Alternatively private works requests may be directed towards resident Plantagenet Shire contractors in order to assist in developing a Shire contractor pool.

Local community organisations may apply to the Council for a donation of all or part of the charges, after payment has been made in full.'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

No consultation has occurred for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Results Area 1, New Initiative 1.4 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 considered relevant and should be retained with some editorial adjustments.

Further, the paragraph regarding local community organisations has been deleted as the ability for organisations to apply for financial assistance is covered in another Council policy.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark:

That Council Policy No. I/PW/1 – Private Works:

OBJECTIVE:

To provide clear guidelines regarding the carrying out of private works.

POLICY:

That private works be carried out at:

- 1. The convenience of the Council at the discretion of the Chief Executive Officer and/or Manager Works and Services.**
- 2. Full cost recovery inclusive of overheads, plant depreciation and administration.**
- 3. Rates approved annually by the Council.'**

be endorsed.

CARRIED (7/0)

NO. 127/09

12.2.3 POLICY REVIEW – VEHICLE USAGE

File No: N10924
Responsible Officer: Ian Bartlett
Manager Works and Services
Author: Emma Gardner
Administration Officer – Works & Services
Proposed Meeting Date: 12 May 2009

PURPOSE

The purpose of this report is to review the Council Policy No.I/FM/3 – Vehicle Usage.

BACKGROUND

The Council Policy I/FM/3 – Vehicle Usage reads as follows:

OBJECTIVE:

To provide clear guidelines regarding the use of Shire of Plantagenet fleet vehicles.

DEFINITIONS:

‘Business Use’ of Shire vehicles is defined as the use required to give effect to all of the Council’s operational needs and services.

‘Commuter Use’ of Shire vehicles is defined as journeys directly between an Officer’s place of residence and place of work.

‘Restricted Private Use’ of Shire vehicles is defined as private use other than commuter use within a radius set by the Council. The private use of a Council motor vehicle does not include that vehicle being used by the employee for the purpose of conducting a commercial business.

‘Unrestricted Private Use’ of Shire vehicles is defined as unrestricted private use within the State of Western Australia. The private use of Council motor vehicles does not include that vehicle being used by the employee for the purpose of conducting a commercial business.

‘Use Outside of Western Australia’ of Shire vehicles is defined as private use outside the State of Western Australia. This use on all occasions would require permission from the Council.

POLICY:

- 1. The full private use of vehicles be available only to employees where negotiated as a condition of their contract of employment.*
 - 2. Other officers may negotiate restricted private use or commuter use of Shire vehicles with the Chief Executive Officer.*
 - 3. All vehicles be pool vehicles available for use by Council employees and Councillors at all times when required for Council purposes.*
 - 4. A designated driver shall be an employee of the Shire of Plantagenet who:*
-

-
- i) *Has been assigned the vehicle as part of their contract of employment; and*
 - ii) *Holds a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and*
 - iii) *Is responsible for the care and management of the vehicle.*
 5. *An authorised driver shall be:*
 - i) *The holder of a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and*
 - ii) *Any employee or Councillor other than the designated driver on Shire of Plantagenet business who is required to drive the vehicle as part of their duties and responsibilities; or*
 - iii) *The designated driver's spouse or partner; or*
 - iv) *Any other person authorised in writing by the Chief Executive Officer; or*
 - v) *Any other person provided a designated driver is physically present in the vehicle.*
 6. *The designated regions for private use shall be unless otherwise set out in the Officer's contract of employment:*
 - i) *For the Chief Executive Officer and Managers throughout Western Australia.*
 - ii) *For all other Officers adjoining Shires and to Perth.*
 7. *Private vehicle usage does not include annual leave or long service leave unless prior written approval is provided by the Chief Executive Officer, or as specifically written in the Officer's contract of employment.*
 8. *Any personal items left in Council vehicles are not insured under the Council's insurance policy if stolen or damaged and are therefore solely the responsibility of the designated driver.*

GENERAL CONDITIONS OF USE

The following general conditions are applicable to the use of a Council motor vehicle:

1. *Smoking is strictly prohibited within Council motor vehicles at all times.*
2. *The motor vehicle shall be operated in a reasonable manner in accordance with all relevant acts, regulations and Council policies. The designated driver, his / her spouse / partner, or any other authorised person who drives the motor vehicle is financially responsible for any fines and / or infringements received during operation of the motor vehicle.*
3. *The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the designated driver to ensure that the motor vehicle has a sufficient amount of fuel, oil / lubricant, water and correct tyre pressure in between scheduled servicing. Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the designated driver to ensure that the first aid kit or fire extinguisher is adequately stocked or charged at all times or replacement stock ordered through the Council's Works and Services section when used / expired.*
4. *The authorised person shall comply with the following conditions in respect to the motor vehicle in his / her care:*
 - i) *Advise the Council's Works and Services section when scheduled servicing of the motor vehicle is due;*

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- ii) *Wash, clean and vacuum the motor vehicle as often as required;*
 - iii) *Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;*
 - iv) *Secure the motor vehicle when parked in public / private places;*
 - v) *Examine the motor vehicle prior to use for any damage, operation of light and indicators, tyre pressure etc;*
 - vi) *Report any motor vehicle accident immediately (or as soon as practicable) to the Chief Executive Officer or Manager Works and Services.*
5. *A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the designated driver, when appropriate.*
 6. *Any designated driver or authorised driver shall immediately advise the Chief Executive Officer if his / her driver's licence is suspended or cancelled.*
 7. *Any designated driver or authorised driver shall immediately surrender the motor vehicle to the Shire upon:*
 - i) *Cancellation or suspension of his / her driver's licence;*
 - ii) *Leaving the employment of the Shire of Plantagenet;*
 - iii) *No longer being an elected member of the Council.'*

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has occurred between Ian Bartlett – Manager Works and Services, Dave Cooper – Workshop Supervisor and Michael Seaman – Plant Mechanic.

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:

'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

It is considered that the current policy is sufficient and should be endorsed, subject to minor grammatical changes.

Also, the Council has granted to the Chief Executive Officer a delegation regarding use of vehicles.

The words 'Council owned' have been added in part 3 of the policy in the event that the Council endorses the leasing of vehicles.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That Council Policy No. I/FM/3 – Vehicle Usage:

OBJECTIVE:

To provide clear guidelines regarding the use of Shire of Plantagenet fleet vehicles.

DEFINITIONS:

'Business Use' of Shire vehicles is defined as the use required to give effect to all of the Council's operational needs and services.

'Commuter Use' of Shire vehicles is defined as journeys directly between an Officer's place of residence and place of work.

'Restricted Private Use' of Shire vehicles is defined as private use other than commuter use within a radius set by the Council. The private use of a Council motor vehicle does not include that vehicle being used by the employee for the purpose of conducting a commercial business.

'Full Private Use' of Shire vehicles is defined as unrestricted private use within the State of Western Australia. The private use of Council motor vehicles does not include that vehicle being used by the employee for the purpose of conducting a commercial business.

'Use Outside of Western Australia' of Shire vehicles is defined as private use outside the State of Western Australia. This use on all occasions would require permission from the Council.

POLICY:

1. The full private use of vehicles be available only to employees where negotiated as a condition of their contract of employment.
2. Other officers may negotiate restricted private use or commuter use of Shire vehicles with the Chief Executive Officer.
3. All Council owned vehicles be pool vehicles available for use by Council employees and Councillors at all times when required for Council purposes.

-
4. A designated driver shall be an employee of the Shire of Plantagenet who:
 - i) Has been assigned the vehicle as part of their contract of employment; and
 - ii) Holds a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and
 - iii) Is responsible for the care and management of the vehicle.
 5. An authorised driver shall be:
 - i) The holder of a current Western Australian C (Car) or CA (Car Automatic) driver's licence or equivalent; and
 - ii) Any employee or Councillor other than the designated driver on Shire of Plantagenet business who is required to drive the vehicle as part of their duties and responsibilities; or
 - iii) The designated driver's spouse or partner; or
 - iv) Any other person authorised in writing by the Chief Executive Officer; or
 - v) Any other person provided a designated driver is physically present in the vehicle.
 6. The designated regions for full private use shall be unless otherwise set out in the Officer's contract of employment:
 - i) For the Chief Executive Officer and Managers throughout Western Australia; and
 - ii) For all other Officers adjoining Shires and to Perth.
 7. Full private vehicle use does not include annual leave or long service leave unless prior written approval is provided by the Chief Executive Officer, or as specifically written in the Officer's contract of employment.
 8. Any personal items left in Council vehicles are not insured under the Council's insurance policy if stolen or damaged and are therefore solely the responsibility of the designated driver.

GENERAL CONDITIONS OF USE

The following general conditions are applicable to the use of a Council motor vehicle:

1. Smoking is strictly prohibited within Council motor vehicles at all times.
2. The motor vehicle shall be operated in a reasonable manner in accordance with all relevant acts, regulations and Council policies. The designated driver, his/her spouse/partner, or any other authorised person who drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle.
3. The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the designated driver to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water and correct tyre pressure in between scheduled servicing. Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the designated driver to ensure that the first aid kit or

fire extinguisher is adequately stocked or charged at all times or replacement stock ordered through the Council's Works and Services section when used/expired.

4. The authorised person shall comply with the following conditions in respect to the motor vehicle in his/her care:
 - i) Advise the Council's Works and Services section when scheduled servicing of the motor vehicle is due;
 - ii) Wash, clean and vacuum the motor vehicle as often as required;
 - iii) Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;
 - iv) Secure the motor vehicle when parked in public/private places;
 - v) Examine the motor vehicle prior to use for any damage, operation of light and indicators, tyre pressure etc; and
 - vi) Report any motor vehicle accident immediately (or as soon as practicable) to the Chief Executive Officer or Manager Works and Services.
5. A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the designated driver, when appropriate.
6. Any designated driver or authorised driver shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.
7. Any designated driver or authorised driver shall immediately surrender the motor vehicle to the Shire upon:
 - i) Cancellation or suspension of his/her driver's licence;
 - ii) Leaving the employment of the Shire of Plantagenet; and
 - iii) No longer being an elected member of the Council.'

be endorsed.

CARRIED (7/0)

NO. 128/09

12.3 COMMUNITY SERVICES REPORTS

12.3.1 LOT 105 FIRST AVENUE, KENDENUP - KENDENUP FIRST RESPONDERS PROPOSAL

File No:	N10862
Attachments:	Aerial Photo Location Plan Letter of Support Elevations
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	12 May 2009

PURPOSE

The purpose of this report is to: consider a proposal from the Kendenup Fund Raisers (Fund Raisers) to lease Lot 105 First Avenue, Kendenup for the purpose of constructing a multi-purpose shed; and to consider a donation to assist them with the shed construction.

The Shire of Plantagenet owns Lot 105 First Avenue, Kendenup, freehold.

BACKGROUND

The Fund Raisers is a group of volunteers whose role is to fund raise on behalf of the Kendenup First Responders' (First Responders). The Fund Raisers committee was established in recognition of the beneficial service provided by the First Responders', however a majority of the people on the fund raising committee were not keen and/or able to be active First Responders. Up to three First Responders are active participants on the Fund Raisers committee with the remainder made up of community representatives.

The First Responders is a group of seven people located within the Kendenup district who provide First Aid assistance until an Ambulance arrives. The group has been actively responding to 000 emergency calls since November 2006, with an average of eight calls for assistance per month. The First Responders are Grade Two Ambulance Officers and have fundraised to purchase a range of First Aid equipment including an oxy-viva, heart start machine, trauma bag and burns equipment for use during medical emergencies. The group has also purchased a Hyundai sedan which is used to transport the Responders and their equipment to emergencies.

The First Responders are storing their motor vehicle and equipment in the Kendenup Bush Fire Brigade Shed located adjacent to Lot 105 First Avenue. While the Brigade is very supportive of the First Responders and their aims, the amount of space available within the Brigade shed is limited and does not meet the First Responders requirements.

The Fund Raisers are proposing to lease Lot 105 First Avenue, Kendenup, from the Shire of Plantagenet and to construct a shed on the leased land. The shed will be a two bay shed with room for the first aid equipment and sufficient space for training activities to occur. A map of the site and shed plan is attached. The First Responders will be the sole tenant in the shed.

The First Responders aim to work in conjunction with the Bush Fire Brigade, providing joint training space within the shed and utilising the ablution facilities in the Brigade shed.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 'Disposing of Property' applies to the disposition of property, including leasing. Under Functions and General Regulations a disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if:

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

The lease to the Kendenup Fund Raisers would be an exempt disposition.

CONSULTATION

Consultation has occurred with Cathy Davis, representative from the First Responders and Fund Raisers groups.

FINANCIAL IMPLICATIONS

It is proposed to lease Lot 105 First Avenue, Kendenup, to the Fund Raisers for one dollar per annum.

A donation towards the construction of the shed of \$4,697.00 is also recommended.

The Fund Raisers have been very successful in fundraising and sourcing grants and donations which has enabled them to purchase \$14,000.00 worth of equipment, including a vehicle. The group does not qualify for financial assistance from the St John Ambulance Western Australia due to the Mount Barker sub-station being located within 50km of the site and they are not eligible for funds through the Emergency Services Levy.

Quotes to purchase the shed including concrete floor equal \$14,090.00 (excluding construction) and the group is actively fundraising to raise this amount.

The Fund Raisers plans have not aligned with the Council's Community Financial Assistance Grant program timeline and they were not able to submit an application. A donation to this worthwhile project is recommended due to the benefits to Kendenup and the surrounding community.

A \$4,697.00 donation equals one third of the total project cost. This donation falls in line with the Council's Policy for Financial Assistance (Capital) to Organisations and Clubs (Policy CS/DG/1).

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Community Services

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.

- Evaluate different options for providing community services and facilities.

OFFICER COMMENT

The First Responders cover an area from west of the Albany Highway, east to the Stirling Ranges, north to Tenterden and south to Woogenellup Road. The group responds to an average 8 callouts per month including heart attacks, car accidents, burns, back injuries and allergic reactions.

It takes an ambulance 25 minutes, on average, to arrive at a call out in the Kendenup district. The First Responders attend the incident and stabilise the patient until the ambulance arrives. The average response time for First Responders volunteers is 7 minutes.

The First Responders activities have been sanctioned by St John Ambulance Western Australia and some assistance is provided by St John's in the way of oxygen cylinder exchanges and replacing trauma bags. The group also supports the Mount Barker St John Ambulance Service with many officers contributing volunteer hours at the Mount Barker sub-station.

The lease of Lot 105 First Avenue, Kendenup, and consequent construction of a shed will provide the First Responders with a shed used to house their equipment including a future Ambulance, if appropriate, and it is planned that part of the shed be insulated and lined to provide a comfortable area where training may take place.

The Kendenup Bush Fire Brigade strongly supports the Fund Raisers and First Responders aims and is keen to utilise the shed as a joint training facility. The Brigade also acknowledges their complementary kitchen and ablution facilities in the Brigade shed and is willing to make these available to the First Responders. Please refer to the attached letter of support from the Bush Fire Brigade.

With asset management a key consideration for the Council, the lease document should clarify the Fund Raisers responsibility to maintain the building and grounds and that all relevant outgoings are the groups responsibility. Accordingly, the equipment utilised by the first aid officers will remain their property and be insured and maintained through their group. The Shire of Plantagenet will need to retain the right to inspect the facilities at least annually to ensure the building and surroundings are safe and well maintained.

The Fund Raisers is working through the process of becoming an Incorporated Association for the purpose of signing a lease with the Council and raising funds to construct the shed. The Incorporated Association will be called the Kendenup Fund Raisers Incorporated and their articles of Association are to raise funds for the Kendenup First Responders.

The Council has not provided any financial support to the First Responders in the past.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The Chief Executive Officer be authorised to finalise the terms of a lease for Lot 105 First Avenue, Kendenup with the Kendenup Fund Raisers Incorporated, once the Group has achieved Incorporation. The lease terms to include:
 - a) a period of 10 years;
 - b) rent will be \$1 per annum;
 - c) all outgoings will be the responsibility of the Kendenup Fund Raisers Group;
 - d) the Fund Raisers Group be responsible for all building and grounds maintenance over the area applicable to the lease; and
 - e) the Shire of Plantagenet to conduct an annual audit of the building and grounds to ensure the area is safe and has been kept in a well maintained state.
2. That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease between the Shire of Plantagenet and Kendenup Fund Raisers Group.
3. A \$4,697.00 contribution towards the Kendenup Fund Raisers Group shed be included for consideration in the 2009/2010 Annual Budget, Capital Expenditure.

COUNCIL DECISION

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

That:

1. **The Chief Executive Officer be authorised to finalise the terms of a lease for part Lot 105 First Avenue, Kendenup with the Kendenup Fund Raisers Incorporated, once the group has achieved incorporation. The lease terms to include:**

- a) a period of 10 years;
 - b) rent will be \$1 per annum;
 - c) all outgoings will be the responsibility of the Kendenup Fund Raisers Group;
 - d) the Fund Raisers Group be responsible for all building and grounds maintenance over the area applicable to the lease;
 - e) the Shire of Plantagenet to conduct an annual audit of the building and grounds to ensure the area is safe and has been kept in a well maintained state;
 - f) for the purpose of housing the emergency response vehicles, first aid equipment and training; and
 - g) access of the non-leased portion of the lot be maintained for parking purposes.
2. That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease between the Shire of Plantagenet and Kendenup Fund Raisers Group.
 3. A \$4,697.00 contribution towards the Kendenup Fund Raisers Group shed be included for consideration in the 2009/2010 Annual Budget, Capital Expenditure.

CARRIED (7/0)

NO. 129/09

Reason for change

To provide that only the portion of the lot required be leased and to ensure adequate access to the remainder of Lot 105 First Avenue, Kendenup.

12.4 CORPORATE SERVICES REPORTS

12.4.1 BUDGET REVIEW - MARCH 2009

File No: N10873
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 12 May 2009

PURPOSE

The purpose of this report is to adjust the adopted 2008/2009 Annual Budget to recognise variations in actual income and expenditure. This is necessary to facilitate appropriate financial control and ensure that the Council's financial resources are allocated in the most effective manner.

BACKGROUND

The 2008/2009 annual budget was adopted by the Council at its meeting held 1 July 2008. The Council conducted a budget review at its meetings held on 24 February 2009, where it was reported that the overall effect on the budget was a zero dollar impact.

STATUTORY ENVIRONMENT

Although no specific section of the Local Government Act 1995 deals with the re-allocation of funds, Section 6.2(1) of the Local Government (Financial Management) Regulations 1996 governs budget requirements for local governments.

Regulation 33A now requires a Local Government to conduct a mandatory budget review between 1 January and 31 March each year.

CONSULTATION

Consultation has occurred with department managers.

FINANCIAL IMPLICATIONS

The purpose of a budget review is to ensure that the expenditure for the current year is monitored in line with the adopted budget and, where exceptions to the adopted budget occur, make amendments to the budget or work scope as necessary.

The overall effect on the budget is to make a significant number of amendments, with an overall deficit of \$209,814.00, but to note some corresponding savings in current year savings in capital accounts worth \$330,666.00. It should be noted that overall operating expenditure is 6.6% under budget as at 30 April 2009 and action taken by management to restrict spending will mitigate the effect of these budget over-runs on the 2008/2009 carry forward balance.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

As part of the recent overhaul to the Australian Accounting Standards (AAS) and in particular the withdrawal of AAS27, AASB 1051 – Land Under Roads states that an entity must make an election to either recognise or not recognise land under roads by the 30 June 2009. The Shire's auditors have advised the Council to make an election to continue not to recognise land under roads and a recommendation to this effect is included in this report.

Operating income is 4.2% below budget and operating expenditure is currently 6.6% under (year to date) budget. There are some areas which would appear to be well outside budget predictions and these are explained below. The administration has taken the opportunity however, to identify a comprehensive list of budget amendments, to enable a more accurate picture of the Shire's current financial position to be determined. It is not proposed to explain all of these changes in this report.

The impact of the Council's application for Commonwealth Government funding of \$100,000.00 for the new Mount Barker cemetery (under the Regional and Local Community Infrastructure Program) has now been included in this review as the funding for that project has been received.

The Royalties for Regions projects have also now been included as the projects have not yet been formally approved, subject to two amendments. At its meeting held on 20 January 2009, the Council resolved that the Department of Local Government and Regional Development be advised that the Shire of Plantagenet is pleased to accept \$1,071,541.00 pursuant to the Royalties for Regions Country Local Government Fund 2008/2009 and that such funding will be utilised for the following purposes:

Project Priority Year	Project	Estimated Cost	Comments	Recommended Allocation Year 1 (State)
1	New Cemetery Stage 1	\$450,000 - \$100,000 (Federal) \$300,000 (State) \$50,000 (Council Budget)	Includes drainage, roadworks - (bitumen), earthworks for graves, reticulation, eg. Shed, fence and contingency budget. Does include toilet.	\$300,000
1	Wilson/Centenary Park Upgrade (Not including Wool Shed) - Toilets \$100,000 - Landscaping \$200,000	\$360,000 \$270,000 (State)	Landscaping can wait, but will need to put up a shade structure over the Playground. \$50,000 available from	\$60,000

	- Playground \$60,000		Public Open Space. \$23,000 available from State Govt. playground funding. \$25,000 Council Budget for Toilet. Recommend construction of toilet and playground in Year 1 will require \$60,000 State funding.	
1	Lowood Road Townscape	\$40,000	To be done now	\$40,000
1	Kendenup Footpaths	\$200,000		\$200,000
1	Road Verge Pruning (Yellanup, Spencer Road etc) - Focus on TIRES funded roads	\$200,000		\$200,000
1	Recreation Developments	\$100,000	For development and implementation of Master Plan in years 1 and 2	\$100,000
1	Implement Signs Policy	\$80,000		\$80,000
1 and 2	Skate Parks - Mount Barker and Kendenup	\$300,000	\$100,000 in year 1 and \$100,000 in year 2. Gross up with funding from other sources. The \$100,000 in blue in the Recommended Allocation Year 1 to go into Reserve.	\$100,000
			TOTAL	\$1,080,000

The Department of Local Government and Regional Development has advised as follows:

'The Guidelines state that the grant funds cannot be applied to expenditure on non-infrastructure items. The grant funds are not to be used for purchasing plant and equipment, employing staff, engaging consultants, retiring debt or any other organisation requirements that fall outside the above asset classes.

Considering this can you please ensure that:

- *Wilson/Centenary Park Upgrade is not spent on playground equipment. Funds may be spend on upgrade or earthworks (and so forth) for the playground but not the equipment itself;*
- *Recreation Development is spent on infrastructure items and not the plans or designs as these are considered non-infrastructure items.'*

The \$60,000.00 identified for playground equipment in Wilson/Centenary Park is recommended to be used for the toilets component of that redevelopment. The 2008/2009 budget made provision for a contribution of \$35,000.00 from municipal funds and grants of \$25,000.00 for the toilets. The municipal component could now be redirected to the playground equipment. The recommendation clarifies the project by splitting the playground equipment from the toilets project and clarifies that the \$23,000 Community Facilities Grant was received for playground equipment.

The \$100,000.00 identified for the development of a master plan for recreation developments could be used for Sounness Park reticulation and lighting. It is anticipated that this could be spent in the 2009/2010 budget. A total of approximately \$50,000.00 therefore needs to be sourced from municipal funds in the 2009/2010 budget for the work being carried out by Gerard Healy (\$50,774.00).

For information, the Shire has raised an invoice for half of the Royalties for Regions funding (\$535,770.50) and this should be received by the end of the financial year. The timing of the receipt of the remaining funding is uncertain at this stage.

In the administration area, a number of under and over expenditures have been identified, notably the decision to purchase the administration building telephony system at a cost of \$2,551.00. The lease on this system recently expired and it was cheaper to purchase than enter into a new lease. Additional expenditure has been incurred in lease costs, however for a newly replaced colour photocopier/printer, the former unit reaching the end of its useful life.

Budget amendments resulting from the transfer of the Plantagenet Child Care Centre licence to Wanslea Family Services have been included as the final accounts are relatively certain. The overall impact of these budget amendments is \$124,274.00, which is largely made up of accrued staff benefits (\$58,365.00), a reduction in income from Family Assistance payments (\$59,497.00) and work required to bring the centre to an acceptable standard for changeover.

As advised previously, the budget for a number of salaries and superannuation accounts have been increased due to amended benefits not being applied correctly when the new Collective Workplace Agreement was brought in last year. Where possible, other budget items in the programs affected have been reduced to limit the impact of this. However, the Council should expect some big differences between 2008/2009 budget and 2009/2010 budget figures for salaries and this is likely to provide a major challenge in setting the 2009/2010 budget.

Budget amounts for vehicle purchase and trade-ins have been amended to reflect actual figures. As advised previously, trade-in prices have generally been lower than expected.

The revenue from sale of surplus material and scrap has been reduced significantly and the fees from waste disposal is also lower than provided for in the budget. Waste disposal site maintenance has exceeded budget, due in part to an under estimate of the impact of staffing the tip sites and providing additional recycling bins.

Income from the sale of the Chillinup site was \$80,000.00 more than provided for in the budget. Due to the current cash levels, it is recommended that the \$180,000.00 be transferred to the Waste Management Reserve in 2009/2010.

Drainage problems at the Mount Barker swimming pool have caused the applicable budget item to exceed budget by around \$19,000.00, although part of this will be recoverable from a claim for flood damage and insurance.

As discussed recently, the budget for parks and recreation grounds maintenance has exceeded budget by around \$100,000.00 due to an error in transferring budget items from the old computer system to the new one.

A number of road construction projects have exceeded budget, totalling an overspend of \$102,238.00. In particular, Jones Road exceeded budget by \$40,280.00 due to additional work and materials required to extend the upgrade to Muirs Highway. Woodlands Road exceeded budget by \$41,157.00 due to a greater length of road being upgraded than budgeted. Road maintenance costs have exceeded budget, somewhat due to continuing storm damage clean-ups (costing approximately \$220,000.00). Although a claim for \$93,000.00 has been made to date, is likely that only \$75,000.00 will be reimbursed by the Fire and Emergency Services Authority (FESA).

The following list of significant income and expenditure items totalling \$385,956.00 are likely to be incomplete (or not received) as at 30 June 2009 and will be carried forward into the 2009/2010 budget:

Budget Description	Impact
Purchase Vehicle - Manager Community Services (Net cost)	\$4,973
Plantagenet Medical Centre	\$370,000
Medical Centre Grant - RMIF	(\$220,000)
Medical Centre Grant - RIFP	(\$70,000)
O'Neill Road Site - Sullage Pond Replacement	\$7,000
Recreation Centre - Gym Equipment	\$12,650
Sounness Park - Upgrade Club Rooms	\$5,000
Other Parks - Playground Equipment	\$15,000
Wilson Park/Centenary Park Redevelopment (Toilets/Playground)	\$123,000
Road Construction - Spencer Road TIRES (SLK 00 to SLK 2.15)	\$24,269
Road Construction - Spencer Road TIRES (SLK 6.0 to SLK 8.0)	\$100,000
Road Construction - Spencer Road Bypass (Albany Highway slip lanes)	\$127,000
Road Construction - Yellanup Road (Start Albany H'way)	\$15,000
Road Construction - Millinup Road	\$67,000
Road Construction - Martagallup Tenterden Road - Full Length	\$55,000
Direct Road Grants - TIRES Grants	(\$300,000)
Direct Road Grants - State Road Project Grants	(\$94,641)
Tourist Bureau - Re-tile toilet roof and transfer to Main Building	\$10,000
Tourist Bureau - Insulation	\$3,000

Tourist Bureau - External Paint/Sandblast including Bus Stop	\$10,000
Saleyards Capital Improvements	\$92,587
Environmental Grant (RIFP)	(\$41,472)
Purchase Vehicle – Saleyards Manager (Net cost)	\$15,300
Total	\$330,666

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr K Clements:

That:

- In accordance with AASB 1051 – Land Under Roads, the Council elects to continue not to recognise land under roads acquired on or before 30 June 2008.
- Notwithstanding the decision of the Council at its meeting held on 20 January 2009, the allocation of Royalties for Regions funding be amended such that:
 - The \$60,000.00 identified for playground equipment in Wilson/Centenary Park is allocated to the toilets component of that redevelopment.
 - The \$100,000.00 identified for the development of a master plan for recreation developments be allocated to Sounness Park - Recreation Assessment Implementation.
- The adopted 2008/2009 Annual Budget be amended as follows:

Account	Description	Current Budget	New Budget	Net Amount
20000.0043	Rates - Workers Compensation Insurance	(\$1,427)	(\$1,613)	(\$186)
20000.0007	Rates - Bank Fees & Charges	(\$8,000)	(\$10,000)	(\$2,000)
20009.0071	Rates Recovery & Legal Expenses	(\$25,000)	(\$30,000)	(\$5,000)
20009.0255	Rates - Donations	(\$4,730)	(\$5,400)	(\$670)
20009.0378	Rates - Refund of Overpayment	\$0	(\$240)	(\$240)
10004.0069	Rates Recovery & Legal Expenses Reimbursed	\$25,000	\$30,000	\$5,000
10004.0095	Rates - Penalty Interest	\$20,000	\$28,000	\$8,000
New	Country Local Government Fund - Royalties to Regions	\$0	\$1,071,541	\$1,071,541
20022.0257	Other Expenses - Grants Submission Fees	(\$600)	(\$700)	(\$100)
20022.0243	Interest Paid on Trust Funds	\$0	(\$800)	(\$800)
50401.0006	Purchase Vehicle - Governance	(\$29,435)	(\$30,217)	(\$782)
20026.0031	Councillors - Incidental Expenses	(\$8,000)	(\$10,000)	(\$2,000)
20026.0108	Councillors - Public Liability Insurance	(\$5,800)	(\$4,800)	\$1,000
20026.0084	Councillors - Travelling Allowance	(\$20,000)	(\$10,000)	\$10,000
20032.0364	Governance - Preparation of Documents	\$0	(\$1,200)	(\$1,200)

Account	Description	Current Budget	New Budget	Net Amount
50413.0006	Purchase of Telephony System	\$0	(\$2,551)	(\$2,551)
50419.0006	Administration - Computer Hardware Replacement Program	(\$15,000)	(\$15,500)	(\$500)
20047.0043	Administration - Workers Compensation Insurance	(\$20,252)	(\$22,882)	(\$2,630)
20276.0007	Administration - Bank Fees & Charges	(\$3,000)	(\$4,500)	(\$1,500)
20276.0092	Administration - Overdraft Interest	\$0	(\$5,000)	(\$5,000)
20036.0010	Administration - Building Maintenance	(\$25,000)	(\$27,000)	(\$2,000)
20048.0085	Administration - Minor Furniture & Equipment Purchases	(\$3,000)	(\$3,500)	(\$500)
20048.0268	Administration - Office Equipment Maintenance	(\$30,000)	(\$45,000)	(\$15,000)
20048.0269	Administration - Computer Equipment Maintenance	(\$2,000)	(\$2,500)	(\$500)
20048.0271	Administration - Postage & Freight	(\$10,000)	(\$14,000)	(\$4,000)
20049.0071	Administration - Legal Expenses	(\$10,000)	(\$15,000)	(\$5,000)
20411.0010	Staff Housing - Building Maintenance	(\$5,000)	(\$6,000)	(\$1,000)
20411.0011	Staff Housing - Building Operating	(\$2,500)	(\$3,500)	(\$1,000)
20411.0052	Staff Housing - Grounds Maintenance	(\$2,000)	(\$2,500)	(\$500)
50503.0006	Fire Truck - Rocky Gully	(\$225,000)	(\$230,182)	(\$5,182)
10511.0443	Grant Income - Rocky Gully Fire Truck Grant	\$225,000	\$230,182	\$5,182
20072.0043	Fire Control - Workers Compensation Insurance	(\$609)	(\$688)	(\$79)
20072.0130	Fire Control - Salaries	(\$20,305)	(\$25,000)	(\$4,695)
20072.0141	Fire Control - Superannuation	(\$3,492)	(\$4,350)	(\$858)
20077.0379	Fire Control - Emergency Responses	(\$5,000)	(\$6,500)	(\$1,500)
10043.0049	Other Revenue - Fines & Penalties	\$10,000	\$15,000	\$5,000
10043.0472	Fire Control - Fines & Penalties Written Off	\$0	(\$3,500)	(\$3,500)
20078.0043	Animal Control - Workers Compensation Insurance	(\$707)	(\$799)	(\$92)
20078.0130	Animal Control - Salaries	(\$24,999)	(\$34,550)	(\$9,551)
20078.0141	Animal Control - Superannuation	(\$3,492)	(\$4,750)	(\$1,258)
20078.0266	Animal Control - Uniforms, Clothing & Accessories	(\$200)	(\$400)	(\$200)
20080.0312	Animal Control - Other Operating Expenses	(\$20,000)	(\$15,000)	\$5,000
20083.0010	Animal Control - Building Maintenance	(\$3,000)	(\$1,000)	\$2,000
10047.0101	Animal Control - Pound Fees	\$500	\$1,600	\$1,100
50515.0006	Lowood Road security cameras	(\$4,781)	(\$400)	\$4,381
20084.0130	Other Law & Order - Salaries	(\$758)	(\$1,250)	(\$492)
20086.0372	Other Law & Order - Community Risk Assessment Program	\$0	(\$1,560)	(\$1,560)
20086.0386	Other Law & Order - Mount Barker Safety House Program	(\$550)	\$0	\$550
20086.0387	Other Law & Order - Fines Enforcement Registry	(\$1,000)	\$0	\$1,000
10052.0376	Other Law & Order - Community Safety & Crime Prevention	\$0	\$1,200	\$1,200
50721.0006	Health - Purchase of Vehicle - EHO	(\$25,686)	(\$25,759)	(\$73)
40721.0105	Health - Trade In Vehicle - EHO	\$15,000	\$10,488	(\$4,512)

Account	Description	Current Budget	New Budget	Net Amount
20111.0043	Health - Workers Compensation Insurance	(\$1,853)	(\$2,094)	(\$241)
40722.0482	Medical Centre Grant - RHP	\$20,000	\$40,000	\$20,000
20122.0011	Medical Centre - Building Operating	\$0	(\$100)	(\$100)
20131.0010	Pre-school - Building Maintenance	(\$1,000)	(\$1,600)	(\$600)
20131.0011	Pre-school - Building Operating	(\$4,000)	(\$2,000)	\$2,000
20131.0052	Pre-school - Grounds Maintenance	(\$4,500)	(\$1,000)	\$3,500
20811.0010	Playgroup - Building Maintenance	(\$1,000)	(\$600)	\$400
20811.0011	Playgroup - Building Operating	(\$400)	(\$800)	(\$400)
20137.0029	Child Care - Conferences & Training	(\$2,500)	(\$368)	\$2,132
20137.0043	Child Care - Workers Compensation Insurance	(\$6,359)	(\$7,185)	(\$826)
20137.0130	Child Care - Salaries	(\$211,973)	(\$265,000)	(\$53,027)
20137.0141	Child Care Centre - Superannuation	(\$18,636)	(\$23,974)	(\$5,338)
20137.0266	Child Care Centre - Uniforms, Clothing & Accessories	(\$2,400)	(\$645)	\$1,755
20138.0103	Child Care Centre - Printing & Stationery	(\$1,000)	(\$2,700)	(\$1,700)
20138.0144	Child Care Centre - Telephone	(\$1,200)	(\$1,766)	(\$566)
20139.0064	Child Care Centre - Insurances	(\$100)	\$0	\$100
20139.0085	Child Care Centre - Minor Furniture & Equipment Purchases	(\$1,000)	(\$3,955)	(\$2,955)
20139.0312	Child Care Centre - Other Operating Costs	(\$10,000)	(\$10,044)	(\$44)
20812.0010	Child Care Centre- Building Maintenance	(\$2,000)	(\$4,000)	(\$2,000)
20812.0011	Child Care Centre- Building Operating	(\$7,000)	(\$10,000)	(\$3,000)
20812.0052	Child Care Centre- Grounds Maintenance	(\$800)	(\$1,300)	(\$500)
10813.0214	Child Care Centre - Sustainability Assistance (DFCS)	\$45,100	\$33,900	(\$11,200)
10814.0044	Child Care Centre - Entry Fees	\$90,000	\$102,392	\$12,392
10083.0226	Child Care Centre - Reimbursements - FAO	\$120,000	\$60,503	(\$59,497)
20150.0030	HACC Centre - Professional Services	(\$500)	(\$2,250)	(\$1,750)
20154.0043	Refuse Collection - Workers Compensation Insurance	(\$1,395)	(\$1,576)	(\$181)
10093.0384	Zero Waste - Re-cycling Grant	\$0	\$9,000	\$9,000
10094.0119	Refuse Service Revenue	\$150,480	\$155,000	\$4,520
10094.0406	Sale of Surplus Materials & Scrap	\$20,000	\$5,000	(\$15,000)
10094.0412	Refuse Service Revenue Adjustments	\$0	\$6,000	\$6,000
20165.0052	Waste Disposal Sites Maintenance	(\$310,000)	(\$365,000)	(\$55,000)
20160.0043	Workers Compensation Insurance - Waste Disposal	(\$3,549)	(\$4,010)	(\$461)
10098.0147	Waste Disposal Site - Tipping Fees	\$50,000	\$30,000	(\$20,000)
51012.0006	Purchase Vehicle - Mgr Planning & Development	(\$34,770)	(\$36,825)	(\$2,055)
51013.0006	Purchase Vehicle - Town Planner	(\$20,000)	(\$20,983)	(\$983)
41011.0105	Trade In Vehicle - Mgr Planning & Development	\$20,000	\$18,455	(\$1,545)
20171.0043	Town Planning - Workers Compensation Insurance	(\$5,593)	(\$6,319)	(\$726)
20173.0030	Town Planning - Professional Services	(\$2,000)	\$0	\$2,000
20173.0289	Town Planning - Local Planning Strategy	(\$2,000)	\$0	\$2,000
20173.0290	Town Planning - Town Planning Scheme Review	(\$2,000)	(\$200)	\$1,800

Account	Description	Current Budget	New Budget	Net Amount
20173.0353	Town Planning - Signs Policy	(\$4,000)	\$0	\$4,000
20173.0323	Town Planning - Lease Rental	\$0	(\$7,000)	(\$7,000)
10103.0231	Town Planning - Staff Housing Reimbursement	\$0	\$7,000	\$7,000
10105.0234	Town Planning - Rezoning Fees	\$10,000	\$5,000	(\$5,000)
51015.0252	Cemetery Land Design / Development	(\$50,000)	(\$400,000)	(\$350,000)
41016.0488	RLCIP Grant	\$0	\$100,000	\$100,000
20181.0052	Cemeteries Maintenance	(\$25,000)	(\$30,000)	(\$5,000)
21017.0010	Public Conveniences Maintenance	(\$16,000)	(\$5,000)	\$11,000
20193.0010	Halls - Building Maintenance	(\$30,000)	(\$10,000)	\$20,000
20193.0052	Halls - Grounds Maintenance	(\$7,500)	(\$10,000)	(\$2,500)
20190.0368	Halls - Maintenance Project Management	(\$5,000)	(\$1,000)	\$4,000
20194.0043	Swimming Pool - Workers Compensation Insurance	(\$2,284)	(\$2,580)	(\$296)
20194.0141	Swimming Pool - Superannuation	(\$6,592)	(\$7,900)	(\$1,308)
20194.0266	Swimming Pool - Uniforms, Clothing & Accessories	(\$1,200)	(\$460)	\$740
20196.0064	Swimming Pool - Insurances	(\$50)	\$0	\$50
20196.0295	Swimming Pool - Kiosk Supplies	(\$13,000)	(\$12,000)	\$1,000
20196.0085	Swimming Pool - Minor Furniture & Equipment Purchases	(\$2,500)	(\$1,000)	\$1,500
20196.0312	Swimming Pool - Other Operating Costs	(\$2,000)	(\$1,000)	\$1,000
20199.0010	Swimming Pool - Building Maintenance	(\$4,000)	(\$23,000)	(\$19,000)
10113.0046	Swimming Pool - Facilities Hire	\$0	\$1,400	\$1,400
10113.0248	Swimming Pool - Other Fees & Charges	\$1,000	\$0	(\$1,000)
10113.0238	Swimming Pool - Kiosk Sales	\$17,000	\$17,900	\$900
10113.0136	Swimming Pool - Season passes	\$15,500	\$13,800	(\$1,700)
21100.0043	Recreation Centre - Workers Compensation Insurance	(\$2,243)	(\$2,534)	(\$291)
21100.0130	Recreation Centre - Salaries	(\$74,750)	(\$106,000)	(\$31,250)
21100.0141	Recreation Centre - Superannuation	(\$6,577)	(\$7,600)	(\$1,023)
21100.0029	Recreation Centre - Conferences & Training	(\$2,000)	\$0	\$2,000
21101.0144	Recreation Centre - Telephone	(\$850)	(\$1,700)	(\$850)
21101.0268	Recreation Centre - Office Equipment Maintenance	(\$1,500)	(\$100)	\$1,400
21102.0064	Recreation Centre - Insurance	(\$100)	\$0	\$100
21102.0085	Recreation Centre - Minor Furniture & Equipment Purchases	(\$1,260)	(\$1,850)	(\$590)
21102.0312	Recreation Centre - Other Operating Costs	(\$6,000)	(\$4,000)	\$2,000
21104.0010	Recreation Centre - Building Maintenance	(\$7,000)	(\$4,200)	\$2,800
21104.0011	Recreation Centre - Building Operating	(\$5,000)	(\$7,000)	(\$2,000)
21104.0052	Recreation Centre - Grounds Maintenance	(\$1,000)	(\$250)	\$750
51112.0252	Sounness Park - Upgrade Club Rooms	(\$5,000)	\$0	\$5,000
51124.0252	Wilson Park/Centenary Park Redevelopment (Toilets)	(\$123,000)	(\$125,000)	(\$2,000)
New	Wilson Park/Centenary Park Redevelopment (Playground Equipment)	0	(\$58,000)	(\$58,000)
New	Sounness Park – Recreation Assessment Implementation	\$0	(\$100,000)	(\$100,000)

Account	Description	Current Budget	New Budget	Net Amount
20208.0301	Recreation Feasibility Study	(\$10,000)	(\$25,000)	(\$15,000)
20208.0360	Demolish Souness Park Change Rooms	(\$45,000)	(\$40,100)	\$4,900
20211.0010	Parks & Recreation Grounds - Building Maintenance	(\$41,000)	(\$15,000)	\$26,000
20211.0011	Parks & Recreation Grounds - Building Operating	(\$22,000)	(\$35,000)	(\$13,000)
20212.0047	Parks & Recreation Grounds - Facilities Maintenance	(\$120,000)	(\$220,000)	(\$100,000)
20213.0043	Mount Barker Library - Workers Compensation Insurance	(\$2,043)	(\$2,308)	(\$265)
20214.0144	Mount Barker Library - Telephone	(\$2,500)	(\$3,400)	(\$900)
20214.0268	Mount Barker Library - Office Equipment Maintenance	(\$4,700)	(\$9,000)	(\$4,300)
20218.0010	Mount Barker Library - Building Maintenance	(\$5,000)	(\$1,000)	\$4,000
21107.0043	Rocky Gully Library - Workers Compensation Insurance	(\$237)	(\$268)	(\$31)
21107.0130	Rocky Gully Library - Salaries	(\$7,892)	(\$8,800)	(\$908)
21107.0141	Rocky Gully Library - Superannuation	(\$636)	(\$800)	(\$164)
21111.0010	Other Recreation & Culture - Building Maintenance	(\$15,000)	(\$5,000)	\$10,000
21111.0011	Other Recreation & Culture - Building Operating	(\$5,000)	(\$9,000)	(\$4,000)
21111.0052	Other Recreation & Culture - Grounds Maintenance	(\$500)	(\$1,500)	(\$1,000)
51243.0250	Road Construction - Porongurup Road RRG (SLK 12 to SLK 15)	(\$205,331)	(\$223,620)	(\$18,289)
51244.0250	Road Construction - Mount Barker-Porongurup Road (SLK 15 to SLK 18)	(\$380,000)	(\$361,711)	\$18,289
51285.0250	Road Construction - Carbarup Road (Railway to Beverley Road)	(\$77,000)	(\$78,905)	(\$1,905)
51286.0250	Road Construction - Mallawillup Road (6km from 1km past Boyup Road)	(\$92,400)	(\$95,816)	(\$3,416)
51288.0250	Road Construction - Quangellup Road (Full Length)	(\$73,612)	(\$81,461)	(\$7,849)
51206.0250	Road Construction - Jones Road (PC)	(\$23,020)	(\$63,300)	(\$40,280)
51214.0250	Road Construction - Coote Street - Full Length (PC)	(\$27,361)	(\$27,943)	(\$582)
51215.0250	Road Construction - Woodlands Road - SLK 1.1 to SLK 3.3 (PC)	(\$44,300)	(\$85,457)	(\$41,157)
51217.0250	Road Construction - Seal Kendenup Carpark - Opposite Shops (PC)	(\$4,621)	(\$7,048)	(\$2,427)
51218.0250	Road Construction - Stothard Road Signage Upgrade (PC)	(\$420)	(\$1,320)	(\$900)
51219.0250	Road Construction - First Avenue/Coote Street Kendenup - Spray Seal (PC)	(\$780)	(\$1,023)	(\$243)
51221.0250	Road Construction - Mondurup Street - Seal from end of bitumen to cul-de-sac	(\$8,000)	(\$11,479)	(\$3,479)
51222.0250	Road Construction - Lowood Road - Completion of Footpaths/Townscape Works	(\$10,000)	(\$50,000)	(\$40,000)
New	Road Construction - Kendenup Footpaths	\$0	(\$200,000)	(\$200,000)

Account	Description	Current Budget	New Budget	Net Amount
41202.0486	Transfers from Outstanding Land Transfers Reserve Fund	\$0	\$14,000	\$14,000
21211.0306	Road Maintenance - Outstanding Land Resumptions	(\$10,000)	(\$30,000)	(\$20,000)
21211.0305	Other Expenses - Road Safety Audits	(\$10,000)	(\$2,000)	\$8,000
21211.0304	Other Expenses - Roman Data Upgrade	(\$1,000)	(\$3,000)	(\$2,000)
21211.0302	Other Expenses - Signs Audit	(\$10,000)	(\$4,000)	\$6,000
21211.0137	Other Expenses - Directional Signage	\$0	(\$2,000)	(\$2,000)
20225.0126	Road Maintenance (PC) - Road Maintenance	(\$1,140,000)	(\$1,300,000)	(\$160,000)
20225.0390	Road Maintenance - Excavator Work	(\$140,000)	(\$340,000)	(\$200,000)
New	Road Maintenance - Implement Signage Policy	\$0	(\$80,000)	(\$80,000)
21305.0307	Vehicle Leases - Southern Agcare Reimbursements - Southern Agcare	(\$8,500)	(\$17,000)	(\$8,500)
11306.0228	Vehicles	\$8,500	\$17,000	\$8,500
21307.0043	Feral Pig Eradication - Workers Compensation Insurance	(\$1,047)	(\$1,183)	(\$136)
51312.0006	Building Control - Generator - Building Maintenance	\$0	(\$1,812)	(\$1,812)
20247.0393	Building Control - Building Maintenance Equipment & Stock	(\$4,000)	(\$2,790)	\$1,210
20245.0043	Building Control - Workers Compensation Insurance	(\$4,745)	(\$5,361)	(\$616)
20245.0130	Building Control - Salaries	(\$72,369)	(\$94,000)	(\$21,631)
20245.0264	Building Control- Relief Staff/Contractors	(\$5,000)	\$0	\$5,000
20245.0141	Building Control - Superannuation	(\$15,471)	(\$17,800)	(\$2,329)
20245.0266	Building Control - Uniforms, Clothing & Accessories	(\$2,400)	(\$1,000)	\$1,400
20246.0003	Building Control - Advertising	(\$1,000)	\$0	\$1,000
20246.0144	Building Control - Telephone	(\$1,000)	(\$500)	\$500
20247.0316	Building Control - BCITF Payments	\$0	(\$24,000)	(\$24,000)
20247.0315	Building Control - BRB Payments	\$0	(\$6,000)	(\$6,000)
20247.0071	Building Control - Legal Expenses	(\$2,500)	\$0	\$2,500
20247.0085	Building Control - Minor Furniture & Equipment Purchases	(\$2,000)	(\$1,000)	\$1,000
20247.0312	Building Control - Other Operating Costs	(\$2,000)	(\$1,000)	\$1,000
10155.0247	Building Control - BCITF Levy	\$0	\$24,000	\$24,000
10155.0245	Building Control - BCTIF Commission	\$250	\$350	\$100
10155.0244	Building Control - BRB Commission	\$1,500	\$3,500	\$2,000
10155.0246	Building Control - BRB Levy	\$0	\$6,000	\$6,000
51334.0006	Saleyards - NVD Scanner and Software	(\$7,500)	(\$8,000)	(\$500)
21320.0043	Saleyards - Workers Compensation Insurance	(\$5,548)	(\$6,268)	(\$720)
21320.0267	Saleyards - Travel & Accommodation	(\$2,000)	\$0	\$2,000
21320.0266	Saleyards - Uniforms, Clothing & Accessories	(\$2,400)	(\$1,500)	\$900
21321.0269	Saleyards - Computer Equipment Maintenance	(\$7,100)	(\$9,000)	(\$1,900)
21321.0144	Saleyards - Telephone	(\$2,000)	(\$3,000)	(\$1,000)
21322.0317	Saleyards - Feed Purchases	(\$4,000)	(\$2,000)	\$2,000

Account	Description	Current Budget	New Budget	Net Amount
21322.0064	Saleyards - Insurances	(\$19,800)	(\$24,500)	(\$4,700)
21322.0287	Saleyards - Licence Fees	(\$1,800)	(\$1,400)	\$400
21322.0357	Saleyards - NSQA Expenses	(\$5,000)	\$0	\$5,000
21322.0362	Saleyards - Survey of Groundwater Bores	(\$1,000)	(\$1,400)	(\$400)
21322.0318	Saleyards - Tools & Sundry	(\$1,000)	\$0	\$1,000
21326.0182	Saleyards - Motor Vehicle Allocations	(\$10,000)	(\$5,000)	\$5,000
21325.0010	Saleyards - Building Maintenance	(\$9,500)	(\$7,500)	\$2,000
21325.0052	Saleyards - Grounds Maintenance	(\$45,000)	(\$40,000)	\$5,000
21340.0043	Vehicle Licensing - Workers Compensation Insurance	(\$1,374)	(\$1,552)	(\$178)
21350.0321	Private Works Expenses	(\$500,000)	(\$535,000)	(\$35,000)
10159.0104	Private Works Income	\$600,000	\$610,000	\$10,000
20260.0043	Public Works Overheads - Workers Compensation Insurance	(\$42,309)	(\$47,803)	(\$5,494)
20260.0267	Public Works Overheads - Travel and Accommodation	(\$4,000)	(\$2,000)	\$2,000
20260.0264	Public Works Overheads - Relief Staff/Contractors	(\$50,000)	(\$10,000)	\$40,000
20260.0130	Public Works Overheads - Salaries	(\$211,587)	(\$230,000)	(\$18,413)
20260.0138	Public Works Overheads - Staff Recruitment Expenses	(\$1,000)	\$0	\$1,000
20261.0312	Public Works Overheads - Other Operating Costs	(\$8,000)	(\$10,000)	(\$2,000)
20262.0064	Public Works Overheads - Insurances	(\$2,400)	\$0	\$2,400
20262.0323	Public Works Overheads - Lease Rental	(\$5,000)	\$0	\$5,000
20262.0394	Public Works Overheads - Donations (Event Road Closures)	(\$5,000)	(\$1,500)	\$3,500
20265.0010	Public Works Overheads - Building Maintenance	(\$5,000)	(\$4,000)	\$1,000
20265.0011	Public Works Overheads - Building Operating	(\$11,000)	(\$20,000)	(\$9,000)
21411.0010	Public Works Overheads - Depot House - Building Maintenance	(\$4,000)	(\$3,000)	\$1,000
21411.0011	Public Works Overheads - Depot House - Building Operating	(\$500)	(\$800)	(\$300)
21411.0052	Public Works Overheads - Depot House - Grounds Maintenance	(\$500)	(\$200)	\$300
21412.0182	Public Works Overheads - Motor Vehicle Allocations	(\$16,000)	(\$26,000)	(\$10,000)
11411.0231	Public Works Overheads - Rental - Staff Housing	\$8,500	\$3,020	(\$5,480)
10161.0229	Public Works Overheads - Reimbursements - Other	\$0	\$3,200	\$3,200
10161.0219	Public Works Overheads - Reimbursements - Salaries	\$0	\$20,000	\$20,000
20266.0043	Plant Operating Costs - Workers Compensation Insurance	(\$1,803)	(\$2,037)	(\$234)
20266.0141	Plant Operating Costs - Superannuation	(\$4,496)	(\$6,200)	(\$1,704)
20281.0172	Plant Operating Costs - Fuels	(\$525,000)	(\$400,000)	\$125,000
20281.0173	Plant Operating Costs - Tyres	(\$40,000)	(\$45,000)	(\$5,000)
20281.0174	Plant Operating Costs - Major Breakdowns	(\$20,000)	(\$15,000)	\$5,000

Account	Description	Current Budget	New Budget	Net Amount
20281.0176	Plant Operating Costs - Registration	(\$8,000)	(\$8,200)	(\$200)
20281.0343	Plant Operating Costs - Plant Service/Repairs	(\$95,000)	(\$105,000)	(\$10,000)
20281.0346	Plant Operating Costs - Air Conditioning	(\$15,000)	(\$5,000)	\$10,000
20281.0347	Plant Operating Costs - Edges & Teeth	(\$32,900)	(\$10,000)	\$22,900
20281.0373	Plant Operating Costs - Consumables	(\$10,000)	(\$18,000)	(\$8,000)
20281.0385	Plant Operating Costs - Radio/Communication Equip	(\$10,000)	(\$5,000)	\$5,000
52425.0252	Installation of Comm. Tower - Mount Barrow	(\$50,000)	(\$55,100)	(\$5,100)
41422.0105	Sale of Chillinup (Shire of Plantagenet share)	\$100,000	\$180,000	\$80,000
20273.0064	OHS - Insurance - Risk Management	(\$15,100)	(\$15,650)	(\$550)
20273.0325	OHS - Other Expenses	(\$11,500)	(\$5,000)	\$6,500
11420.0232	Other Income - Other Operating Income	\$5,800	\$0	(\$5,800)

CARRIED (7/0)

Absolute Majority

NO. 130/09

12.5 EXECUTIVE SERVICES REPORTS

12.5.1 COMMUNICATION FACILITY ON DEPARTMENT OF ENVIRONMENT AND CONSERVATION LAND - PORONGURUP

File No: N10742
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 12 May 2009

PURPOSE

The purpose of this report is to present to the Council a Memorandum of Understanding (MOU) between the Department of Environment and Conservation and the Shire of Plantagenet regarding a jointly owned communication facility on land managed by the Department of Environment and Conservation.

BACKGROUND

This matter has been previously considered by the Council at its meeting held on 27 April 2004. At that time the Council resolved:

'That the Shire President and Chief Executive Officer be authorised to affix the Seal of the Council to the Memorandum of Understanding between the Executive Director of the Department of Conservation and Land Management, the Shire of Plantagenet and the Fire and Emergency Services Authority of Western Australia for the use of jointly owned communication facilities known as the Mount Manyat Radio Facility situated in the Porongurup National Park.'

FINANCIAL IMPLICATIONS

The Department of Environment and Conservation is proposing a one off management fee of \$150.00 for the new term. Further the cost of preparing the documentation is shared at \$100.00 per joint owner.

Should a MOU not be the preferred method for occupying the site, the Department has previously advised that it will issue a licence for occupation by the Council and fees will then be in the vicinity of \$1,000.00 per year adjusted by Consumer Price Index (CPI).

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Bush Fire Radio network is crucial for achieving the Council's strategic objectives regarding safety within the community.

OFFICER COMMENT

It is recommended that the MOU be entered into.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Memorandum of Understanding between the Department of Environment and Conservation, the Shire of Plantagenet and the Fire and Emergency Services Authority of Western Australia for the use of jointly owned communication facilities known as Mount Manyat Radio Facility situated in the Porongurup National Park.

CARRIED (7/0)

NO. 131/09

12.5.2 DELEGATIONS - ANNUAL REVIEW

File No:	N10863
Attachments:	<u>Updated Recommended Delegations 12 May 2009</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Kaye Skinner Executive Secretary
Proposed Meeting Date:	12 May 2009

PURPOSE

The purpose of this report is to present the Delegations Register for endorsement.

BACKGROUND

Delegations are granted to the Chief Executive Officer (CEO) (and other officers in some instances) to assist in the efficient and effective running of the organisation so as to preclude many minor matters from coming before the Council and to maximise service to members of the public, residents and ratepayers. Delegations were generally endorsed by the Council at its meeting held on 13 May 2008, updated on 12 August, 25 November and 16 December 2008.

STATUTORY ENVIRONMENT

Section 5.42 of the Local Government Act 1995 provides for a Local Government to delegate to the CEO the exercise of any of its powers or the discharge of its duties.

The Act also provides, at Section 5.43, a number of powers or duties that cannot be delegated. Furthermore, pursuant to Section 5.44 of the Act, the CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act other than the power of delegation. Such delegation must be in writing.

Importantly, Section 5.45 of the Act provides that a delegation has effect for the period of time specified in the delegation or, where no period has been specified, indefinitely.

Nevertheless, at least once every financial year, delegations are to be reviewed by the delegator. Any delegation granted by the Council to the CEO must be reviewed once every financial year.

Finally, a person to whom a power or duty is delegated under the Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

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

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Hollingworth, seconded Cr J Mark:

That:

1. **Delegations LG 001 to LG 035 to the Chief Executive Officer be adopted.**
2. **Delegation LG 036 to Environmental Health Officer be adopted.**
3. **Delegation LG038 to Principal Building Surveyor be adopted.**

CARRIED (7/0)

Absolute Majority

NO. 132/09

12.5.3 LOCAL GOVERNMENT CONVENTION AND EXHIBITION - VOTING DELEGATES

File No: N10858
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 12 May 2009

PURPOSE

The purpose of this report is to endorse voting delegates for the Western Australian Local Government Association (WALGA) Annual General Meeting to be held during the Local Government Convention and Exhibition.

BACKGROUND

Historically this has been the Shire President and Deputy Shire President.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Policy CE/CS1 applies.

OFFICER COMMENT

It will be necessary to endorse two voting delegates.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That the Shire President and Deputy Shire President be endorsed as the Council's voting delegates for the Annual General Meeting of the Western Australian Local Government Association to be held on Saturday 8 August 2009.

CARRIED (7/0)

NO. 133/09

12.5.4 LOCAL GOVERNMENT REFORM - PROJECT TEAM

File No: N10864
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 12 May 2009

PURPOSE

The purpose of this report is to recommend to the Council the establishment of a Project Team pursuant to the Local Government Reform Schedule as required by the Minister for Local Government.

BACKGROUND

At its meeting held on 28 April 2009 the Council resolved:

'That the Local Government Reform Check List attached be endorsed and forwarded to the Minister for Local Government the Hon. John Castrilli with the comment that it is the opinion of the Shire that after completion of the Check List, the Shire of Plantagenet is of the opinion that it meets all reasonable requirements to remain an autonomous local government authority.'

Should the need arise, Shire representatives may need to meet with potential amalgamation partners.

STATUTORY ENVIRONMENT

Part 8 (Scrutiny of the affairs of local governments) of the Local Government Act 1995 (Division 1 Inquiries by the Minister or an authorised person) gives the Minister far reaching powers '*...to inquire into all local governments and their operations and affairs,*' through the departmental CEO.

Further, Schedule 2.1 (Provisions about creating, changing the boundaries of, and abolishing districts) of the Act provides that '*a proposal*' may be made to the Advisory Board by the Minister, an affected local government, two or more affected local governments, jointly or affected electors.

CONSULTATION

Consultation has occurred with the Chief Executive Officers from the Shires of Broomehill-Tambellup, Cranbrook and Kojonup.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result 5 (Strategic Planning) notes that an aim of the Council:

'...is to develop strategic partnerships, fostering regional cooperation and coordinate the long term planning for sustainable environmental, economic and social development of the Shire and the Great Southern.'

OFFICER COMMENT

The Council has already expressed its wish to remain as it is at present. However the Reform Guidelines indicate that amalgamation should still be considered and a further submission is required to be with the Minister by 31 August 2009. Therefore the checklist, adopted on 28 April 2009, is only the first step and the following actions are still required:

STAGE 1 - AGREEMENT ON NEED FOR REFORM AND PARTNERS

Action:

1. Local governments complete reform checklist and forward to the Local Government Reform Steering Committee by 30 April 2009 - completed.
2. Local governments identify and meet with potential partners.
3. Local governments undertake a preliminary assessment to confirm amalgamation grouping is appropriate.
4. Local governments decide on the appropriate combination of councils.
5. Local governments to consider proposals for a reduction in the number of elected members.
6. Local governments to consider the skill sets for establishing a project team to coordinate the reform process.

STAGE 2 - INITIAL PREPATORY WORK FOR REFORM SUBMISSION

Action

1. Establish project team.
2. Project team to meet as required.
3. Project team to consider preferred amalgamated structure.
4. Project team to consider elected member representation.
5. Project team to consider local government regional grouping.
6. Project team to consider whether State Government financial assistance to assist with facilitation or submission preparation is required.

7. Undertake community consultation providing the information from the checklist to assist understanding.

STAGE 3 - PREPARATION OF REFORM SUBMISSION

Action

1. Undertake detailed assessment for amalgamation.
2. Prepare Reform Submission having regard to:
 - amalgamation;
 - elected member representation;
 - regional grouping; and
 - transition timeline.

STAGE 4 - COUNCIL ENDORSEMENT

Action

1. Councils to resolve to advise the Minister for Local Government of its intention for structural reform in relation to amalgamation, the number of councillors and regional grouping.

STAGE 5 - REFORM SUBMISSION TO THE MINISTER FOR LOCAL GOVERNMENT

Action

1. The finalised Reform Submission to be forwarded to the Minister for Local Government. Attached to this will be the council resolution, supporting documentation, including the completed checklist and amalgamation timeline.
2. Provide additional information to the Local Government Reform Steering Committee as requested.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That the Shire President, Deputy Shire President and Chief Executive Officer be appointed as the Council's representatives on the Structural Reform Project Team, the responsibility of which shall be to meet with neighbouring Councils if necessary to consider any preferred structure for amalgamation, as set down in the Government's Reform Schedule requirements.

CARRIED (7/0)

NO. 134/09

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr J Mark, seconded Cr B Hollingworth:

That new business of an urgent nature, namely:

- Regional Partnership Grant - Plantagenet Medical Centre; and
- Council Representatives Crs Clements and Hollingworth.

be introduced to the meeting.

CARRIED (7/0)

NO. 135/09

14.1.1 REGIONAL PARTNERSHIPS GRANT – PLANTAGENET MEDICAL CENTRE

File No: LE/108/1 - N10932
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 12 May 2009

PURPOSE

The purpose of this report is to seek authority to affix the Common Seal of the Council to the Regional Partnerships – Rural Medical Infrastructure Funding (RMIF) grant variation document.

BACKGROUND

In June 2007 the Shire applied for a RMIF grant through the Department of Infrastructure, Transport, Regional Development and Local Government, to assist with the construction of the Plantagenet Medical Centre. The grant of \$400,000 (excluding GST) was successful and a financial agreement was signed in 2007 which, at the time, did not require the application of the Common Seal.

The financial agreement has several requirements including advice to the Department if funding is received from other sources and notification if project milestone dates differ from those outlined in the agreement. The agreement was

signed prior to the project going to tender and consequently, the project milestone dates (linked to building construction timelines) have differed.

The Shire has been liaising with the Department regarding a variation from the financial agreement. The 'Deed to vary a funding agreement under the Regional Partnerships program' document needs to be signed and the Common Seal applied for the variation to occur.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has taken place with staff from the Department of Infrastructure, Transport, Regional Development and Local Government.

FINANCIAL IMPLICATIONS

The RMIF grant payments totalling \$400,000 are linked to various milestones in the building construction program. The first payment of \$198,000 has been received with three more payments due in June and October 2009 and February 2010.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan, Community Services Aims are 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.

- Review the utilisation, and economic and social value to the community, of the Council's current community services and facilities; and
- Evaluate different options for providing community services and facilities.'

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the 'Deed to vary a funding agreement under the Regional Partnerships program' document with the Department of Infrastructure, Transport, Regional Development and Local Government, in relation to the Regional Partnerships Program – Rural Medical Infrastructure Fund grant for \$400,000.00 (GST exclusive) for the Plantagenet Medical Centre.

CARRIED (7/0)

NO. 136/09

**14.1.2 COUNCIL REPRESENTATION - WA LOCAL GOVERNMENT
ASSOCIATION AND REGIONAL ROAD GROUP**

File No: N10993
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 12 May 2009

PURPOSE

The purpose of this report is to recommend to the Council changes to Council representation as a result of the election of Cr Clements to the position of Deputy President.

BACKGROUND

At its meeting held on 28 April 2009, the Council elected Cr Clements to the position of Deputy Shire President after the Chief Executive Officer advised the meeting of the resignation of Cr Hollingworth from that position.

On 23 October 2007, Crs Hollingworth and Clements were appointed as Members and Deputies to the following committees:

Cr Hollingworth:

Member:

- a) Heavy Haulage Committee;
- b) Lower Great Southern Plantation Fire Advisory Committee;
- c) Rainbow Coast Regional Council;
- d) Regional Road Group;
- e) Recreation Advisory Committee;
- f) WALGA Zone; and
- g) One Community One College.

Deputy:

- a) Porongurup Range National Park Fire Advisory Committee; and
- b) Timber Industry Roads Evaluation Strategy (TIRES).

Cr Hollingworth was also appointed as a member of the Roadside Conservation Committee by that Committee.

Further at its meeting held on 24 March 2009, the Council withdrew its membership of the Rainbow Coast Regional Council.

Cr Clements:

Member:

- a) Municipal Inventory Advisory Committee;
- b) Townscape Review Steering Committee;
- c) Local Emergency Management Committee (LEMC);
- d) District Emergency Management Committee (DEMC);
- e) Recreation Centre Advisory Committee;
- f) Great Southern Regional Recreation Advisory Group; and
- g) Lead On
- h) RoadWise Committee (Chair).

Deputy:

- a) WALGA Zone Voting Delegate

STATUTORY ENVIRONMENT

Section 5.9(2)(a) Local Government Act 1995 applies which relates to the appointment of members to committees.

CONSULTATION

No external consultation is necessary with relation to the issues raised in this report. Crs Hollingworth and Clements have been consulted in regard to this matter.

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

Cr Hollingworth has advised that he wishes to remain on all committees to which he was originally appointed. However it is suggested that Cr Clements, as Deputy Shire President, be appointed as the Council's representative on the Regional Road Group and also be appointed as Western Australian Local Government Association (WALGA) Zone Voting Delegate in place of Cr Hollingworth.

It would be appropriate for Cr Hollingworth to be the Deputy Voting Delegate, in place of Cr Clements.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Mark, seconded Cr S Grylls:

That:

1. Cr Clements be appointed as:
 - a) Western Australian Local Government Association (WALGA) Voting Delegate; and
 - b) Regional Road Group Representative.
2. Cr Hollingworth be appointed as Deputy Voting Delegate for the Western Australian Local Government Association (WALGA).
3. The appointments of Cr Hollingworth as Western Australian Local Government Association (WALGA) Voting Delegate and Regional Road Group Representative be cancelled.

CARRIED (7/0)

NO. 137/09

15 CONFIDENTIAL

16 CLOSURE OF MEETING

4:20 PM The Presiding Member declared the meeting closed.

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