



ORDINARY MINUTES

DATE: Tuesday, 6 July 2010

TIME: 2:45pm

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	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	PUBLIC QUESTION TIME.....	2
3.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
3.2	PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995.....	2
3.2.1	TOURISM AND VISITOR SERVICING	2
4	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	3
4.1	LABOR CANDIDATE FOR THE ELECTORATE OF O'CONNOR - MR IAN BISHOP	3
4.2	ROAD RENAMING – DENBARKER AND AMARILLUP ROADS – MR DRAGE	3
4.3	MEDICAL CENTRE - DR VICTOR SEAH.....	3
4.4	MOUNT BARKER TOURIST BUREAU - DR VICTOR SEAH	4
4.5	KENDENUP SKATE PARK - DAVID WILLIAMSON.....	5
4.6	TOURISM CONFERENCE - LINDA HARRIS	6
5	DISCLOSURE OF INTEREST	7
6	APPLICATIONS FOR LEAVE OF ABSENCE	8
7	CONFIRMATION OF MINUTES.....	8
8	COMMITTEE MINUTES.....	8
9	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	8
10	ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION	9
11	REPORTS OF COMMITTEES AND OFFICERS.....	11
11.1	DEVELOPMENT SERVICES REPORTS.....	11

11.1.1 LOT 14 BOYUP ROAD, FOREST HILL – NEW RELOCATED ACCOMMODATION FOR WORKERS..... 11

11.1.2 LOT 811 STONEY CREEK ROAD, PORONGURUP - FAMILY DAY CARE PROPOSAL..... 14

11.1.3 FOOD ACT 2008 - APPOINTMENT OF AUTHORISED OFFICERS, DESIGNATED OFFICERS AND INSTRUMENT OF DELEGATION 18

11.2 WORKS AND SERVICES REPORTS..... 22

11.2.1 ROAD RENAMING - DENBARKER AND AMARILLUP ROADS ... 22

11.2.2 POLICY REVIEW - LAND DRAINAGE – LANDHOLDERS RESPONSIBILITY 26

11.3 COMMUNITY SERVICES REPORTS 30

11.3.1 CENTENARY AND WILSON PARKS DEVELOPMENT - PLAYGROUND FACILITIES 30

11.3.2 CENTENARY AND WILSON PARKS DEVELOPMENT - PUBLIC TOILET BLOCK AND SKATE PARK LOCATION..... 36

11.3.3 MEDICAL CENTRE – NAMING PROPOSAL 43

11.3.4 KENDENUP SKATE PARK SITE 46

11.3.5 LICENCE TO USE RAIL CORRIDOR – KENDENUP 51

11.4 CORPORATE SERVICES REPORT..... 54

11.4.1 POLICY REVIEW – PENSIONER REBATES ON RURAL PROPERTIES 54

11.4.2 WRITE OFF - OUTSTANDING DEBTS..... 57

11.4.3 RESERVE ACCOUNTS – REVIEW 60

11.4.4 GENERAL WASTE LEVY – 2010/2011..... 67

11.4.5 PROPERTY RATES – 2010/2011 69

11.4.6 ADOPTION OF THE 2010/2011 BUDGET AND PLAN FOR THE FUTURE 73

11.5 EXECUTIVE SERVICES REPORTS..... 75

11.5.1 COUNCIL OWNED HALLS 75

11.5.2 VISITOR CENTRE 78

12 **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 82**

13 **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING..... 82**

 13.1.1 RLCIP GRANT - REALLOCATION OF FUNDS 82

 13.1.2 SALE OF LAND FOR NON PAYMENT OF RATES -
 TRANSFERS OF LAND 85

14 **CONFIDENTIAL..... 87**

15 **CLOSURE OF MEETING..... 87**

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:50pm The Presiding Member declared the meeting open.

Emergency Evacuation Procedures/Disclaimer:

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.

Disclaimer:

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

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

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

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

Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President
Cr B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	Councillor
Cr S Grylls	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor

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
Ms Cherie Delmage Accountant/Office Manager
Mr Vincent Jenkins Planning Officer
Mr Andrew Buchanan Manager Community Emergency Services
Mrs Sharon Lynch Senior Administration/Project Officer
Mrs Linda Sounness Executive Secretary

Apologies

Cr J Moir

Previously Approved Leave of Absence:

Cr Len Handasyde – 9 July 2010 to 6 August 2010 (inclusive)

Cr Gert Messmer – 28 September 2010

There were 17 members of the public present.

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

3.2.1 TOURISM AND VISITOR SERVICING

Asked By: Mr Kevin Collins – Owner Banksia Farm and Tourism Operator

Mr Collins advised that he had been away from the town and on his return was made aware that there had been changes to the funding allocated to the Mount Barker Tourist Bureau.

Mr Collins asked a number of questions relating to how much funding was in the budget for tourism and visitor servicing. Mr Collins asked why there had not been an CPI increase in funding and made reference to the Memorandum of Understanding (MOU), seeking clarification whether meetings had been held between the Mount Barker Tourist Bureau and the Council to discuss issues.

Response By: Mr Rob Stewart, Chief Executive Officer

During a presentation by the Mount Barker Tourist Bureau representatives on 25 May 2010, the Council was advised that the Mount Barker Tourist Bureau was unable to continue running the Visitor Centre without a substantial increase in funding. As the MOU provided for only CPI increases, the Council resolved to re-consider funding. The funds formerly allocated to the Visitor Centre have not been deleted from the Council's budget.

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 LABOR CANDIDATE FOR THE ELECTORATE OF O'CONNOR - MR IAN BISHOP

Mr Bishop gave a brief presentation introducing himself to the Council as the Labor Candidate for O'Connor and his availability and commitment to the electorate. Mr Bishop also summarised the boundary redistribution for federal electorates and the area that O'Connor now encompasses.

4.2 ROAD RENAMING – DENBARKER AND AMARILLUP ROADS – MR DRAGE

Mr President I would like to give a summary on the Petition.

1. Letters have been sent in support of the road name change with an overwhelming support of 123 signatures and 18 letters.
2. One letter from Mount Barker Medical Centre
3. One letter from each of the Denmark and Mount Barker Ambulance, both doing their best to save lives in a confusing area.
4. One letter from a Mount Barker Nurse and one from a Neurological Nurse from Perth.
5. One letter from the Glow Church, plus 21 signatures on the petition supporting Val with her neurological condition and road name address.
6. 18 family members signed the petition plus four letters.
7. Eight letters from people that are concerned plus 84 letters from general public.
8. We could have got double this if we called on more businesses and residents. How many is enough?
9. It's not about just the Plantagenet area, but much more about business and tourists, having tourists getting lost and costing them more.
10. Those against should have a look outside of their area, have a look at the bigger picture and support the need to change the road name.
11. Stop the confusion which one day may save lives, plus cut costs for our businesses and residents by stopping the confusion, making it better for all.
12. A simple road name change will fix it.

Thank you.

4.3 MEDICAL CENTRE - DR VICTOR SEAH

I represent the Mount Barker Tourist Bureau today as President.

I have prepared a brief which was intended for all councillors lodged with the CEO's office Friday 25 June 2010. It indicates to Council that the Bureau is interested in maintaining visitor servicing up until such time that an agreed, sustainable, long-term model for this can be transitioned to.

At no time did we indicate that we were unable to maintain services, but clearly indicated that our current situation was not sustainable.

We understand very clearly that the Shire requires to be keenly responsible for the way it distributes its funds. We are indeed so ourselves.

We understand that the Shire has made it clear to us that maintaining seven day a week, dedicated visitor servicing to the tune of about \$85,000.00 is not on its agenda. We would still see this as a very reasonable outcome. Currently 10,000 visitors to this area pass through the Visitor Centre doors at an average cost to the community to service these travellers at \$7.50 each, of which the Shire contributes \$4.30.

At this juncture though we are looking at other models for dedicated visitor servicing that may be less expensive, including funding a joint position in the Community Resource Centre. This might bring the additional benefit of increasing the weekend access to that facility.

We understand that the Shire is currently pursuing an alternative model, more broad-based.

In any case - I will reiterate simply that we are requesting funding for this transitional period eight months to February 2011 seems to us as the most feasible time for models to be considered and developed. If suitable, alternative arrangements are achieved prior to this, then the current Visitor Centre would become redundant.

We are also repeating our request to the Shire that decisions are made with full consultation of the Bureau, which has the interests of the community at heart.

4.4 MOUNT BARKER TOURIST BUREAU - DR VICTOR SEAH

I represent the Plantagenet Medical Group with relation to the naming of currently named Plantagenet Community Medical Centre on Marmion Street, of which we are the tenants.

Much needs to continue to be said about excellence of this facility. Our gratitude is full and frank and a more public appreciation of the Shire's efforts in this matter have not been made as yet, but will be in due course. The Medical Group believe that it is very fitting for Dr Chris Bourke to be acknowledged in the naming of this facility. The recognition of his and other of our forebears efforts is well to be celebrated in ways such as this. Much of what we now appreciate can be credited to them.

In an informal discussion the CEO of the Shire had made the Medical Group aware of its consideration of the renaming of the facility. In that discussion it was mentioned that the current naming of the facility was done without reference to the tenant and that it had impacted on our own business. Plantagenet Community Medical Centre and Plantagenet Medical are quite similar. Council will also understand that there are various businesses operating within the facility. These comprise three full time businesses that would certainly choose to have signage and at least four other businesses that use the facility on a periodic basis.

We believe that any name that the Shire would place on the whole facility should not interfere with any of the individual business names nor add to any confusion.

With this in mind, naming the facility the Chris Bourke Medical Centre, we believe, impinges on our own business. We would suggest that a more generic term be used, such as the Chris Bourke Campus or the Chris Bourke Complex. That the facility is a health and medical facility is plainly obvious and does not need to be stated.

We also note that the plaque is intended to be placed in the building. As there is only one possible place for such a plaque within the building, we request that Shire consult with the tenant regarding this. I am sure between us we can agree on a preferred site for the plaque, which may end up being on the front of the building or in the entry area.

4.5 KENDENUP SKATE PARK - DAVID WILLIAMSON

My presentation is with reference to Item 11.3.4 of your meeting Agenda on pages 35 to 38 which reports on the proposed site for the Kendenup Skate Park.

Yesterday, the Community Services Manager, Nicole Selesnew, kindly provided us with a copy of the agenda for today's Council meeting. We have prepared a response to the matters raised and the recommendations made in Item 11.3.4 which was intended for a meeting of the Recreation Advisory Committee which we anticipated would have been held this morning.

We were excited by the recent announcement that the Great Southern Development Commission will provide a grant of \$75,000.00 to the Kendenup Community Development Association (KCDA) for construction of the Skate Park at Kendenup. After four years and five grant applications it is encouraging to have this success for the Kendenup community. Contrary to the third recommendation you will be considering, we would urge the Council to instruct the Community Services Manager to advise Lotterywest that the GSDC has announced its support and to negotiate with Lotterywest by advising that the original application for \$101,570.00 can now be amended to \$36,700.00 which will ensure the project is adequately funded.

Unfortunately, the financial implications text (page 36) of Item 11.3.4 does not show the huge support given by people in Kendenup as in-kind support. The application to the Great Southern Development Commission showed that this has the value of \$69,200.00. We are concerned that Council may underestimate the goodwill of people in Kendenup for this and other projects. The development of the tennis courts is a classic example of how this goodwill and support operates.

The saga has been long and tortuous in seeking to obtain agreement about the most appropriate location for the Skate Park. The first recommendation in Item 11.3.4 is getting closer to the conclusion of the community debate about the site. The community has identified for some time the need for an outdoor recreation precinct along the railway reserve land west of the railway line.

This is a good compromise given the absence of suitable public open space in the townsite. I am happy to remind you that the Skate Park is stage one of a ribbon of development along the railway reserve aimed at providing for the range of passive recreation facilities which other communities take for granted. For example, the children's playground in Kendenup consists of only a swing and a slippery slide condemned by KidsSafe as unsafe. Is this reasonable for a town with about 130 children in the Primary School alone? We acknowledge the need for there to be a progressive development of skate park, playground, picnic area, etc. But getting each in the right place requires planning now as was envisaged by the Healy Plan. The Council has engaged at least 3 lots of consultants since 2008 for concept planning of Centenary and Wilson Park in Mount Barker. Despite our request, Kendenup has not had the benefit of this type of advice to guide activities.

We had hoped that the process of engaging a consultant to advise on what is required for the Kendenup Precinct Development Plan would have given the Council confidence to make a commitment to a development over a 20 to 40 year period. All we see is a set of moving goal posts. This does not help the community to know what will receive acceptance when it commits its effort and resources. The policy implications for developing community outdoor recreation facilities need to be supported by a commitment to use the railway land. If that commitment is made a licence for use of the area will be needed as originally proposed but not supported on the 26 May.

At this stage we have initiated negotiations between the KCDA and the Shire about our association accepting some management roles for the railway land. There have been no meetings to date to discuss the proposed MOU. We are interested in the fine print of an MOU, and the Kendenup Community will need to vote on any proposal put to the KCDA.

Regarding the recommendations on page 38 on which you will be voting later in this meeting. For Recommendation 1 the important point is that placement of all the future facilities proposed in the Healy Plan need to be considered when locating stage 1 – the Skate Park. Recommendation 2 does not allow any opportunity to negotiate on a matter where there is some disagreement. We urge the Council to make Recommendation 3 a request to the Community Services Manager to negotiate with Lotterywest for the grant application to be reduced from \$101, 570.00 to \$36,700.00.

4.6 TOURISM CONFERENCE - LINDA HARRIS

Linda advised that she attended and provided a stand at a recent Tourism Conference in Perth and that she was providing 40 hard copies of information relating to this region an hour. Mrs Harris wanted the Council to know that people are interested and wanted to visit this region and they need to be serviced.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr Ken Clements disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Recipient of a Seniors Card – in Item 11.4.1.

Cr Ken Clements disclosed a Financial/indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Deal with Elders and a Director of Mount Barker Cooperative, Mount Barker Co-operative partners with Elders – in Item 11.4.2.

Cr Michael Skinner disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Farming 400 head cattle, use Landmark and Elders as Stock Agents in Farming – in Item 11.4.2.

Cr Michael Skinner disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Farming 400 head cattle and Great Southern Regional Cattle Saleyards Reserve – in Item 11.4.3.

Cr Sue Etherington disclosed a Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct) – perceived interest in Item 11.4.1.

Cr Andrus Budrikis disclosed a Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) – Land owner and residence is located on the opposite side of the rail line – in Item 11.3.4.

Cr Andrus Budrikis disclosed a Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) – Land owner and residence is located on the opposite side of the rail line – in Item 11.3.5.

Cr Andrus Budrikis disclosed a Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – use Elders/Landmark for farm supplies – in Item 11.4.2.

Cr Andrus Budrikis disclosed a Financial /Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Business partner of land owner (and relative) of land directly adjacent to the Visitor Centre (land zoned commercial) – in Item 11.5.2.

Cr Len Handasyde disclosed a Financial /Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – I am proponent – in Item 11.1.1.

Cr Len Handasyde disclosed a Financial /Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Use Landmark as an agent in farming – in Item 11.4.2.

Cr Simon Grylls disclosed a Financial /Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – Business with Elders – in Item 11.4.2.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr S Grylls:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 15 June 2010 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 145/10

8 COMMITTEE MINUTES

Moved Cr L Handasyde, seconded Cr S Etherington:

That the Minutes of:

[4 June 2010 - Recreation Advisory Committee Meeting - Minutes– 4 June 2010](#)

[Townscape Review Steering Committee Meeting - Minutes – 23 June 2010](#)

be received.

CARRIED (8/0)

NO. 146/10

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr K Clements

- Attended the Rotary change over on 20 June 2010. Mr Fred Mentha is the new President.
- 22 June 2010 -. Ms Selesnew and I attended a Board meeting of the Community Resource Centre. The issue of the ongoing running of the library was discussed. The funding and construction appears to be on track.
- 23 June 2010 - attended the Meeting of the new Townscape Review Steering Committee. Their new mission, purpose, tasks and responsibilities were explained. Mr Peter Thorn was elected Chairman.

- 24 June 2010 - attended a Timber Industry Roads Evaluation Strategy (TIRES) meeting. A sub committee consisting of Cr Forrest, Cr Clements and two industry representatives was formed to gather information for a presentation to the WALGA Roads Funding Committee.
- Attended a meeting of the Great Southern Regional Recreation Advisory Group (GSRRAG) on 25 June 2010 with Ms Selesnew. The guest speaker was Mr Brett Trenby who spoke about asset management of sports and recreational facilities.
- Attended the 40th Anniversary of Lions Inc in Mount Barker. The new President is Mr Mike O'Neil.
- 1 July 2010 along with Mr Stewart and Cr Skinner attended a meeting with Mr Mike Norton President of the Farmers Federation to discuss the position of the Regional Saleyards.
- 2 July 2010 attended the official announcements for the recipients of the Great Southern Development Commission (GSDC), Royalties for Regions grants with Mr Stewart.
- 5 July. 2010, with Mr Stewart and Mr Fathers met with Mr Kevin Chennell (Treasury) and Mr Bruce Manning (GSDC) to discuss our preferences regarding the saleyards.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr M Skinner

- Attended a meeting with Mr Mike Norton, President of the Farmers Federation on 1 July 2010.

Cr S Etherington

- Attended a Special Meeting of the Mount Barker Tourist Bureau on 17 June 2010.
- Attended a Mount Barker Tourist Bureau Meeting on 21 June 2010.
- 22 June 2010 – attended the Australian Institute of Company Directors “Issues and Challenges in the Not-for-Profit Sector”.
- 29 June 2010 - attended a District Emergency Management Committee (DEMC) meeting in Albany.
- 29 June 2010 – attended a Roadwise Steering Committee Meeting.

Cr A Budrikis

- Attended a Townscape Review Steering Committee Meeting 23 June 2010.

Cr G Messmer

- Attended a Townscape Review Steering Committee Meeting 23 June 2010.
- Attended a Roadwise Steering Committee Meeting 1 July 2010.

Cr L Handasyde

- Attended a TIRES Meeting on 24 June 2010.
- Attended a Roadwise Steering Committee Meeting 1 July 2010.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 DEVELOPMENT SERVICES REPORTS

11.1.1 LOT 14 BOYUP ROAD, FOREST HILL – NEW RELOCATED ACCOMMODATION FOR WORKERS.

A Financial /Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr L Handasyde.

3:47pm Cr L Handasyde withdrew from the meeting.

File No: RV/182/122200

Attachments: [Location Plan](#)
[Site Plan](#)
[Site Plan Of Accommodation](#)
[Floor Plan](#)
[Photograph](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 6 July 2010

Applicants: Len and Heather Handasyde

PURPOSE

The purpose of this report is to consider an application for two new relocated purpose built transportable dwellings for the purpose of accommodation for workers at Lot 14 Boyup Road, Forest Hill.

BACKGROUND

Council records show the registered owners of Lot 14 Boyup Road, Forest Hill are L and H Handasyde.

The proponents own and operate Forest Hill Farms and have been farming strawberries and cherries at the property for approximately 20 years. The farm business employs numerous temporary workers through the picking season and workers stay at the farm for a period of three weeks up to six months. At present there is no accommodation for workers on site and the proponents intend to relocate two new purpose built transportable dwellings (dongas) for this accommodation.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

FINANCIAL IMPLICATIONS

The application fee of \$132.00 has been paid.

A \$5,000.00 bond per dwelling (2009/2010 Budget) is required by Council Policy.

POLICY IMPLICATIONS

Council Policy No. TP/SDC/5 – Housing – Relocation of Houses – requires various conditions to be satisfied including a bond, engineer's certification, and removal of asbestos cladding if being brought into the Shire. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house. Approval for relocated houses outside of Mount Barker and the rural villages is subject to the discretion of the Council. As these accommodation units are new, the bond is not considered appropriate.

Town Planning Scheme (TPS) Policy No. 14 – Rural Tourist Accommodation and Additional Houses

Policy criteria 12 reads as follows:

'In considering additional houses, specifically for a rural enterprise, the Council will require the applicant to substantiate that progress has been made towards bringing the rural venture into operation.'

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The subject land is located approximately 20km west of Mount Barker and 2.7km off Muirs Highway on Boyup Road.

In considering additional houses, TPS Policy 14 requires proof that progress has been made towards bringing a rural venture into operation. The proponents have been farming strawberries and cherries at the property for approximately 20 years. The proposal is in accordance with this requirement in TPS Policy 14.

The property is rectangular in shape and 62.32ha in area. The existing development at the property consists of a farm house and various outbuildings used for farming operations. An amenity facility which includes ablution facilities, laundry, utility and barbeque area was approved on this site in June 2004 and has been constructed.

The proposed accommodation location is in close proximity to the amenity facility and is to be positioned 450m from the boundary abutting Boyup Road and 490m from the rear boundary abutting Lot 3 to the west. The proposed accommodation location is approximately 330m from the side boundary abutting Teddington Road to the north and approximately 320m from the side boundary abutting Lot 11 to the south.

The proposed accommodation location is well screened by vegetation at the property to the east and north and partly screened by vegetation located on the adjoining properties to the west and south. The nearest houses are located more than 1km

away on Lots 101 and 500 to the southeast from the proposed accommodation location.

The proposed accommodation for workers will be new purpose built transportable accommodation (dongas). An engineer's certificate will be provided prior to accommodation being relocated and colour photographs will be provided to validate the quality of the buildings. There will be no asbestos to be removed. The proposal is not likely to affect the landscape, rural character or amenity of the locality and is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That approval be granted for two new relocated dwellings (dongas) at Lot 14 Boyup Road, Forest Hill subject to development being in accordance with the plans dated 2 June 2010.

CARRIED (7/0)

NO. 147/10

3:48pm Cr L Handasyde returned to the meeting.

11.1.2 LOT 811 STONEY CREEK ROAD, PORONGURUP - FAMILY DAY CARE PROPOSAL

File No:	N15136
Attachments:	Location Plan Bush Fire Hazard Assessment Plan Site Plan Floor Plan Elevations
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	6 July 2010
Applicant:	Jane Forward

PURPOSE

The purpose of this report is to consider a proposal for a family day care at Lot 811 Stoney Creek Road, Porongurup.

BACKGROUND

Shire records show the registered owners of Lot 811 Stoney Creek Road, Porongurup are MH and JF Forward.

A house and outbuilding were approved on this site in November 2007 and they have been constructed within the predefined building envelope in accordance with the standards for this subdivision. The proponent is seeking approval to develop a family day care for a maximum of seven children within a new building 54m² in area. The proposed new building will integrate with the existing house and be of similar finish.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Rural Residential Zone No. 10.

– Special Provisions include:

‘3.2 The following uses may be permitted subject to special approval of Council:

- Other incidental or non defined activities considered appropriate by Council which are consistent with the objectives of the zone.’*

Clause 3.2.5 of TPS3 provides the Council with the ability to determine development standards for development not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the categories. That power may only be exercised by the Council if it is satisfied that:

'(b) determine by absolute majority that the proposed use is consistent with the objectives and purpose of the zone and thereafter follow the 'SA' procedure of Clause 6.2 in considering an Application for planning consent.'

The application has been advertised in accordance with Clause 6.2 and no submissions have been received.

Child Care Services Act 2007

Child Care Services (Family Day Care) Regulations 2006 - Evacuation procedures to be developed and set down in writing and procedures for the transport of enrolled children to be developed and set down in writing especially the kinds of vehicles which may be used to transport enrolled children.

Planning for Bush Fire Protection (Edition2) - Areas that have a Bush Fire Hazard Assessment of between Moderate and High, constitutes a Bush Fire Prone Area.

Building Code of Australia (BCA) - In a Bush Fire Prone Area all habitable buildings must comply with the Australian Standard for Construction of Buildings in Bush Fire Prone Areas (AS 3959).

EXTERNAL CONSULTATION

The proposal was advertised for comment for a 21 day period closing on 15 June 2010. Letters were sent to four adjoining lot owners, notices were placed in the Plantagenet News, Albany Advertiser, Council and Porongurup Shop notice boards and a sign placed on site. At the close of the advertising period no submissions had been received.

FINANCIAL IMPLICATIONS

The application fee of \$132.00 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan 2003 Key Result Area 4 Development Services seeks to:

'Plan a safe and healthy living environment.'

'Encourage new businesses that will create long term sustainable local employment.'

OFFICER COMMENT

The property location is within a recently developed rural residential subdivision which consists of 26 lots and is located approximately 22km east of Mount Barker and 1.1km off Porongurup Road on Stoney Creek Road.

Although no submissions were received during the advertising period, the Council's Community Emergency Services Manager (CESM) has raised some serious

concerns in respect to safety when there will be up to seven children present on the site should a fire occur in the immediate locality. The CESM comments were received as part of the internal circulation procedures.

The northern and eastern parts of the rural residential subdivision which includes Lot 811 are extensively covered in remnant vegetation. The approved Fire Prevention Plan for this rural residential subdivision rates the bush fire hazard for this part of the subdivision to be extreme.

To the north of the subdivision is Location 5700, a recently harvested blue gum plantation, and Reserve 24095 which is set aside for recreation. Location 5700 is adjoined to the north by Reserves 29792 and 29793 and Reserves 15133 and 15134 are located approximately 600m to the southwest and these reserves are covered with remnant vegetation. Other properties, Lot 6045 adjoining the subdivision to the east, Lots 830 and 831 adjoining the subdivision to the south and Lot 4853 adjoining the subdivision to the west are partly cleared but do have significant areas of remnant vegetation. Lots 830 and 6045 were recently zoned to rural residential.

The main source of fire threats would be from the north. In addition fires may come from the Porongurup National Park under a strong south westerly sea breeze, across the Porongurup Road from the south.

Two possible evacuation routes exist from Lot 811. The first route is westwards along Stoney Creek Road to Porongurup Road, approximately 1.9km in length. The second route is west along Stoney Creek Road and south to the new road connecting the newly developed rural residential subdivision with a temporary gravel fire break track to Spring Road and Porongurup Road. This evacuation route is approximately 3.3km in length.

Exploring the scenario of a family day care for seven children at Lot 811 and the event of an extreme fire similar to the 2007 Porongurup fire raises concerns. Decision-making during fire emergencies is different from day-to-day decision making as much more is at stake and decisions must be made quickly and available information on which to base decisions may be limited or overwhelming. This may lead to parents, family members or friends of children to rush to the property to save children in the event of a fire. The presence of non emergency individuals is likely to be counterproductive and adversely affect fire fighting operations. Due to the location of the property in a bush fire prone area and potential exposure of a group of children to extreme and catastrophic fire danger the proposal is not supported by the CESM. Even if agreements were in place where parents had signed documents stating in a fire event they will not go to the property, human nature will mean they will more than likely attempt to get to the property causing problems for the emergency personnel.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That the proposal for a family day care at Lot 811 Stoney Creek Road, Porongurup be refused on the grounds that:

1. The lot is located in a bush fire prone area with extensive vegetation and such use, where up to seven children could be in attendance, is not appropriate from a safety perspective.
2. The use could lead to increased fire risk to life through an inappropriately located land use.

CARRIED (8/0)

NO. 148/10

(Absolute Majority)

**11.1.3 FOOD ACT 2008 - APPOINTMENT OF AUTHORISED OFFICERS,
DESIGNATED OFFICERS AND INSTRUMENT OF DELEGATION**

File No: N15160
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to consider the appointment of the Council's Environmental Health Officer (EHO) as an Authorised Officer, the appointment of the Chief Executive Officer (CEO) and the EHO as Designated Officers and to provide for the delegation of certain powers to the Chief Executive Officer pursuant to the provisions of the Food Act 2008.

BACKGROUND

Local Government has an important role in ensuring the health, safety and wellbeing of the community. This is done through education, monitoring and the enforcement of legislation.

Food safety remains a key program area that contributes to the health and wellbeing of our communities and a large part of the work conducted by the EHO in local government. Food safety outcomes are achieved through:

- Monitoring food premises to ensure appropriate levels of hygiene are maintained;
- Educating people who handle food through the provision of advice and educational materials;
- Responding to complaints about food businesses;
- Investigating food poisoning outbreaks independently or with the assistance of officers from the Department of Health; and
- Taking samples of food to ensure that food is safe for consumption and meets standards.

The introduction of the Food Act 2008 (the Act) and Food Regulations 2009 (the Regulations) requires Local Government appointment of certain 'Authorised Officers' and 'Designated Officers' to enable routine enforcement of the statutory functions and obligations of the legislation.

The Act and Regulations are now the principle legislation regulating the safe and suitable production of food in Western Australia, replacing and repealing the food provisions within the Health Act 1911 and Health (Food Hygiene) Regulations 1993. The Act is based on 'Model Food Provisions' agreed to by all States and Territories of Australia and New Zealand and includes references to the Food Standards Australia and New Zealand – 'Food Standards Code'.

Previous food related statutory functions were conferred upon EHOs defined and appointed in accordance with the Health Act 1911.

The Act however refers to EHOs as 'Authorised Officers' acting on behalf of an enforcement agency (such as local government). The resultant change of classification from the EHO to Authorised Officer will therefore require additional appointment of that officer by the local government to enable the officer to continue to enforce the statutory functions, obligations and provisions of the Act and Regulations.

Administration of the Act is conferred upon enforcement agencies (local governments) under Section 118 of the Act and such performances and functions may be further delegated by the local government to its CEO to enable the timely and effective administration of the provisions of the Act. Those administrative functions include the power to appoint Authorised Officers (Section 122) and Designated Officers (Section 126 (13)).

Designated Officers are required to be appointed and may have limited authority to issue, extend or withdraw an infringement notices or receive money for the payment of an infringement notice pursuant to the Act.

The Act places greater responsibilities upon food businesses to ensure that food is both safe and suitable for human consumption. Penalty provisions have been substantially increased to reflect the serious nature of food safety and penalties for breaches of the Act range from \$10,000.00 to \$100,000.00 and imprisonment for up to two years for individuals and \$50,000.00 to \$500,000.00 for a body corporate. Infringement notice and modified penalty provisions range from \$150.00 to \$500.00 for individuals and \$1,000.00 for a body corporate.

STATUTORY ENVIRONMENT

Health Act 1911

Food Act 2008

Food Regulations 2009

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 Key Result Area 4 includes the following aims:

- *Provide for the provision of better Environmental Health practices and standards for the community; and*
- *Ensure the Shire's operational and legislative requirements with relation to appropriate health statutes are met.'*

OFFICER COMMENT

The Council's appointment of Authorised Officers, Designated Officers and delegation to the CEO is a necessary statutory and administrative procedure to enable the Council's Officers to perform statutory and regulatory functions within the provisions of the Act and Regulations within the Shire of Plantagenet.

Provisions of the Act enable the issue, extension and clearance of prohibition orders and improvement and infringement notices. These powers are operational and are appropriate to be delegated to Authorised Officers (Environmental Health Officers).

Matters relating to the issuing of infringement notices (Section 126) for breaches of the Act are considered to be potentially contentious, however are still operational and often need to be dealt with expediently, rather than awaiting the outcome of a Council meeting. It is therefore recommended that a delegation to the CEO be granted for administrative matters relating to infringement notices.

It is also considered prudent to delegate to the CEO the ability to appoint Authorised Officers (Section 122) and Designated Officers (Section 126 (13)).

Because of the legislative complexities associated with the appointment and administration of Designated Officers issuing, extending, withdrawing or receipting payments for infringement notice modified penalties, it is considered appropriate that this administrative function is also delegated to the CEO.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr S Etherington:

That:

- 1. The Environmental Health Officer be appointed as an Authorised Officer in accordance with the provisions of Sections 122(1)(b) of the Food Act 2008.**
- 2. The Authorised Officer (Environmental Health Officer) be appointed as a Designated Officer for the purposes of issuing infringement notices under the provisions of Section 126(2) of the Food Act 2008.**
- 3. The Chief Executive Officer be appointed as a Designated Officer to receive payments, extend or revoke infringement notices in accordance with Sections 126(3), 126(6) and 126(7) of the Food Act 2008.**
 - a) Sections 126(3)(c) – Appoint Designated Officers to receive payment from infringement notices; and**
 - b) Sections 126(6) and 126(7) – Appoint Designated Officers to extend the payment period for infringement notices or revoke infringement notices.**

4. Delegation LG044 (Food Act 2008) as follows:

- '1. That pursuant to the following Sections of the Food Act 2008, the Chief Executive Officer is delegated authority to perform the functions listed:**
 - a) Section 122(1) – Appoint Authorised officers;**
 - b) Sections 123(1) and 123(2) – Issue certificates of authority to Authorised Officers;**
 - c) Section 126(2) – Appoint Designated Officers to issue infringement notices;**
 - d) Sections 126(3) – Appoint Designated officers to receive payment from infringement notices; and**
 - e) Sections 126(6) and 126(7) – Appoint Designated Officers to extend the payment period for infringement notices or revoke infringement notices.**

- 2. That pursuant to the Food Act 2008 the Authorised Officer is delegated authority to perform the functions listed:**
 - a) Issue prohibition notices in accordance with Section 65 of the Food Act2008;**
 - b) Clear and remove prohibition notices in accordance with Section 66 of the Food Act 2008;**
 - c) Provide written notification not to issue a certificate of clearance in accordance with Section 67 of the Food Act, 2008; and**
 - d) grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with the Sections 110 and 112 of the food Act 2008.'**

be granted.

CARRIED (8/0)

NO. 149/10

(Absolute Majority)

11.2 WORKS AND SERVICES REPORTS

11.2.1 ROAD RENAMING - DENBARKER AND AMARILLUP ROADS

File No:	N15187
Attachments:	Summary of submissions Map
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Sharon Lynch Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date:	6 July 2010

PURPOSE

The purpose of this report is to consider the submissions received during the advertising period for the renaming of part of Amarillup Road (north east of The Springs Road intersection) and Denbarker Road by extending the name Seymour Road to Muirs Highway.

BACKGROUND

At its ordinary meeting held 25 May 2010, the Council formally received a petition to change the name of Denbarker Road to Old Pile Road. The name Old Pile Road has historical significance however the Geographic Names Committee guiding principles do not encourage double names. The Geographic Names Committee advised it would support renaming a small portion of Amarillup Road (between The Springs Road and Simpson Road) and all of Denbarker Road to Seymour Road, as it is a logical extension of an existing road name.

It was resolved:

'That the proposal to rename part of Amarillup Road (north east of The Springs Road intersection) and Denbarker Road by extending the name Seymour Road to Muirs Highway, be advertised and a further report be prepared for the consideration of the Council at a meeting to be held no later than 27 July 2010.'

The proposal was advertised for 16 days by way of newspaper notice. Letters were sent to adjoining landowners on Amarillup, Denbarker and Seymour Roads. Twelve submissions were received and these are contained in the attached summary of submissions. Of the submissions two were in favour and 10 were opposed.

Six submissions were also received prior to the advertising period. Five supported the petition and one opposed it.

STATUTORY ENVIRONMENT

The Land Administration Act 1997 governs the road naming process.

EXTERNAL CONSULTATION

Consultation has occurred with the Geographic Names Committee.

FINANCIAL IMPLICATIONS

All costs associated with the upgrade of signage will be the responsibility of the Shire. It is estimated that this will cost approximately \$400.00. This does not include substantial staff time. It is estimated that 10 hours has been spent on this item by the CEO, Manager Works and Services and Senior Administration/Project Officer.

POLICY IMPLICATIONS

Council Policy I/RR/1 – Future Street and Reserve Names, details the Road Name Register as adopted by the Council on 4 May 2010. Old Pile Road is not listed on the register.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The basis of the objections received is that the Denbarker name represents an important part of the development and history of the area. Denbarker was one of the last areas developed under the War Service Land Settlement. Reference was made to the Denbarker War Memorial which is located on Amarillup Road. Several submissions believed that the signage at the new Muirs Highway and Denmark-Mount Barker Road junction has alleviated some of the possible confusion with the Denbarker Road.

It is worthwhile noting that five people who initially signed the petition have since withdrawn their support. These five people registered an objection to the proposal.

Strong letters of support were received prior to the advertising period commenting that a change of name will lessen confusion, especially with visitors, tourists and emergency services between the Denbarker Road and the Denmark-Mount Barker Road.

The Geographic Names Committee discourages the renaming of roads unless there are good reasons for a change of name. In addition, for regional roads the change of name should have broad community support, and for local roads, majority support from affected residents. However, the requirements of emergency services for clear unambiguous naming will also be a consideration.

The petition highlighted the confusion between the Denbarker Road and Denmark-Mount Barker Road and provided broad community support for the road renaming. However the proposal has not received majority support from the affected residents.

Given the number of submissions received from affected residents it is recommended that the Council not proceed with the renaming.

It is recommended that Denbarker Road be extended south to The Springs Road intersection to rename a small portion of Amarillup Road. The Geographic Names

Committee is supportive of this renaming. This change will result in having an intersection where there is a change of roads and road names.

It is also suggested that the Council seek approval from Main Roads WA to erect advance warning signs on Muirs Highway, either side of Denbarker Road turnoff, stating the turnoff is approaching. It would also be advisable that the road signage at the end of Denbarker Road be upgraded to clearly indicate the start of Amarillup, Seymour and The Springs Roads.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The proposal to rename part of Amarillup Road (north east of The Springs Road intersection) and Denbarker Road by extending the name Seymour Road to Muirs Highway not proceed due to the number of opposing submissions received.
2. Approval be sought from Main Roads WA to erect advance warning signs on Muirs Highway, either side of Denbarker Road turnoff, stating the turnoff is approaching.
3. The proposal to extend Denbarker Road south to The Springs Road intersection to rename a small portion of Amarillup Road be forwarded to the Geographic Names Committee for endorsement.

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That:

1. **The part of Amarillup road (north east of The Springs Road intersection) and the current Denbarker road in its entirety be renamed Pile Road and that this request be forwarded to the Geographic Names Committee for endorsement.**
2. **Approval be sought from Main Roads WA to:**
 - a) **Erect advance warning diamond yellow signs on Muirs Highway, either side of Pile Road turnoff, indicating that a minor road 'T' intersection is ahead, and**
 - b) **Erect a tourist finger sign to indicate 'Denbarker Memorial X km' in the appropriate colour.**
3. **Main Roads WA be requested to improve the Denmark-Mount Barker Road sign to make it more readable.**

CARRIED (8/0)

NO. 150/10

Reason for Change

The Council considered the following issues brought forward by Cr Handasyde:

1. There remains significant conflict on the road names in question;
2. This has been the case for many years;
3. The cost is quite high given the amount of traffic that gets lost looking for either road;
4. Emergency Services support this road name change and this is surely significant;
5. Many signatories to the original petition supported the name change to Old Pile Road due to its historical significance. The Geographic Names Committee will not support this name to the relevant Minister. I therefore have proposed the alternative name of Pile Road;
6. Industry people locally and regionally support this name change due to significant time lost because of staff confusion.
7. Residents, maps and websites locally and regionally often refer to the Denmark-Mount Barker road as the Denbarker Road including our erstwhile President;
8. Traffic numbers on the Denbarker Road are similar or more than when the Denbarker area was only broadacre farming. It has been said that this should have been done 30 years ago. If so, then it should be done now;
9. The Geographic Names Committee would not likely support the Denbarker Road name if it was being submitted now due to its close proximity in name to Denmark-Mount Barker Road. They want at least 50km between roads of similar names; and
10. There are three residents who live on the road who will need to change their postal addresses. I appeal to them to acknowledge the bigger issues. One of these is a rented property.

11.2.2 POLICY REVIEW - LAND DRAINAGE – LANDHOLDERS RESPONSIBILITY

File No: N15162
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Sharon Lynch
Senior Administration/Project Officer (Works and Services)
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to review Council Policy No. I/DS/1 – Land Drainage – Landholders Responsibility.

BACKGROUND

This policy was last reviewed by the Council on 8 May 2007.

Council Policy I/DS/1 – Land Drainage – Landholders Responsibility reads as follows:

OBJECTIVE:

To provide clear guidelines to Council staff and Shire of Plantagenet landowners in relation to the installation, maintenance and associated costs of land drainage on road reserves.

POLICY:

1. *Council and other relevant agency/s approval must be sought for any proposed drainage works (deep drainage crossing road reserves or shallow drainage) before commencing works.*
2. *Landowners proceeding with unauthorised land drainage may be liable for expenses incurred by the Council to repair damaged roads and drainage structures and eventual upgrading costs.*
3. *The following applies to deep drainage crossing road reserves:*
 - a) *All pipes to be Class 4 concrete pipe;*
 - b) *Pipes to have a minimum of 150mm coverage compacted gravel;*
 - c) *Soil in the drain is to be removed from the reserve and only gravel to be used as replacement fill;*
 - d) *The minimum pipe diameter for drains over 1m deep to be 600mm;*
 - e) *Pipes not meant for local water to be a minimum length of 9.7m;*
 - f) *Endwalls to be installed at each end of the pipe, including concrete floor and toe wall;*
 - g) *The minimum length of pipe crossing to be 9.7m. The Council will fund the cost of piping greater than 14.0m where the Council deems such piping necessary;*

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- h) *All traffic management plans to be the responsibility of the landowner and approved by Manager Works and Services;*
- i) *Work to have twelve month guarantee against washouts and slumps. All work carried out by the Shire within this period to be at the landowner's cost;*
- j) *All works carried out by the Shire will be done as private works and charged accordingly;*
- k) *If the landowner is seeking assistance in undertaking drainage works, an application must be made to the Chief Executive Officer.*
- l) *No applications for assistance will be considered if works are commenced prior to approval.*
4. *The following applies to shallow drainage:*
- a) *Where drains are seen as advantageous to the Shire, the Shire is to provide the pipes and the landowner is to undertake the work;*
- b) *No applications for assistance will be considered if works are commenced prior to approval.*
- c) *All signage and works to be the responsibility of the landowner, works to be completed in the same day, in daylight hours only; and*
- d) *Headwalls to be constructed to Shire standards.'*

STATUTORY ENVIRONMENT

Local Government Act 1995 – Schedule 3.1 Division 2

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 its 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

The title of the policy should be changed from 'Land Drainage – Landholders Responsibility' to 'Land Drainage on Road Reserves'. The change in title clarifies that the policy applies to any person who may be undertaking the installation or maintenance of land drainage on road reserves, including public service utilities, relevant agency/s and contractors.

Some minor editorial changes are needed to the policy.

1. Delete the following words as they are superfluous:
 - a) Objective – ‘clear’ and ‘to Council staff and Shire of Plantagenet land owners’;
 - b) Point three (e) – ‘Pipes not meant for local water to be a minimum length of 9.7m’; and
 - c) Point three (i) – ‘All works carried out by the Shire will be done as private works and charged accordingly.’
2. Reword point no. 1, deleting ‘Council and other relevant agency/s’ approval must be sought for any proposed drainage works’ and replace with ‘Any person proposing drainage works must seek approval for such.’
3. Delete the word ‘landowner’ and replace with the words ‘Any person’ at the beginning of point two.
4. Delete the word ‘landowner’ and replace with ‘applicant’ throughout the entire document.
5. Reorder item numbers within the policy:
 - a) Point No. 2 becomes point no. 4;
 - b) Point No. 3 becomes point no. 2; and
 - c) Point No. 4 becomes point no. 3.

No other changes to the policy are required.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr A Budrikis:

That amended Council Policy No. I/DS/1 – Land Drainage on Road Reserves:

OBJECTIVE:

To provide guidelines in relation to the installation, maintenance and associated costs of land drainage on road reserves.

POLICY:

- 1. Any person proposing drainage works must seek approval (deep drainage crossing road reserves or shallow drainage) before commencing works.**
- 2. The following applies to deep drainage crossing road reserves:**
 - a) All pipes to be Class 4 concrete pipe;**
 - b) Pipes to have a minimum of 150mm coverage compacted gravel;**

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- c) Soil in the drain is to be removed from the reserve and only gravel to be used as replacement fill;
 - d) The minimum pipe diameter for drains over 1m deep to be 600mm;
 - e) Endwalls to be installed at each end of the pipe, including concrete floor and toe wall;
 - f) The minimum length of pipe crossing to be 9.7m. The Council will fund the cost of piping greater than 14m where the Council deems such piping necessary;
 - g) All traffic management plans to be the responsibility of the applicant and approved by Manager Works and Services;
 - h) Work to have twelve month guarantee against washouts and slumps. All work carried out by the Shire within this period to be at the applicant's cost;
 - i) If the applicant is seeking assistance in undertaking drainage works, an application must be made to the Chief Executive Officer; and
 - j) No applications for assistance will be considered if works are commenced prior to approval.
3. The following applies to shallow drainage:
- a) Where drains are seen as advantageous to the Shire, the Shire is to provide the pipes and the applicant is to undertake the work;
 - b) No applications for assistance will be considered if works are commenced prior to approval;
 - c) All signage and works to be the responsibility of the applicant, works to be completed in the same day, in daylight hours only; and
 - d) Headwalls to be constructed to Shire standards.
4. Any person proceeding with unauthorised land drainage may be liable for expenses incurred by the Council to repair damaged roads and drainage structures and eventual upgrading costs.'

be endorsed.

CARRIED (8/0)

NO. 151/10

11.3 COMMUNITY SERVICES REPORTS

11.3.1 CENTENARY AND WILSON PARKS DEVELOPMENT - PLAYGROUND FACILITIES

File No:	N15207
Attachments:	Centenary and Wilson Parks Playground Equipment
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	6 July 2010

PURPOSE

The purpose of this report is to review the composition of the playground equipment for the Centenary and Wilson Parks playground development.

BACKGROUND

The Council, at its meeting held on 15 June 2010, considered a recommendation to support the installation of a Nature Play playground development in Centenary and Wilson Parks, Mount Barker.

At its meeting held on 15 June 2010 the Council resolved:

'That the question be adjourned until the meeting of 6 July 2010 to enable the Chief Executive Officer to prepare a report on an alternative location for the public toilet block in Centenary and Wilson Parks and consideration of alternative playground equipment.'

This report focuses on the composition of the playground equipment. The location for a public toilet block and skate park is the subject of a separate Council Report.

Concerns were raised regarding the level of use of a Nature Play designed playground, potential for 'hidden areas' within the playground site caused by landscape plantings and on-going maintenance costs.

STATUTORY ENVIRONMENT

There are seven Australian Standard guidelines which provide the minimum standard for the design, construction, installation and maintenance of playground equipment in Australia.

EXTERNAL CONSULTATION

Several workshops were held during the preparation of the Centenary and Wilson Parks Precinct Plans, including representatives from local businesses, the Shire of Plantagenet Townscape Review Steering Committee, Interagency Committee, Councillors and interested community members.

Following the completion of the Precinct Plan a group of young mothers has consulted with the community regarding the construction of a Nature Playground site in the planned playground area. The consultation has included a display in the Mount Barker Co-operative foyer at which 135 people provided input regarding their preferred playground construction type, meetings with community development groups such as OK Kids and the Playgroup committee and articles in the Plantagenet News promoting the Nature Play concept and seeking feedback and donations of equipment.

Mrs Lisa Lynch and Ms Bronwyn Mark presented the Nature Play concept and a sketch plan to the Council at its meeting held on 14 July 2009.

Following the presentation a landscape planner and Kidsafe consultant were engaged to prepare a detailed Nature Play design plan for the Centenary and Wilson Parks playground site. The detailed planning included workshops with children from the Mount Barker Primary and High Schools at which the students were presented with different play equipment options including a comparison of Nature Play playground components and pre-fabricated, commercial playground equipment. The students preferred a majority of the Nature Play playground options, with some minor preferences for pre-fabricated equipment.

FINANCIAL IMPLICATIONS

The 2009/2010 Budget lists \$58,000.00 for a playground development in Centenary and Wilson Parks, comprising \$35,000.00 of Municipal Funds and a \$23,000.00 Community Facilities Grant.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Result Area 3, Community Services, provides the following:

'Measures of Success. Our success is measured by:

- *Level of community participation in Council services and facilities;*
- *Level of customer satisfaction with Community Services;*
- *Unit costs.'*

OFFICER COMMENT

The Nature Play concept was first considered for the Centenary and Wilson Parks area to provide a facility that would help to improve the basic domains of childhood development, minimise the development and ongoing maintenance costs of a playground development and minimise the risk of injury within the playground. It is based on these principles that this remains the preferred style of playground development.

Childhood Development

In 2007 the Australian Government piloted the Australian Early Development Index (AEDI) which was a population measure test of how young children are developing in Australian communities.

The AEDI measures five areas, or domains, of early childhood development:

- physical health and wellbeing;
- social competence;
- emotional maturity;
- language and cognitive skills (school-based); and
- communication skills and general knowledge.

These are important areas of child development and also good predictors of adult health, education and social outcomes.

Across all areas of the study a large proportion of the children in the Cranbrook/Mount Barker district were considered developmentally vulnerable. The results showed that 40.7% of the children were considered developmentally vulnerable on one or more of the domains and almost one quarter (23.7%) of children from the Cranbrook/Mount Barker district were vulnerable across two or more domains. The Cranbrook/Mount Barker district also had the lowest proportion of children performing well across two or more domains.

There are a number of strategies to address early childhood development, many of which fall beyond the scope of Local Government. However, as custodians of public play spaces the Council does have the ability to influence the type and benefits of play for children.

Research distributed by the Office of Children and Youth (2007) has shown that:

- Important brain development is occurring while children play. For example, some brain development requires tumbling, spinning and balancing and has been found to help develop the cerebellum;
- From the age of two, toddlers learn social skills that help build life coping skills. They begin to develop a sense of self and need for autonomy and independence. The stronger a person's sense of identity and independence, the better their resilience;
- The parts of the brain concerned with regulating emotion and attitudes require human contact to develop;
- Socialising is an excellent way to build emotional competencies. Self initiated play is better than rigidly organised activities. Children have an enormous curiosity and thirst for exploring their world, especially with other children. Curiosity, innovative and flexible thinking are attributes of resilient people;
- Singing and counting helps stimulate brains to develop patterning and sequencing strategies that will help with cognitive processing later in life, which are very important in developing resilience pathways;
- Children need opportunities for creative, exploratory play in stress free environments with time freedom. Anecdotal evidence shows that many preschools and primary schools are returning to planning for longer times for children to play outside in natural environments with dirt, trees, water and green grass. They have noticed an increase in creative play, social cohesion, better problem solving, negotiation skills and immersion in the play experience. Children are calmer, happier, less anxious and less stressed. Cognitive

learning is still taking place with unstructured play and this is vital to developing social skills like sharing, taking turns, communication skills, dealing with disappointment and delayed gratification.

- Physical play reduces the likelihood of obesity and is important for supporting the function and development of the brain. It supports learning, memory and the repair and maintenance of neural circuits. Physical activity has also been shown to regulate mood by increasing the release of serotonin and dopamine – essential for emotional and cognitive wellbeing. It is also thought that physical activity is also a protective factor against depression.

Pre-fabricated, commercial play equipment is very structured, does not encourage the use of the imagination or social interaction, focuses play activities into a small area and is built for a single purpose.

The Nature Play alternative maximises learning experiences encountered through play and provides an effective strategy to improve childhood development opportunities.

Development and Ongoing Park Maintenance Costs

A recent study undertaken by the Natural Playgrounds Company, an American company which has specialised in Nature Play developments for more than a decade, compared the cost of Nature Play development to a pre-fabricated, commercial development. A budget of \$70,000.00 would purchase 21 items of pre-fabricated play equipment covering an area of 1,733m², compared to 70 items of Nature Play equipment covering an area of 6,903m².

The Centenary and Wilson Parks playground site is approximately 4,284m² of play area.

Pre-fabricated, commercial playground equipment catalogues range from \$33,475.00 for play equipment which would cover an area of 165m² through to \$60,600.00 for equipment suited for children aged five to 12 years, which will cover an area of 181m². Neither costs include soft fall, fencing or seating areas of parents around the park.

The construction cost of a Nature Play area is difficult to quantify as materials are often sourced through donations or second-hand sources and labour can be provided through groups such as Pardelup and the Shire's own works staff. The design plan for Centenary and Wilson Parks is estimated to cost \$75,000.00 to complete, including fencing around the site, soft fall around some of the play equipment and reticulation in some garden and lawn areas.

The Natural Playgrounds Company has also researched the maintenance costs of pre-fabricated playgrounds compared to Nature Play playgrounds and has concluded that ongoing maintenance for both park styles is comparable.

Pre-fabricated playgrounds have a significant requirement for soft fall surfacing which is enforced through the Australian Standards. The height of equipment has a corresponding area of soft fall. The cheapest soft fall product is sand which needs to retain a depth of 300mm in fall zone areas. For example, any play equipment greater than 1.5m in height requires an area of 2m of soft fall. In accordance with the standards, sand soft fall needs to be checked and raked daily to ensure there is an adequate depth and absence of contaminants. This forms a significant, ongoing maintenance cost.

Other forms of soft fall are available, such as the reconstituted rubber surfacing. The average cost per square metre of the rubber soft fall is \$180.00 which is prohibitive over a large playground area. Further, the surface also requires regular inspections to ensure there are no contaminants stuck in the surface and the product is not wearing.

Maintenance on the pre-fabricated play equipment is often costly as separate modular parts are difficult to source. Three years ago the Shire had a pre-fabricated slide and climbing frame module at the Child Care Centre. The slide had cracked and needed replacing. The equipment was no longer under warranty and that module was no longer made, therefore the whole unit had to be replaced. The item cost was in excess of \$12,000.00.

Maintenance of a Nature Play space is often focussed on the garden areas rather than the play equipment. The attached draft design plan (Attachment One) shows a majority of the equipment constructed of sturdy materials and very few items require a soft fall area as they do not exceed 500mm in height. Costs have been sourced for weed matting to be installed in garden areas to minimise weed invasion and reticulation in the lawn areas and some garden beds to minimise watering requirements. The area is presently mowed three times per month and it is anticipated that this may increase slightly during the summer period, but would remain at three times per month during the cooler months.

The plantings throughout the park area are designed to encourage the senses and imagination, however are also low water, low maintenance species. A majority of the plants are a standard shrub height (up to 750mm high) minimising the opportunity for the garden areas to become hiding sites for undesirable activities. There are some trees incorporated into the design of which many grow to a substantial height providing shade from a canopy, but not necessarily providing a lower area of growth which people may hide behind. There is an area of *Eucalyptus Caesia* proposed which does have a weeping foliage, however this eucalypt was chosen due to the 'straggly' nature of its foliage which does not prevent visibility through the trees. A planting guide is provided in Attachment Two.

Minimise the Risk of Injury

Kidsafe Western Australia is a strong advocate of the Nature Play playground style of development with one of the reasons being the decreased risk of injury. The style of playground encourages children to use their imagination to create different playing opportunities. For example a sand pit may become an army barracks which launches sand grenades, or a kitchen site which specialises in sand patties.

Kidsafe research has indicated that the pre-fabricated playground equipment, which is built for a single purpose, does not encourage children to use their imagination. Therefore, children often become bored with the items they have to play on. This has led to injuries from people trying to use the equipment for activities it was not designed for.

The inter-twining of play equipment with the landscape in a Nature Play designed playground also reduces fall zones associated with height. For example, the slides will be built into a mound which reduces the likelihood of children falling from a significant height but still gives them the same amount of joy from using a slide.

Will the Children Use It?

Nature Play areas are not uncommon. Nature Play playgrounds exist in Kings Park - Perth, Millet Park – City of Stirling, a privately owned demonstration site - Kojonup,

Willoughby Park – New South Wales, Manning City Council - Victoria and there is a plan for a site in the Shire of Gnowangerup. Feedback from each of these areas has been very positive.

The Centenary and Wilson Parks playground development is a mix of nature play elements with some pre-fabricated equipment, such as the spinning disk and climbing frames. Some of the common elements from 'conventional playgrounds' such as a slide, swings and sand pit are included, however the layout refers back to the Nature Play concept. Please refer to Attachment One for an example of the equipment in the design.

The playground is designed for the zero to 12 age group.

The playground will offer play opportunities for a vast range of children, from the very young children who are supervised by their parents and are taking advantage of all the park design features to maximise childhood development, through to older children who are able to entertain themselves with their own imaginations and also those children whom are wandering through the site looking for some 'easy play' opportunities.

It should be noted that consideration has also been given to play equipment for older children, for example the 12 to 16 year age group. Kidsafe has advised that this age group has substantially different needs to the zero to 12 ages, tending to focus on activities that are athletically challenging such as guerrilla/army style climbing frames and use of open space to kick footballs, play cricket etc.

It is envisaged that activities focussed on this age group would be better suited to the site between the Rotunda and skate park area (please refer to a sketch plan in Attachment Three).

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Grylls:

That a Nature Play playground development, as shown generally in the Landscape Plan provided by Helen Leighton Garden Design – March 2010, be supported for Centenary and Wilson Parks, Mount Barker.

CARRIED (8/0)

NO. 152/10

**11.3.2 CENTENARY AND WILSON PARKS DEVELOPMENT - PUBLIC TOILET
BLOCK AND SKATE PARK LOCATION**

File No:	N15175
Attachments:	Centenary and Wilson Parks Toilet and Skate Park Location
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	6 July 2010

PURPOSE

The purpose of this report is to confirm the location for the public toilet block and the skate park in Centenary and Wilson Parks, Mount Barker.

BACKGROUND

The Council, at its meeting held on 15 June 2010, considered a recommendation to sign a contract to commence construction of a public toilet block in Centenary and Wilson Parks, Mount Barker and support the installation of a Nature Play playground and skate park, also in Centenary and Wilson Parks, Mount Barker.

The Council resolved:

'That the question be adjourned until the meeting of 6 July 2010 to enable the Chief Executive Officer to prepare a report on an alternative location for the public toilet block in Centenary and Wilson Parks and consideration of alternative playground equipment.'

The proposed toilet block site was based on the Centenary and Wilson Parks Precinct Plan, prepared in July 2008, and is identified in Attachment One as 'Option A'.

This report focuses on the location for a public toilet block in Centenary and Wilson Parks and skate park. The consideration of alternative playground equipment is the subject of a separate Council Report.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Several workshops were held during the preparation of the Centenary and Wilson Parks Precinct Plans, including representatives from local businesses, the Shire of Plantagenet Townscape Review Steering Committee, Interagency Committee, Councillors and interested community members.

Consultants were engaged to review the workshop results and combine them with other public open space planning principles to prepare the Centenary and Wilson Parks Precinct Plan.

Following the Council decision to review an alternative location for the public toilet block, consultation has occurred with the Water Corporation.

FINANCIAL IMPLICATIONS

A \$99,378.00 quote for the construction of a five pan public toilet block has been received from Mount Barker Building Services, based on the public toilet block site proposed at the 15 June 2010 Council Meeting (refer to Attachment One, Option A).

If the toilet block site is relocated new quotes will need to be sourced to allow for changes to the effluent system, service connection points and other building components that may be required to change.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan 2003, Community Services, aims to deliver, or facilitate the delivery of a range of services which respond to, and reflect, the physical, social and cultural well being of the community.

OFFICER COMMENT

One alternative location for a public toilet block has been identified which is adjacent to the Mount Barker Volunteer Fire and Rescue Service building, as shown on Attachment One, identified as 'Option B'. The site is close to Lowood Road which will encourage surveillance from passing pedestrians and traffic. Street lights will provide some lighting over the toilet block area.

The site is located within 90m of the reticulated sewerage system. The Department of Health's Country Sewerage Policy recommends that properties located within 90m are encouraged to connect to the sewerage system. This recommendation is not enforced within this Shire, rather consideration is given to a number of factors including the cost of connection, difficulties associated with connection (for example the sewerage system may be located higher than a house's plumbing system), scale of the development and whether septic waste can be safely disposed of on-site.

After liaison with the Shire's Environmental Health Officer and representatives from the Water Corporation, connection to the reticulated sewerage system would not be enforced with the Option B toilet block site, however in order to safely dispose of the septic waste on site components of the septic system would need to be installed on the eastern side of the existing park retaining wall. A proposed site plan is provided in Attachment One.

It is estimated that extending the scope of the septic system, including changes to the park retaining wall, will be cheaper than connecting to the reticulated sewerage system. A quote has not been sourced for a reticulated sewerage connection, however in 2006 it cost the Shire in excess of \$20,000.00 to have a 100mm pipe laid under Lowood Road to provide the Shire Administration Office for a fire hydrant

service (excluding the costs to the Shire to cut the channel through the road, provide the Traffic Management and repair the road surface). A connection to the reticulated sewerage system would be more expensive than the fire hydrant service connection due to the larger pipes used.

While the alternative public toilet location (Option B) site is feasible, it is not recommended due to the following reasons:

1. Purpose of the toilet block: The Centenary and Wilson Parks toilet block was proposed as a public ablution facility to service the needs of park users. The preferred toilet block site (Option A) is centrally located to the playground site (designed for users aged zero to 12 years), rotunda, gardens, bbq and picnic table area, skate park site, park open spaces, and parking areas.

Despite the alternative toilet block site (Option B) being located 100m from the preferred site, the change in location is decentralised from the park activity areas. The alternative location services the gardens, bbq and picnic table area and skate park site but disadvantages the other park facilities.

During the lengthy park planning process, the parents of young children were very forthcoming about the need for a public toilet facility close to playground areas.

2. Security: Security and vandalism concerns will be relevant to either toilet block location. Option B is closer to Lowood Road and street lighting which will help discourage anti-social activity while people are moving around the vicinity. However, once night falls and the movement of pedestrians and vehicles slows, security and vandalism breaches will still occur.

The public toilet block located to the north of the Administration Office entry, which is in close proximity to Lowood Road and the Mount Barker Co-operative entrance, filmed by the Closed Circuit Television Camera system and has external building lights and 'spill over' lighting from the street / car park light, Administration Office and flag pole area, is vandalised regularly. In the past twelve months \$1,487.00 has been spent repairing toilet roll dispensers, paper towel dispensers, door handles, signs, doors and door latches, unblocking foreign objects from the toilet bowls and removing graffiti. This cost does not include additional cleaner's hours spent addressing vandalism.

Public toilet block Option A is located 50m from Lowood Road, with a garden area including bbqs and picnic tables separating the toilets from the road. If the shrubs were pruned back and low reaching tree limbs lopped throughout the garden area, visibility from the road to the toilets would increase substantially. The building plans for the toilet block include external lighting.

Lighting throughout the park is proposed for the future. A quote to install ten large park lights (6m tall) from the southern boundary of Centenary and Wilson Parks through to the Visitor Centre area, received in March 2009 amounted to \$43,964.00. Funding applications have been submitted for this project over the past 18 months and have been unsuccessful.

3. Streetscape: The Option B toilet block site will result in the public toilet building becoming a key image on the main entry road into the Mount Barker town. The façade of the building is designed to be sturdy and functional and may not project the preferred image for a public building.

Option A is set within a park-scape and providing the external building colour is complementary to the surroundings, a 'sturdy and functional' appearance will be better received in this location.

Option A is the recommended site for the Centenary and Wilson Parks public toilet block.

In addition to reviewing the public toilet block site, Councillors also questioned the skate park development site. The proposed site is between the railway line and the Fire Brigade Running Track, as shown on Attachment Two, Option C.

The skate park site was chosen based on feedback received from community, business and school surveys and information provided by other Local Governments and skate park construction companies.

The Option C site has passive surveillance from Albany Highway and sections of Lowood Road. The area is relatively well drained however there is some water logging issues closer to the railway line. The proposed site complements the Centenary and Wilson Parks plans by providing an area for adolescents and young adults which is not immediately adjacent to young children (in particular the zero to five year old ages), or the Park's bbq and picnic areas, which may cause issues with the use of inappropriate language or boisterous behaviour often associated with more mature people. However, Option C still encourages adolescents and young adults to use the Park facilities (for example the toilets) and also encourages people of mixed generations to interact within the Park.

There was concern that Option C would negatively impact on the wetland development proposed for the eastern side of the railway line, including board walks and public art displays. The distance between the two developments should minimise any disturbances. The Centenary and Wilson Parks Precinct Plan – July 2008 also proposes a public art walk in the immediate vicinity of the Option C site and it is recommended that if this is the preferred skate park site, the public art walk concept not be pursued.

Further research has been conducted with a number of local governments regarding the pros and cons of different skate park sites in both metropolitan and regional areas¹. The consistent feedback from all authorities was:

- The skate park site must be clearly visible from adjacent streets and if possible, a main street or road;
- Be conscious that skate parks often create 'hidden areas' when components such as bowls are incorporated into the design. These areas need to be considered when maximising passive surveillance of the site;

¹ Local Governments contacted include: Shire of Capel, Shire of Katanning, Shire of Kalamunda, Shire of Harvey, Shire of Denmark, City of Albany, City of Gosnells, City of Belmont and Town of Bassendean.

- Skate parks located within existing parks and / or recreation areas encourage the whole family to socialise in the same area and often results in more parental supervision at the skate park;
- Ideally, shade needs to be provided / available immediately adjacent to the site;
- There needs to be a balance between locating a skate park in an area of regular passive surveillance but also providing a site where young people can relax in their own space, without feeling 'harassed'.

The Town of Bassendean has installed a skate park adjacent to a major road to prevent anti-social behaviour and initially the skate park users were hesitant to use the site. In time they revelled in the opportunity to show off their skills to the passing motorists. However, the Shire of Harvey has received complaints from residents regarding inappropriate language and the untidy appearance of one of their skate parks, located adjacent to a main street. The use of the skate park initially declined due to the skate park users feeling harassed by public opinion, but in time both the residents and skate park users have become comfortable with the facility:

- Large groups of young people often gather around a skate park to spectate and socialise, while not necessarily using the skate park facility
- Skate parks should be located within a safe walking distance to shops; and
- A well drained site is critical for a successful skate park construction.

Internet searches on different skate park facilities nationally and internationally has identified a majority of skate parks sited within park or sporting precincts. In a majority of cases, the skate park has become an area where a wide range of age groups mix very well with older users often looking out for, and protecting, the younger users. Involving young people in the design, construction and preparation of a management plan for a skate park is paramount to the success of the facility.

Skate Park site Option C meets a majority of the site considerations provided by other local government authorities, however the proximity to a major road (and maximised passive surveillance) could be improved, thereby minimising the opportunity for anti-social behaviour.

An alternative site within Wilson Park could be Option D, adjacent to the Mount Barker Fire and Rescue Service building. This area is closer to Lowood Road, the site is well drained and shade is provided by adjacent trees. The existing play and exercise equipment would need to be removed, however the longevity of this equipment is questionable given the Centenary and Wilson Parks development plans (such as the new playground development).

The site is closer to the gardens, bbq and picnic facilities which may draw concerns from users of this area and consideration would need to be given to the attractiveness of a skate park facility as a key image on the main entry road into the Mount Barker town. There are few residences within close proximity to this site so residential complaints (for example noise) should be minimised. The adjacent street lights may encourage people to use the facility after daylight hours.

The availability of the Option D site would be pending the outcome of the proposed public toilet location.

The community, business and student surveys identified Centenary and Wilson Parks as the preferred site for a skate park development, however the exact location within the Park has not been debated.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr M Skinner:

That:

- 1. The Centenary and Wilson Parks public toilet block be located within the park, at the site marked as Option A on the attached map titled 'Public Toilet Location' dated 25 June 2010.**
- 2. Authority be granted to the Chief Executive Officer to sign a 'Medium Works Contract' to the value of \$99,378.00 (excluding GST) with Mount Barker Building Service, to commence construction of a public toilet block in Centenary and Wilson Parks, Mount Barker.**
- 3. The Chief Executive Officer be requested to form a working group of community members, including young people, to debate the different options for a skate park site in Centenary and Wilson Parks, Mount Barker and that a further report recommending a skate park site be presented to the Council at its meeting to be held on 27 July 2010.**

Breaking Down of Complex Question

Pursuant to Standing Order 9.4. the Presiding Member directed that the motion be considered as three separate motions in the order 1,3,2.

Moved Cr S Etherington, seconded Cr M Skinner:

That the Centenary and Wilson Parks public toilet block be located within the park, at the site marked as Option A on the attached map titled 'Public Toilet Location' dated 25 June 2010.

CARRIED (8/0)

NO.153/10

Moved Cr S Etherington, seconded Cr M Skinner:

That the Chief Executive Officer be requested to form a working group of community members, including young people, to debate the different options for a skate park site in Centenary and Wilson Parks, Mount Barker and that a further report recommending a skate park site be presented to the Council at its meeting to be held on 27 July 2010.

CARRIED (8/0)

NO.154/10

Moved Cr S Etherington, seconded Cr M Skinner:

That authority be granted to the Chief Executive Officer to sign a 'Medium Works Contract' to the value of \$99,378.00 (excluding GST) with Mount Barker Building Service, to commence construction of a public toilet block in Centenary and Wilson Parks, Mount Barker.

PROCEDURAL MOTION

Motion to adjourn Question

Moved Cr B Bell, seconded Cr A Budrikis:

That the question be adjourned to enable a further report to be prepared relating to building materials, such report to be presented at the meeting of the Council to be held 27 July 2010.

CARRIED (8/0)

NO. 155/10

11.3.3 MEDICAL CENTRE – NAMING PROPOSAL

File No:	N15168
Attachments:	Dr Bourke History
Responsible Officer:	Nicole Selesnew Manager Community Services
Author:	Rayona Evans Administration Officer (Relief)
Proposed Meeting Date:	6 July 2010

PURPOSE

The purpose of this report is to consider naming the Shire of Plantagenet's Medical Centre the 'Dr Christopher Bourke Medical Centre'.

BACKGROUND

At its meeting held on 23 February 2010, the Council resolved:

'That:

- 1. The Minutes of the General Meeting of Electors of the Shire of Plantagenet held on 9 February 2010 be received.*
- 2. The Chief Executive Officer be requested to liaise with the family of Dr Christopher Bourke in relation to the proposed renaming of the new Shire medical centre to the 'Dr Christopher Bourke Medical Centre'.*
- 3. A further report be presented to the Council regarding the naming of the medical centre no later than the meeting to be held on 25 May 2010.'*

Dr Christopher Bourke served the Plantagenet District as a Medical Practitioner for 35 years. The Bourke family arrived in Mount Barker in 1950 with both Dr Bourke and his wife Dr Margery Bourke practising medicine. He specialised in the delivering of babies, as well as surgery and general practitioner duties.

Dr Christopher Bourke also spent some time carrying out veterinary duties before Mount Barker had a practising vet.

Dr Christopher Bourke was involved in the community, including his role as an active member of the Mount Barker Rotary Club. A detailed account of Dr Christopher Bourke's history in Mount Barker, as provided by members of his family, is provided in the attachment.

A brief history of Dr Margery Bourke's service to Mount Barker and Plantagenet is recorded on the rear of the 'Margery Bourke Garden' sign adjacent to the Council Administration Office.

EXTERNAL CONSULTATION

The request to name the medical centre after Dr Christopher Bourke was made by a member of the public at the General Meeting of Electors held on 9 February 2010. The request was further ratified by the Council at its meeting held on 23 February 2010.

Consultation has also occurred with Mrs Jennifer Sullivan, Dr Christopher Bourke's daughter. Mrs Sullivan has liaised with other Bourke family members all of whom are very excited about the possible building name.

FINANCIAL IMPLICATIONS

A plaque and explanatory sign may be installed in the medical centre building. The estimated cost of the signage is \$1,500.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Area 3, (New Initiative 3.2) provides for the following:

'In partnership with the community, conserve and promote local history and heritage'.

OFFICER COMMENT

There is no existing policy or formal Council approach to naming facilities other than the Road Naming Policy, however the practice exists in several examples such as the Margery Bourke Gardens, Viv Skinner Park and Centenary Park.

It would appear that these names have been applied following requests from the community rather than adhering to a formal naming process.

Naming the medical centre after Dr Christopher Bourke will be a fitting tribute to a medical pioneer of the District and will ensure recognition of 35 years of service to the community.

The year 2010 coincides with the 25th Anniversary of the passing of Dr Christopher Bourke which will add to a milestone occasion.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr S Etherington:

That the Shire of Plantagenet Medical Centre, located at 48 Marmion Street, Mount Barker, be named the 'Dr Christopher Bourke Medical Centre' and that a plaque highlighting the building name and history of Dr Christopher Bourke be displayed in the building.

AMENDMENT

Moved Cr G Messmer, seconded Cr A Budrikis:

That the word 'Medical' be deleted from the motion.

CARRIED (8/0)

NO. 156/10

COUNCIL DECISION

That the Shire of Plantagenet Medical Centre, located at 48 Marmion Street, Mount Barker, be named the 'Dr Christopher Bourke Centre' and that a plaque highlighting the building name and history of Dr Christopher Bourke be displayed in the building.

CARRIED (8/0)

NO. 157/10

11.3.4 KENDENUP SKATE PARK SITE

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests was disclosed by Cr A Budrikis – nature of interest – land owner – extent of interest – residence located on the opposite side of the rail line.

File No: N15217
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to reconsider the proposed site for the Kendenup Skate Park.

BACKGROUND

The Council, at its meeting held on 25 May 2010, considered a recommendation to sign a licence for the use of rail corridor land adjacent to Hassell Street, Kendenup, for community use purposes including a skate park site.

The motion was lost and the matter referred to the Recreation Advisory Committee. The discussion surrounding the Council's decision included concerns about the safety of community facilities located in close proximity to the railway line, the duplication of infrastructure proposed for the long term vision along the rail precinct (for example the need for additional public toilets, picnic and bbq areas, shelter areas and playground equipment) and the ongoing planning for a community and recreation centre at a separate location which may lead to decentralised community facilities.

The Recreation Advisory Committee discussed the matter at its meeting held on 4 June 2010. The Committee has made the following recommendation for the Council's consideration:

'That:

- 1. With regard to the development of a skate park in Kendenup, the preferred site is on the railway reserve land immediately north and adjacent to the Hawker Bulldozer and the Chief Executive Officer be requested to immediately discuss this site with the Public Transport Authority, with a view to licensing or leasing or the land.*
 - 2. The Chief Executive Officer be further requested to advise the Kendenup community of the above decision noting that the site is close to Council controlled toilets, recreation facilities and the Kendenup Town Hall and will therefore attract passive supervision.*
-

3. *Further, this site, if developed, will enhance safety for other nearby facilities.'*

Discussions have been held with the Public Transport Authority and WestNet Rail Pty Ltd regarding the licensing of a different area of land. These discussions have been supportive of the alternative location.

A public approach has not been made to the Kendenup community however the Kendenup Community Development Association (KCDA) has been consulted regarding the alternative site. The KCDA took the initiative to mark out the proposed site adjacent to the Hawker Bulldozer and erect a sign which states '*Skate Park Here – Council Says??*.' Feedback has been received from two Kendenup residents regarding the alternative site, both of which were concerned about the proximity of the site to the Beverley Road/Hassell Avenue intersection.

A community petition comprising 28 signatories was received by the Council at its meeting held on 15 June 2010. The petition states:

'We the undersigned urge the Plantagenet Shire Council to reconsider their decision regarding the lease of land along the railway reserve adjacent to Hassell Avenue, in Kendenup, for the proposed Kendenup Skate Park. Council voted against leasing this land at their Council meeting dated 25 May 2010. Kendenup kids want a skate park that is central and safe and feel that this is the most suitable location for such a facility.'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Since the Council Meeting held on 15 June 2010, consultation has occurred with representatives from the Public Transport Authority, WestNet Rail Pty Ltd and the KCDA.

Some Councillors have also received letters from students at the Kendenup Primary School, requesting that the Council progress with the skate park project initiative. Consultation has occurred with the Principal of the Kendenup Primary School and a meeting arranged with the students at the school on 22 July 2010.

FINANCIAL IMPLICATIONS

A design plan for the Kendenup Skate Park has been prepared through Convic Pty Ltd, a company that specialises in skate park constructions. The plan was based on the Shire of Denmark skate park model and the estimated construction cost is \$180,000.00. This plan has been used in funding applications submitted to the Great Southern Development Commission's (GSDC) Regional Grant Scheme program (submitted by the Kendenup Community Development Association) and Lotterywest (submitted by the Shire).

The Council has also allocated \$50,000.00 of Royalties for Regions funding towards the project in the 2008/2009 budget which is to be carried forward.

The KCDA has recently been advised that their application to the GSDC has attracted \$75,000.00 of funding support.

The scale of the Kendenup Skate Park has been discussed at the Recreation Advisory Committee, with concern expressed that a skate park design suited for the Shire of Denmark population is unsuitable for the comparatively small Kendenup population.

The Recreation Advisory Committee, at its meeting held on 11 May 2010, made the following recommendation to the Council:

'That:

- 1. Both the Mount Barker and Kendenup skate parks be permanent, fixed concrete structures; and*
- 2. The design plans for the skate parks should reflect the size of the user group that will use the facility and the Council's capacity to maintain and depreciate the skate park structures.'*

Given the funding presently available for the Kendenup skate park development stands at \$125,000.00, excluding any small grants or in-kind donations the KCDA may have received, the scope of the development should be limited to these available funds. This will mean that no municipal funds will be used for this project.

If the investment is capped at \$125,000.00, the Lotterywest funding application submitted by the Council would be withdrawn, which will increase the likelihood for a successful Lotterywest funding application for the Mount Barker skate park development.

The potential pool of funds for the Mount Barker skate park development would be in the vicinity of \$220,000.00.

ASSET MANAGEMENT

Although a whole of life costing has not been undertaken for this project, permanent skate park structures are, by the nature of their construction, very robust and require little asset renewal over their lifetime (50 plus years). Accordingly, the main ongoing cost is maintenance, generally as a result of graffiti. For example, the modular skate park in Mount Barker is partially re-painted on average three times in every two year period.

POLICY IMPLICATIONS

The development of land along the western side of the rail corridor will be in accordance with the adopted Recreation Precinct Development Plan for Kendenup.

A licence for this area will still need to be sought from WestNet Rail Pty Ltd.

STRATEGIC IMPLICATIONS

The Shire Strategic Plan, Community Services aims to deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community.

OFFICER COMMENT

The KCDA has advised that it would be amenable to accepting a sub-licence over the rail corridor land. This would mean that the KCDA would assume responsibility for the installation and maintenance of the infrastructure on the land. This course of action is inappropriate and is therefore not recommended.

The Recreation Advisory Committee has indicated that the skate park site should be immediately north and adjacent of the Hawker Bulldozer. Some concerns regarding the proximity to the Beverley Road/Hassell Avenue intersection and loss of parking area have been raised, therefore it is suggested that the site be relocated marginally further north to overcome these concerns.

Nevertheless the site is still in close proximity to shops, toilet facilities and the gazebo and playground equipment adjacent to the Town Hall.

It is also suggested that the licence offered by WestNet Rail Pty Ltd for the whole of the rail corridor land between the vehicle crossing points, should be taken up.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr A Budrikis:

That:

- 1. With regard to the development of a skate park in Kendenup, the preferred site is on the railway reserve land generally north of the Hawker Bulldozer and in close proximity to existing public toilets and shops.**
- 2. The Chief Executive Officer be requested to advise the Kendenup community of the above decision noting that the site is close to Council controlled toilets, recreation facilities and the Kendenup Town Hall and will therefore attract passive supervision.**
- 3. Lotterywest be advised that the existing application for funds for the Kendenup Skate Park will be withdrawn.**

AMENDMENT

Moved Cr A Budrikis, seconded Cr S Etherington:

That:

1. In Part 1 of the motion all words after the word 'land' be deleted and replaced with 'as endorsed in the Kendenup Precinct Plan'; and
2. In Part 2 of the motion, delete all words after the word 'decision'.

PROCEDURAL MOTION

Motion for the amendment be put

Moved Cr M Skinner, seconded Cr S Etherington

That the amendment be now put.

CARRIED (8/0)
NO.158/10

The amendment was put.

Equality (4/4)

CASTING OF SECOND VOTE

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

CARRIED (5/4)
NO. 159/10

COUNCIL DECISION

That:

1. With regard to the development of a skate park in Kendenup, the preferred site is on the railway reserve land as endorsed in the Kendenup Precinct Plan.
2. The Chief Executive Officer be requested to advise the Kendenup community of the above decision.
3. Lotterywest be advised that the existing application for funds for the Kendenup Skate Park will be withdrawn.

CARRIED (6/2)
NO. 160/10

11.3.5 LICENCE TO USE RAIL CORRIDOR – KENDENUP

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) was disclosed by Cr A Budrikis – nature of interest – land owner – extent of interest - residence is located on the opposite side of the rail line.

File No: N15216
Attachments: [WestNetRail - Licence to use rail corridor land](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to seek authority to affix the Common Seal of the Council to the Licence to use Rail Corridor Land with WestNet Rail Pty Ltd.

BACKGROUND

At its meeting held on 25 May 2010, a motion to affix the Common Seal of the Council to the Licence to use Rail Corridor Land with WestNet Rail Pty Ltd, for community use purposes, was lost.

The Council resolved:

‘That the matter be referred to the Recreation Advisory Committee.’

The Recreation Advisory Committee discussed the matter at its meeting held on 4 June 2010. The Committee made the following recommendation for the Council’s consideration:

‘That:

- 1. With regard to the development of a skate park in Kendenup, the preferred site is on the railway reserve land immediately north and adjacent to the Hawker Bulldozer and the Chief Executive Officer be requested to immediately discuss this site with the Public Transport Authority, with a view to licensing or leasing or the land.*
- 2. The Chief Executive Officer be further requested to advise the Kendenup community of the above decision noting that the site is close to Council controlled toilets, recreation facilities and the Kendenup Town Hall and will therefore attract passive supervision.*
- 3. Further, this site, if developed, will enhance safety for other nearby facilities.’*

STATUTORY ENVIRONMENT

Local Government Act 1995

Rail Freight System Act 2000

EXTERNAL CONSULTATION

Consultation has taken place with the Public Transport Authority, WestNet Rail Pty Ltd and the Kendenup Community Development Association.

FINANCIAL IMPLICATIONS

The Licence fee for the rail corridor land is \$1.00 per annum.

POLICY IMPLICATIONS

There are no policy implications in relation to this report.

STRATEGIC IMPLICATIONS

The Shire Strategic Plan, Community Services aims to deliver, or facilitate the delivery of, a range of services which respond to, and reflect, the physical, social and cultural well being of the community.

OFFICER COMMENT

The attached Licence to use Rail Corridor Land covers a five year term with a five year option. Beyond this period, another licence will need to be negotiated with WestNet Rail.

WestNet Rail is not willing to extend the licence term beyond a ten year period as they cannot guarantee their asset planning beyond this time. The risk of WestNet Rail requiring the western portion of the rail corridor in the future is relatively minor given that the rail corridor through Kendenup is not a major rail spur or rail control area, and the ample rail corridor space on the eastern side of the railway line should result in the eastern side being the preferred site for any future developments.

The licence requires a 1.8m fence to be erected around the skate park area plus all boundaries to the rail corridor as determined by WestNet Rail. The cost of fencing around the skate park area will be incorporated into the skate park project budget.

The licence also stipulates that the Shire is responsible for removing rubbish from the site. A public use bin will need to be installed adjacent to the skate park area which would be emptied in conjunction with the Kendenup rubbish service and charged to the Shire accordingly.

With regard to the recommendation made at the Recreation Advisory Committee meeting for the skate park development to be situated on the western side of the rail corridor, on land generally north of the Hawker Bulldozer site, it is recommended that the licence be signed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the Licence to use Rail Corridor Land with WestNet Rail Pty Ltd, for community use purposes of the rail corridor site adjacent to Hassell Street, Kendenup.

CARRIED (8/0)

NO. 161/10

11.4 CORPORATE SERVICES REPORT

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) – recipient of a Seniors Card was disclosed by Cr K Clements.

A Code of Conduct Disclosure (S5.103 LGA/Reg 34C Local Government Administration Regulations) Perceived Interests (Clause 2.3 Code of Conduct) was disclosed by Cr S Etherington – nature of interest – perceived interest.

4:48pm Cr K Clements withdrew from the meeting.

Cr M Skinner assumed the chair.

11.4.1 POLICY REVIEW – PENSIONER REBATES ON RURAL PROPERTIES

File No: N15218
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Vanessa Ward
Rates Officer
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to review Council Policy F/FM/11 – Pensioner Rebates on Rural Properties.

BACKGROUND

Prior to the current policy being adopted, the Council had traditionally granted pensioner rebates to owner occupiers based on certain categories of pensioner concession status, as evidenced by cards held by the applicant in accordance with the Rates and Charges (Rebates and Deferments) Act, 1992.

Under that Act, Senior Card Holders receive a 25% rebate. A 50% rebate is applicable for people who have:

- a Senior Card and a Commonwealth Senior Card; or
- a Pensioner Concession Card; or
- a State Concession Card;

A proportion of owner occupiers have sought to obtain a rebate as owner occupiers of rural properties where these rural properties are either used solely as a residence for the applicant(s) or as a residence and a farm.

Where the farm is run as a business there is the potential for the lodgement of a business taxation return, claiming full rates and charges as a tax deduction and in such cases the granting of any pensioner rebate could be seen as a double benefit, from the taxation offset and the pensioner rebate.

There have been cases where the pensioner rebate on commercial farming properties has been applied inconsistently. In some cases full rebates have been applied to commercial farming properties whereas in other cases, some ratepayers

have been denied a pensioner rebate on the grounds of running a commercial enterprise.

At its meeting held on 22 April 2008, the Council adopted Policy F/FM/11 – Pensioner Rebates on Rural Properties, as follows:

‘OBJECTIVE:

To adopt a consistent approach for granting pensioner rebates for owner occupiers of rural properties within the Shire of Plantagenet.

POLICY:

Where an owner occupier of a rural property claims a pensioner concession, the applicable rebate will be based on applying the rebate (in accordance with the appropriate legislation) against the minimum charge for property rates and the Emergency Services Levy (ESL), irrespective of property size.’

Any existing application of the pensioner rebate remain for the 2007 / 2008 rating year and the new policy take effect from 1 July 2008.’

STATUTORY ENVIRONMENT

The Rates and Charges (Rebates and Deferments) Act, 1992, defines the manner in and circumstances under which a local government is to apply pensioner concessions. State Revenue, as the statutory authority vested in administering the Act has issued procedural guidelines for interpreting section 28 (2) of the Act which provides for rebate apportionment where the applicant’s land is used as the ordinary place of residence and it is not the sole use of that land.

The ‘Concessions on Commercial and Farming Properties Occupied by Pensioners’ section of the procedure manual provides five options to arrive at a solution for the granting of a pensioner concession in these circumstances.

1. Grant no concession.
2. Grant a proportionate rebate based on the area used for residential purposes against that used for commercial or farm (income generating) purposes.
3. Grant a proportionate rebate by applying an arbitrary curtilage of two hectares in respect of the residential component of the rated property.
4. Grant a concession based on a minimum rate or valuation based rate irrespective of property size.
5. Grant a concession based on the total rates levied against the property.

The Council’s policy is based on option 4.

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

There are no strategic implications for this report.

OFFICER COMMENT

It is considered that the current policy, which is to apply the appropriate rebate based on the minimum rates and the Emergency Services Levy charges, is the fairest, most equitable and efficient method of applying the pensioner rebate on owner occupied commercial farming properties. Advantages of applying this method include:

1. All rebate-eligible farmers receive the same, thus avoiding dispute and perceived unfairness.
2. Minimum amount of work and rebate can be calculated easily and immediately.
3. No time lag from requesting Valuer Generals Office 'off rating role' valuations.
4. No need to split up group ratings. The rebate is granted on the minimum charge for the land parcel upon which the residence is situated.
5. If the claimant is not a 100% pensioner, they cannot defer their rates.

The paragraph relating to the 2007/2008 transitional arrangements is now superfluous and can be deleted.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr B Bell:

That amended Council Policy F/FM/11 – Pensioner Rebates on Rural Properties, as follows:

OBJECTIVE:

To adopt a consistent approach for granting pensioner rebates for owner occupiers of rural properties within the Shire of Plantagenet.

POLICY:

Where an owner occupier of a rural property claims a pensioner concession, the applicable rebate will be based on applying the rebate (in accordance with the appropriate legislation) against the minimum charge for property rates and the Emergency Services Levy (ESL), irrespective of property size.'

be endorsed.

CARRIED (7/0)

NO. 162/10

5:02pm Cr K Clements returned to the meeting and resumed the chair.

11.4.2 WRITE OFF - OUTSTANDING DEBTS

A Financial/indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr K Clements – nature of interest – deal with Elders – extent of interest – Director of Mount Barker Co-op - Mount Barker Co-op partners with Elders.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr M Skinner – nature of interest – use Landmark and Elders as Stock Agents in farming – extent of interest – farming 400 head of cattle.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr A Budrikis – nature of interest – use Elders/Landmark for farm supplies – extent of interest – peripheral, not a shareholder.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr L Handasyde - nature of interest – use Landmark as an agent in farming – extent of interest – extensive.

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr S Grylls – nature of interest – business with Elders – extent of interest – distant.

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

Approval has been received from the WA Department of Local Government via a letter dated 1 July 2010 approving the Shire's application under Section 5.69(3)(a) of the Local Government Act 1995 to allow disclosing members Councillors K Clements, A Budrikis, S Grylls, L Handasyde, M Skinner and J Moir to participate in discussion and decision making procedures relating to a report recommending to write off sundry debtors for the Council Meeting of 6 July 2010.

Mr R Stewart read aloud the letter, a copy of which is attached to these Minutes.

File No: N15020
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to write off bad debts that have been outstanding for an excessive period of time and are considered unrecoverable.

BACKGROUND

A schedule of sundry debts proposed to be written off is detailed below.

1. **Manaday Pty Ltd \$66.48**

Outstanding since June 2008. This debt relates to water usage at the Kendenup Standpipe. All attempts to contact Manaday Pty Ltd have been unsuccessful. This debt occurred on the previous manual system.

2. Mr Tregoning \$26.04

Outstanding since June 2008. This debt relates to water usage at the Kendenup Standpipe. All attempts to contact Mr Tregoning have been unsuccessful. This debt occurred on the previous manual system.

3. A Hambley \$733.45

Outstanding since June 2009. This debt relates to childcare fees from the Plantagenet Child Care Centre prior to the change to Wanslea Family Services Inc (Wanslea). The Shire was given no evidence from the Centre in relation to the debt so is unable to prove liability or pursue legal action. Prior to being transferred to Wanslea, the Child Care Centre carried out all its own invoicing and the only record keeping was that contained in the software database. At around this time, the centre experienced a software crash whereby some data was lost. Ms Hambley has argued that she paid the debt and was issued with a receipt and this assertion cannot be refuted.

4. K Stein \$142.34

Outstanding since June 2009. This debt relates to childcare fees from the Plantagenet Child Care Centre prior to the change to Wanslea Family Services. Refer to explanation above.

5. Primaries of WA \$1,318.47

Outstanding debt carried over from Logis and entered into Civica as of 1 July 2007. Due to receipting limitations in the old Logis software, we cannot fully substantiate what the debts consist of and therefore cannot prove liability or pursue legal action. The former Accounts Officer retrieved and unravelled as much data as possible from the old system in an attempt to recover moneys from the three agents. Efforts were made over a period of two years to recover as much as possible. Approximately \$20,000.00 was outstanding initially amongst the three agents, of which approximately \$11,500.00 was substantiated and recovered. This remaining \$8,500.00 for the three agents was not able to be proven and therefore cannot be pursued any further.

6. Elders \$4,476.74

Refer to explanation above.

7. Landmark \$2,706.42

Refer to explanation above.

STATUTORY ENVIRONMENT

Section 6.12(1) (c) of the Local Government Act states:

'(1) Subject to subsection (2) and any other written law, a local government may:

(c) Write off any amount of money, which is owed to the local government.

(An absolute majority is required)'

FINANCIAL IMPLICATIONS

It is recommended that a total of \$9,469.94 be written off in the 2009/2010 year to provide an accurate reflection of the Council's receivables. It will also ensure that the Council is beginning the new financial year with as accurate and up-to-date information as possible.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

It should be noted that staff now have strict procedures in place regarding the recovery of outstanding debts and action is taken quickly and efficiently following standard debt recovery protocols.

Significant attempts have been made to recover all of these outstanding debts. Such attempts include contact both written and verbal and debt collection agencies where appropriate. Despite these repeated attempts, there has been no success and as such, they are considered unrecoverable and if not written off, they will misrepresent the true financial position of the Council.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That the following sundry debtors totalling \$9,469.94 be written off:

1.	Manaday Pty Ltd	66.48
2.	Mr Tregoning	26.04
3.	A Hambley	733.45
4.	K Stein	142.34
5.	Primarys of WA	1,318.47
6.	Elders	4,476.74
7.	Landmark	2,706.42

CARRIED (8/0)

NO. 163/10

(Absolute Majority)

11.4.3 RESERVE ACCOUNTS – REVIEW

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr M Skinner – nature of interest – farming 400 head of cattle – extent of interest – Great Southern Regional Cattle Saleyards Reserve.

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

Approval has been received from the Department of Local Government (formerly the Department of Local Government and Regional Development) via a letter dated 17 December 2009 giving permission for Cr M Skinner to participate in matters relating to the Great Southern Regional Cattle Saleyards from 16 December 2009 to 31 December 2010.

Mr R Stewart read aloud the letter, a copy of which is attached to these minutes.

File No: N14590
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Cherie Delmage
Accountant
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to review existing Council reserve accounts.

BACKGROUND

As part of the Long Term Financial Plan (LTFP), at its meeting held on 13 April 2010, the LTFP Working Group discussed the matter of reserve accounts and the desire to ensure that adequate moneys are put aside to fund future projects and to equitably distribute the financial burden between current and future ratepayers.

It is good financial practice to regularly review reserve accounts to ensure that they are current and still meeting the Council's original intended purpose.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.11 applies:

- '(1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) *Subject to subsection (3), before a local government —*
- (a) *changes* the purpose of a reserve account; or*
 - (b) *uses* the money in a reserve account for another purpose,*
it must give one month's local public notice of the proposed change of purpose or proposed use.
-

** Absolute majority required.*

- (3) *A local government is not required to give local public notice under subsection (2) —*
- (a) *where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*
- (b) *in such other circumstances as are prescribed.*
- (4) *A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*
- (5) *Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.'*

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

The aim of reserve funds can be to set money aside for one of the following types of expenditure:

- Specific known or anticipated projects to be undertaken in the future;
- Payments which can reasonably be expected will occur at some future time, but which are not necessarily able to be budgeted for with any certainty; or
- Smooth out fluctuations in known capital expenditure programs.

The Council holds the following reserve accounts which are for specific projects or purposes identified by the Council. It is considered that current accounts are inadequate and not being sufficiently maintained to sustain the Council as infrastructure ages.

The aim is to provide guidelines for the establishment and management of reserves to ensure that they are at an appropriate level for their purpose. The amounts specified to be transferred to reserve funds each year can be treated as the initial budget position, but could be changed during the budget process depending on other commitments.

- **Employee Entitlements Reserve** - Purpose - To fund sick, annual and long service leave entitlements for former staff called upon by other local governments. This reserve should be sufficient at \$10,000.00.
- **Plant Replacement Reserve** - Purpose - For the purchase of works vehicles, plant and machinery. A sum at least equivalent to the depreciation on plant and

machinery should be placed into this reserve each year. A recent discussion with a representative of the Council's auditors, UHY Haines Norton, advised that this could be based on the depreciation from actual plant hours or the straight line method. This reserve should largely be used to smooth out fluctuations in the five year plant replacement program.

- **Town Drainage Reserve** - Purpose - For the construction and planning of drainage systems. The Council has been placing a sum of \$15,000.00 to \$25,000.00 in the annual budget for drainage construction work in recent years. This reserve has also been utilised for the Rocky Gully drainage project in the current financial year. This reserve could be retained for other major drainage works, such as those required for Kendenup, although this project would require a major investment. It is suggested that the purpose be changed to the planning and construction of major townsite drainage works.
- **Land Rehabilitation Reserve** - Purpose - For the rehabilitation of Council property. This reserve was initially set up to fund the rehabilitation of the old saleyards site on Woogenellup Road, but has recently been used to fund the rehabilitation of the old depot site on Menston Street. It is anticipated that part of the return from the sale of Menston Street lots will be put back into that Reserve to enable the original intention to be fulfilled.
- **Waste Management Reserve** - Purpose - For the upgrading or operations of the Council's waste management facilities. This reserve will be used at some time in the future to assist in funding a new waste disposal site. It is recommended that the name be changed to **New Waste Disposal Site Reserve** and that a nominal sum of \$20,000.00 be placed into that Reserve each year until a more quantifiable sum is determined. Significant funding is likely to be required each year from municipal funds to fund investigations into the new site. A sum of \$180,000.00 has recently been placed into this reserve, which came from the Shire of Plantagenet's share of funds from the sale of land on Chillinup Road, previously purchased by five local governments for a possible waste disposal site.
- **Recreation Facilities Reserve** - Purpose - To improve and develop the Council's Recreation facilities. It is recommended that this reserve be cancelled with the funds being transferred to the Shire Development and Building Improvements Reserve.
- **Cemetery Reserve** - Purpose - To fund the purchase of land for cemetery extensions. This reserve was fully expended with the purchase of the new Mount Barker cemetery site. It is recommended that this reserve now be cancelled.
- **Roadworks Carried Forward Reserve** - Purpose - Unspent funds from TIRES roadworks. It is recommended that this reserve be cancelled as roadworks funds carried forward can be classified as restricted municipal funds and will generally be spent in a forthcoming financial year.
- **Electronic Equipment Reserve** - Purpose - For the upgrade/replacement of electronic equipment. This reserve was fully expended with the purchase of the new Civica Authority system. It is recommended that this reserve be renamed **Computer Software and Hardware Upgrade Reserve**. The Civica Authority hardware, software and platform will need to be continually upgraded with additional functionality such as Authority Version 6, e-services / web platform,

GIS integration, web portal, Customer Request Management System, Online Applications etc.

- **Kendenup Hall and Grounds Reserve** - Purpose - For maintenance and improvements to the Kendenup Hall and Grounds. This reserve has been inactive for a number of years. It is recommended that this reserve be cancelled with the funds being transferred to the Shire Development and Building Improvements Reserve.
- **Kendenup Townsite Study** - Purpose - For the payment of a study into Kendenup Townsite Development. A drainage study was undertaken for Kendenup in 2005. A sum of \$18,215.00 was taken from this reserve fund to pay for this. This reserve is no longer required and the remaining funds could be transferred to the Shire Development and Building Improvements Reserve.
- **Great Southern Regional Cattle Saleyards Reserve** - Purpose - To assist in the repayment of Loans 83, 84 and 89. These loans are standard, known amounts and being accommodated from municipal funds. It is therefore recommended that this reserve purpose be changed to fund required capital improvements to the saleyards. In future, it is planned to set aside an annual amount based on cattle throughput.
- **Shire Development Reserve** - Purpose - To fund major projects and developments which the Council may decide to undertake from time to time. It is anticipated that this reserve will be the main reserve fund used to fund major planned development projects or take advantage of unexpected opportunities. Income from any sale of properties or other capital income sources would generally be placed here, unless they are sold for another purpose.

The WAAMI Program has identified that it would be prudent to cater for expected major building refurbishments in future years. This has not yet been quantified however, as a start, this reserve could be renamed to the **Shire Development and Building Improvements Reserve** and a nominal figure of \$20,000.00 per year placed there, with a more accurate figure to be determined when the renewal gap has been further developed.

- **Outstanding Land Resumptions Reserve** - Purpose - To fund old/outstanding obligations for land resumptions associated with road realignments and the like. This was set up to fund possible land resumptions that may be required which have not been pre-budgeted. It is considered that \$5,000.00 to \$10,000.00 per year be placed into the Reserve to build it up to a value of \$25,000.00. This should be sufficient for unexpected payments in any one year.
- **Flood Damage Reserve** - Purpose - To fund the Council's proportion of major flood damage events. Assistance is available under the WA Natural Disaster Relief Recovery Arrangements (WANDRRA) for the restoration/replacement of essential public assets owned by a local government to the extent necessary to restore the asset to the equivalent of its pre-disaster standard. WANDRRA may provide a minimum of 75% of the cost of restoration or replacement (including approved betterment) works of essential public assets, subject to a contribution cap. The Shire's 2008/2009 cap is \$98,100.00. When this reserve was established it was anticipated that \$20,000.00 per year be put into the Reserve, with a view to it building up to a level of \$100,000.00, to cover this cap. It is recommended that this practice continue. The Reserve could be

renamed to be the **Natural Disaster Reserve**, with a new purpose to fund the Council's proportion of natural disaster events within the Shire of Plantagenet.

- **New Plantagenet Medical Centre Reserve** - The monthly rental payments received from the Plantagenet Medical Centre are higher than the repayments required on the \$200,000.00 loan to Bendigo Community Bank. The LTFP working Group recommended that the difference, being \$42,400.00 (\$62,400.00 annual rental income, \$20,000.00 annual loan repayment), be put into a new reserve account to cover future refurbishments and improvements to that building.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S. Etherington, seconded Cr G Messmer:

That:

1. The following reserve accounts be maintained, with initial draft budgets being prepared to reflect the annual allocations:

- a) **Name:** Employee Entitlements Reserve
Purpose: To fund sick, annual and long service leave entitlements for former staff called upon by other local governments
Target: \$10,000.00
Annual Allocation: As required to meet target
- b) **Name:** Plant Replacement Reserve
Purpose: To fund the purchase of works vehicles, plant and machinery
Target: N/A
Annual Allocation: Equivalent to annual plant depreciation allocation
- c) **Name:** Town Drainage Reserve
Purpose: To fund the planning and construction of major townsite drainage works
Target: \$100,000.00
Annual Allocation: \$20,000.00

- d) **Name:** Land Rehabilitation Reserve
Purpose: To fund the rehabilitation of the old saleyards site on Woogenellup Road
Target: \$100,000.00
Annual Allocation: N/A (To be replenished using funds from the sale of Menston Street depot lots)
- e) **Name:** New Waste Disposal Site Reserve
Purpose: To fund the construction of a new waste disposal site for the Shire of Plantagenet
Target: \$1,000,000.00
Annual Allocation: \$20,000.00
- f) **Name:** Computer Software and Hardware Upgrade Reserve
Purpose: To upgrade business system hardware and software with additional functionality
Target: \$200,000.00
Annual Allocation: \$20,000.00
- g) **Name:** Shire Development and Building Improvements Reserve
Purpose: To fund planned major projects and developments and planned major building improvements and refurbishments as decided by the Council
Target: \$250,000.00
Annual Allocation: \$10,000.00
- h) **Name:** Outstanding Land Resumptions Reserve
Purpose: To fund old/outstanding obligations for land resumptions associated with road realignments and the like
Target: \$25,000.00
Annual Allocation: \$5,000.00
- i) **Name:** Natural Disaster Reserve
Purpose: To fund the Council's proportion of natural disaster events in the Shire of Plantagenet
Target: \$100,000.00
Annual Allocation: \$20,000.00

- j) **Name:** Great Southern Regional Cattle Saleyards Reserve
- Purpose:** To fund required capital improvements to the Saleyards
- Target:** \$500,000.00
- Annual Allocation:** \$50,000.00 (Based on \$1.00 per cattle throughput)
- k) **Name:** Plantagenet Medical Centre Reserve
- Purpose:** To fund refurbishments and improvements to the Plantagenet Medical Centre
- Target:** N/A
- Annual Allocation:** \$42,000.00

2. The following reserve accounts be cancelled:

- a) Cemetery Reserve;
- b) Roadworks Carried Forward Reserve;
- c) Recreation Facilities Reserve;
- d) Kendenup Hall and Grounds; and
- e) Kendenup Townsite Study.

with funds from the Kendenup Hall and Grounds Reserve, Kendenup Townsite Study Reserve and the Recreation Facilities Reserve being transferred to the Shire Development and Building Improvements Reserve.

3. The following reserve accounts be renamed:

- a) from Waste Management Reserve to New Waste Disposal Site Reserve;
- b) from Electronic Equipment Reserve to Computer Software and Hardware Upgrade Reserve;
- c) from Shire Development Reserve to Shire Development and Building Improvements Reserve; and
- d) from Flood Damage Reserve to Natural Disaster Reserve.

CARRIED (8/0)

NO.164/10

(Absolute Majority)

11.4.4 GENERAL WASTE LEVY – 2010/2011

File No: N14366
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Cherie Delmage
Accountant
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to set the General Waste Levy for the 2010/2011 financial year.

BACKGROUND

The Council first established a General Health (Refuse Site) rate in the 2001/2002 financial year. The introduction of the Waste Avoidance and Resource Recovery Act 2007 (Section 68) specifically enabled the Council to now adopt this as a levy rather than a rate under Section 6.16 of the Local Government Act 1995. The General Waste Levy is currently \$100.00.

The Council has adopted conditions associated with the levy, as follows:

'As the Council is of the opinion that the imposition of more than one refuse site rate would be inequitable in those circumstances where properties are owned and / or operated in identical name or names and where no habitable or commercially rented properties are situated on additional properties, then in those circumstances the Council shall write off such refuse site rate moneys owing that meet the above mentioned criteria.'

It is intended to maintain this condition as part of the levy, so as not to impact unfairly on owners of multiple vacant properties.

STATUTORY ENVIRONMENT

The General Waste Levy is raised in accordance with Section 6.16 of the Local Government Act 1995. Section 68 of the Waste Avoidance and Resource Recovery Act 2007 also applies.

FINANCIAL IMPLICATIONS

The General Waste Levy will raise a budgeted figure of \$333,850.00 in the 2010/2011 financial year.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

One of the Aims of Key Result Area 2 – Infrastructure is to:

'Protect the community's health by managing waste in a timely, effective, economic and environmentally safe manner.'

OFFICER COMMENT

It is proposed that the rubbish collection charge will remain at \$140.00 as the Shire's costs are now covered with the contracting out of this service. The general waste levy will increase from \$100.00 to \$110.00, in line with the percentage increase in property rates. This will eliminate the overall waste management and rubbish collection operating deficit in 2010/2011.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That:

1. The 2010/2011 General Waste Levy be set at \$110.00 per rateable property.
2. The imposition of more than one General Waste Levy in circumstances where properties are owned and/or operated in identical name(s) and where no habitable or commercially rented structures are situated on additional properties is inequitable. In such circumstances, the property owner may apply in writing to the Council to have the additional General Waste Levy moneys owing that meet the above mentioned criteria withdrawn.

CARRIED (8/0)

NO. 165/10

11.4.5 PROPERTY RATES – 2010/2011

File No: N14367
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Cherie Delmage
Accountant
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to set the property rates, establish the early payment discount, early payment incentive, payment instalment options and fees, and set the interest rates for overdue and late payments in readiness for the adoption of the 2010/2011 budget.

BACKGROUNDLevel of Rates

As part of the 2010/2011 budget workshop process, the Council established that property rates should be set at a 10% increase on total rate revenue raised in 2009/2010. The 2010/2011 budget and the respective property rates have been determined on that basis.

Discount

Section 6.12 (1)(a) permits a local government to grant a discount or incentive for the early payment of money which is owed to the Council. It is recommended that a discount not be offered and no allowance has been made for any early payment discount to reflect this.

Incentive

The Council has previously offered incentive prizes to encourage the early payment of rates. Only ratepayers who have paid their rates in full and by 18 August 2010 will be entered into the draw.

For the 2010/2011 year, the following prizes are on offer:

First Prize - \$500.00 bank account with the Bendigo Community Bank.

Second Prize - One night accommodation and breakfast for two at the Esplanade River Suites in Perth valued at \$300.00.

Third Prize - One carton of mixed wine donated by Mount Barker Wine Producers Association at a retail value of \$200.00.

Instalments

It is recommended to the Council that it continue to offer the following three payment options as in previous years.

1. To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or

2. To pay by two equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four calendar months after this date.
3. To pay by four equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two calendar month intervals after this date.

Instalment Fee

It is recommended that an instalment fee of \$7.50 be charged for each instalment reminder issued after the first instalment is paid. This is the first increase in several years and will go part way to covering the increasing administration cost of producing and issuing instalment notices. The charging of such a fee is covered in the Local Government (Financial Management) Regulations 1996 under Regulation 67.

Surrounding local governments charge instalment fees as follows:

- Albany - \$3.00
- Cranbrook - \$5.00
- Denmark - \$7.00
- Kojonup - \$9.00
- Gnowangerup - \$10.00
- Boyup Brook - \$10.00

Interest on Instalments

It is recommended that the maximum interest rate of 5.5% per annum be applied to instalment payments. Again, this is consistent with the previous year's charge and statutory requirements.

Late Payment Penalty Interest

It is recommended that the Council adopt a late payment penalty interest of 11% per annum. It is proposed that the late payment penalty interest will apply to rates that remain unpaid where no election was made to pay the rate by instalments and on overdue instalment payments where an election was made to pay by instalments. Again, this is consistent with the previous year's charge and statutory requirements.

STATUTORY ENVIRONMENT

Section 6.25 to 6.82 of the Local Government Act 1995 and Sections 52 to 78 of the Local Government (Financial Management) Regulations relate to property rating requirements and procedures.

FINANCIAL IMPLICATIONS

The property rates proposed have been established on the basis of delivering a balanced budget with a 10% increase on the 2009/2010 rate revenue.

POLICY IMPLICATIONS

Policy A/PA/8 Rating – Rate Incentive Prize applies.

STRATEGIC IMPLICATIONS

The sensible setting of rates is critical in generating revenue for the Council to deliver services to the community and attain its mission:

'To improve the quality of life for the people of Plantagenet, both present and future.'

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That for the 2010/2011 financial year:

- 1. No discount be offered for the early payment of property rates.**
- 2. Incentive prizes for the payment of property rates in full by the due date be offered as follows:**
 - a) First prize – Bank Account to the value of \$500.00, donated by the Bendigo Community Bank;**
 - b) Second prize – One night accommodation and breakfast for two at the Esplanade River Suites in Perth valued at \$300.00; and**
 - c) Third prize – one carton of wine with a retail value of in excess of \$200.00 donated by the Mount Barker Wine Producers Association.**
- 3. The following instalment plan options be offered:**
 - a) To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice; or**
 - b) To pay by two equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four calendar months after this date; or**
 - c) To pay by four equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two calendar month intervals after this date.**
- 4. An instalment fee of \$7.50 per instalment (excluding the first instalment) and an interest rate of 5.5% per annum on instalment payment plans be charged.**
- 5. A late payment penalty interest on overdue and defaulted payment plans be charged at 11%, such penalty interest charge to apply to overdue property rates, general waste levy, rubbish collection charges, Emergency Services Levy and legal expenses.**

6. The rate in the dollar and minimum rate for property rates be as follows:

	Cents in the \$	Min. Rate
Rural Townsites (GRV)	8.72040	\$550.00
Rural (GRV)	8.72040	\$550.00
Mount Barker Townsite (GRV)	8.72040	\$550.00
Strata Titles (GRV)	8.72040	\$550.00
Rural (UV)	0.49127	\$550.00
Mining (UV)	0.49127	\$550.00

CARRIED (8/0)**NO.166/10**

11.4.6 ADOPTION OF THE 2010/2011 BUDGET AND PLAN FOR THE FUTURE

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr M Skinner – nature of interest – farming 400 head of cattle – extent of interest – Great Southern Regional Cattle Saleyards Reserve.

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

Approval has been received from the Department of Local Government via a letter dated 10 June 2010 giving permission for Cr M Skinner to participate in matters relating to the Great Southern Regional Cattle Saleyards on 6 July 2010.

Mr R Stewart read aloud the letter, a copy of which is attached to these minutes.

File No:	N14365
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	6 July 2010

PURPOSE

The purpose of this report is to adopt the annual budget and fees and charges for the 2010/2011 financial year and the Plan for the Future 1 July 2010 to 30 June 2012.

BACKGROUND

The 2010/2011 budget has been prepared as a balanced budget with significant input from staff, elected members and the community. The Council considered the Plan for the Future (1 July 2010 to 30 June 2012) and the list of fees and charges for the 2010/2011 financial year as part of its budget workshop process.

STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires a local government to prepare and adopt, by absolute majority, an annual budget prior to 31 August in each year. Section 6.15 to 6.19 of the Local Government Act 1995 relates to the imposition of fees and charges for a local government. Section 5.56 of the Local Government Act 1995 requires a local government to prepare a Plan for the Future of the district.

EXTERNAL CONSULTATION

Consultation has occurred with elected members, staff and the community throughout the budget preparation process. The draft budget was advertised in accordance with best practice principles and a public briefing session held. Twenty-one members of the public attended that meeting.

FINANCIAL IMPLICATIONS

The adoption of the budget enables the operations of the Council to continue effectively and issue rates in a timely manner to assist with income generation and cash flow.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The 2010/2011 budget has been prepared with due regard for the Council's Strategic Plan adopted and published in 2003. The Plan for the Future 1 July 2010 to 30 June 2012 attached to the budget has been reviewed and updated. At its meeting held 13 October 2009, the Council adopted Stage 1 of the Long Term Financial Plan which was also used to guide the budget process.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr G Messmer:

That the annual budget for the year ending 30 June 2011, incorporating fees and charges and the Plan for the Future 1 July 2010 to 30 June 2012, as presented, be adopted.

CARRIED (8/0)

NO. 167/10

Absolute Majority

11.5 EXECUTIVE SERVICES REPORTS**11.5.1 COUNCIL OWNED HALLS**

File No: N15131
Responsible Officer: Rob Stewart
 Chief Executive Officer
Author: Rob Stewart
 Chief Executive Officer
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to recommend a process, including public consultation, for the rationalisation of Council halls through the means of leasing, sale, retention or demolition.

BACKGROUND

By memorandum dated 6 April 2010 the Chief Executive Officer provided background information about the range of Council halls and buildings and their usage, and revenue and expenditure profiles.

At a workshop held on 15 June 2010 the Chief Executive Officer presented further information regarding these structures and their usage.

FINANCIAL IMPLICATIONS

Expenditure and revenue details for each of the Council's halls and buildings follow:

	Total Revenue		Total Expenditure inc. Operating and Utilities		Comments
	2007-2008	2008-2009	2007-2008	2008-2009	
Plantagenet Hall	\$1,641.00	\$659.00	\$20,153.00	\$17,458.00	Casual Hirers
Plantagenet Lesser Hall	-	-	\$1,001.15	\$3,698.43	Leased to Health Dept
Kendenup Hall	\$305.00	\$275.00	\$12,520.00	\$10,358.00	Casual Hirers
Kendenup Agricultural Grounds Buildings	-	-	\$2,512.00	\$7,159.00	
Narrikup Hall	\$1,045.00	\$85.00	\$10,829.00	\$11,395.00	Casual Hirers
Porongurup Hall	\$311.00	\$600.00	\$5,196.00	\$2,122.00	Management Committee
Kamballup Hall	\$509.00	\$499.00	\$1,679.00	\$1,885.00	Casual Hirers
Rocky Gully Hall	\$341.00	68.00	\$3,109.00	\$4,098.00	Asbestos in evidence
Woogenellup Hall	\$15.00	\$30.00	\$1,592.000	\$1,500.00	Some subsidence and cracking
Former Guides/Scout Hall	-	-	-	-	Vacant
Plantagenet Arts Centre – Mitchell House	\$1,215.00	\$1,215.00	\$810.00	\$1,709.00	No lease

POLICY IMPLICATIONS

The Council has a number of policies regarding usage of Council buildings including hours of use, charges and alcohol consumption.

The Council has however recently adopted a long term financial plan and this was the catalyst for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 2 (Infrastructure) notes an aim of the Council is to:

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

It will be suggested in this report that to effectively fulfil this strategic aim, there will be a need to seriously address expenditure and revenue patterns for the Council's buildings that are available for hire.

OFFICER COMMENT

From a strict efficiency point of view, none of the Council buildings available for hire justifies the retention of that building.

From an effectiveness point of view it could be argued that some of the buildings play an important role within the community, contributing to a sense of place and belonging. However, given that some revenues are either zero or so low as to indicate only one or two uses a year, it would be reasonable to assert that these buildings are not contributing to this sense of place or belonging. In fact, these buildings could be seen to be either deteriorating through lack of use, being a drain on the Council's limited resources or potentially creating danger through inappropriate building materials such as asbestos.

Some of the buildings are relatively well used and would indicate weekly use. It is asserted that these buildings are fulfilling their community role even though expenditure far outweighs revenue.

However, halls such as the Rocky Gully Hall and the Woogenellup Hall should be considered for demolition given their building material and/or condition and lack of use.

Any decision by the Council to consider rationalisation of these buildings is likely to be met with some community disquiet and therefore it will be recommended that a lengthy period of public consultation occur with regard to Council plans to either demolish, sell, retain or lease. Such community input may generate alternative ideas for the buildings.

It should be noted that only through demolition or sale will the Council's expenditure responsibilities be completely removed. Even through leasing arrangements, the Council will probably be giving up all revenue and still retaining outgoings such as major maintenance and utilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Grylls:

That:

1. The Chief Executive Officer be authorised to undertake extensive community consultation including advertisements, information sheets and community meetings regarding the Council's plans to examine usage, revenue and expenditure for each Council controlled building that is available for hire with a view to either demolition, sale, leasing or retention and that a further report be presented to the Council at its meeting to be held on 15 February 2011.
2. The building and structures to be included in the above consultation include:
 - a) All buildings situated on the Kendenup Agricultural Grounds excluding those already leased;
 - b) Former Guides/Scout Hall;
 - c) Kamballup Hall;
 - d) Kendenup Hall;
 - e) Narrikup Hall;
 - f) Plantagenet Arts Centre – Mitchell House
 - g) Plantagenet District Hall;
 - h) Porongurup Hall;
 - i) Rocky Gully Hall;
 - j) Woogenellup Hall; and
 - k) Wilson Park Netball Kiosk

CARRIED (8/0)

NO. 168/10

11.5.2 VISITOR CENTRE

A Financial /Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed by Cr A Budrikis.

5:15pm Cr A Budrikis withdrew from the meeting.

File No: N15130
Attachments: [MOU - Tourist Bureau](#)
[Tourist Bureau - Minutes of Special Meeting 17 June 2010](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to recommend an amended course of action with regard to funding for the Visitor Centre and to set out a template for developing a Council response regarding visitor servicing.

BACKGROUND

The Council, at its Meeting held on 25 May 2010 resolved:

'That the Mount Barker Tourist Bureau (Inc) be advised that the Council, in the light of the presentation given to the Council on 25 May 2010:

- 1. Will no longer provide financial assistance to the Mount Barker Tourist Bureau (Inc) or Visitor Centre in Mount Barker.*
- 2. Will investigate options to address tourism and visitor servicing in Plantagenet and the Lower Great Southern.'*

The above motion has created discussion within the community and especially representatives of the Tourist Bureau (Inc) who are responsible for the running of the Visitor Centre.

STATUTORY ENVIRONMENT

There is no particular Statutory Environment with regard to the Council's ability to make funds available to a Visitor Centre.

However, Section 2.7 of the Local Government Act 1995 defines the role of the Council which, among other things, states that the Council is to:

'Oversee the allocation of the Local Government's Finances and Resources;'

Further, as a body corporate with perpetual succession a Local Government has the legal capacity of a natural person and is therefore able to undertake expenditure

generally, provided that expenditure is adopted in the Annual Budget (Section 6.2 LGA).

EXTERNAL CONSULTATION

No formal consultation has taken place with regard to the preparation of this report. However, at the Public Information Session regarding the Council's draft budget held on the evening of 15 June 2010, a number of electors addressed the Council regarding the Council's decision to cease funding of the Visitor Centre.

Also, a Special General Meeting of the Bureau was held on 17 June 2010. The Minutes of the meeting are attached and Councillors are directed to the motions adopted at that meeting.

FINANCIAL IMPLICATIONS

A funding request from the Tourist Bureau (Inc) was received by the Council for the 2010/2011 Financial Year in the amount of \$43,000.00 plus CPI. Funds that would normally have been made available to the Visitor Centre have been transferred to District Promotion and Visitor Servicing.

POLICY IMPLICATIONS

The Council's Tourism Policy states:

OBJECTIVE:

To provide a position for the Council in relation to tourism in the Shire of Plantagenet.

POLICY:

The Council will, with regard to tourism, have, as its major objectives to:

- 1. Recognise tourism as a social and economic force and as a major or potential major employer within the diverse economy of the Shire of Plantagenet.*
- 2. Foster and create community awareness of the benefits of tourism within the Plantagenet district.*
- 3. Guide and influence the development of tourism in the Plantagenet district.*
- 4. Ensure that facilities within the Plantagenet area are adequate to cater for visitors.'*

Also, the Council has entered into a Memorandum of Understanding (MOU) with the Tourist Bureau (Inc) a copy of which is attached.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan is silent with regard to Tourism. This was one of the reasons that the Council endorsed a Tourism Policy to fill this 'gap' until the Strategic Plan could be reviewed. Nevertheless the Council's Strategic Plan at Key Result Area 5 (Strategic Planning) mentions an aim of the Council is the development of strategic partnerships.

OFFICER COMMENT

The Council's decision to cease funding of the Visitor Centre is sound. At the meeting of the Council held on 25 May 2010 a presentation by representatives of the Visitor Centre stated:

'Due to increasing financial pressures, the MBTB Board is unable to continue to operate the Visitor Centre without a substantial increase in funding.'

Since that decision Tourist Bureau representatives are now seeking from the Council a staged reduction of funding over eight months. If this was to occur, the Visitor Centre would be able to wind down the business of the Visitor Centre including contracts, staffing, consignment and stocking arrangements. Possibly six months would be sufficient rather than eight months, with two moieties being paid, the second dependant upon milestones being achieved. This would also allow the Council's administration to develop a Visitor Strategy with full consultation over a number of months.

With regard to a visitor strategy, some of the ideas being investigated include:

1. The concept of 'mini' Visitor Centres at various outlets around the district.
2. Further development of the Council's directional signage infrastructure.
3. Development of training opportunities for businesses in the district.
4. Development of training for Council staff (especially front counter staff) who will experience an increase in tourist type enquiries.
5. Development of a consultation strategy with appropriate peak bodies.
6. Examination of funding opportunities.
7. Development of maps and brochures.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Mount Barker Tourist Bureau (Inc) be advised that:

1. For the 2010/2011 Financial Year a Financial Assistance Grant of \$22,000.00 will be made available for the running of the Visitor Centre payable in two moieties and that no further funding will then be available.
2. The payment of the first moiety will be dependent upon the Chief Executive Officer receiving full financial figures for the Visitor Centre including the 2009/2010 financial year and any draft budget figures for the 2010/2011 financial year.
3. The payment of the second moiety will be dependent upon the Chief Executive Officer receiving sufficient information from the Tourist Bureau (Inc) that such payment is necessary for either the structured winding up of the Visitor Centre operations or such other arrangements as to satisfy the Chief Executive Officer and the Council that the funding is required to keep the Visitor Centre open until other arrangements are made.
4. Any funding made available by the Council is only to be utilised for the legitimate process of winding up the business of the Visitor Centre or, with the

agreement of the Council, the continued running of the business while alternative arrangements are being finalised for the running of the Centre.

COUNCIL DECISION

Moved Cr S Etherington, seconded Cr M Skinner:

That:

- 1. A financial assistance grant of \$5,000.00 per month to a maximum of \$20,000.00 be made available to assist the Mount Barker Tourist Bureau Inc.**
- 2. The payment to be dependent upon the Chief Executive Officer receiving the Audited Financial figures for the Mount Barker Tourist Bureau for 2009/2010 and any draft budget figures for the 2010/2011 financial year.**
- 3. The grant made available by the Council is only to be utilised for the process of either winding up of the Visitor Centre or to allow time to find alternative funding arrangements.**

CARRIED (7/0)

NO. 169/10

Reason for Change

Councillors believed that a period of four months was sufficient time to allow the Tourist Bureau to determine its activities.

5:18pm Cr A Budrikis returned to the meeting.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr L Handasyde, seconded Cr S Etherington:

That new business of an urgent nature, namely:

1. RLCIP Grant Reallocation of Funds
 2. Sale of Land for Non Payment of Rates – Transfers of Land
- be introduced into the meeting.

CARRIED (8/0)

NO.170/10

13.1.1 RLCIP GRANT - REALLOCATION OF FUNDS

File No: N15264

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: John Fathers
Deputy Chief Executive Officer

Proposed Meeting Date: 06 July 2010

PURPOSE

The purpose of this report is to adjust the adopted 2010/2011 Annual Budget to recognise the allocation of savings from 2009/2010 projects funded under the Commonwealth Government's Regional and Local Community Infrastructure Program (RLCIP).

BACKGROUND

The 2009/2010 annual budget was adopted by the Council at its meeting on 14 July 2009. This budget includes the following minor works funded by a \$30,000.00 grant under the RLCIP program:

Account	Description	Budget	Estimated Actual	2010/2011 B/Fwd
51109.0252	Lesser Hall - Upgrade flooring etc	(\$25,000.00)	(\$18,255.00)	(\$6,745.00)
51129.0252	Lesser Hall - Grease Arrestor Trap	(\$5,000.00)	(\$3,628.00)	(\$1,372.00)

STATUTORY ENVIRONMENT

There is no specific section of the Local Government Act 1995 that deals with the re-allocation of funds however Section 6.2(1) of the Local Government Act 1995 governs budget requirements for local governments.

Section 33A of the Local Government (Financial Management) Regulations 1996 requires a Local Government to conduct a mandatory budget review between 1 January and 31 March each year.

FINANCIAL IMPLICATIONS

The overall recommended effect on the budget is to make savings of \$7,841.00. The allocation of these savings can be dealt with at the first formal budget review for 2010/2011.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The draft 2010/2011 budget has been submitted incorporating a carried forward amount totalling \$8,117.00 for these two projects. An email has been received from the RCLIP administrators seeking urgent advice as to the Council's intentions in relation to the unspent funds.

The funds can only be spent on infrastructure projects and staff wages can not be used. Two projects have been identified in the budget which fit the criteria. This will enable the Council to utilise the bulk of the money, rather than refund it. Those projects are:

- 51441.0252 Additional Lighting at Swimming Pool (Safety) \$4,841.00
- 50821.0252 HACC - New External Door, New Flyscreen Door & Paving Adjust \$3,000.00.

It is recommended that the Council agree to fund these projects from the unspent RCLIP funds. The savings that result from this can be dealt with at the first formal budget review for 2010/2011.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr G Messmer:

That the adopted 2010/2011 Annual Budget be amended to reflect that the following budget items be funded from surplus moneys from the Regional and Local Community Infrastructure Program instead of Municipal funds:

Account	Description	Budget
51441.0252	Additional Lighting at Swimming Pool (Safety)	(\$4,841.00)
50821.0252	HACC - New External Door, New Flyscreen Door & Paving Adjust	(\$3,000.00)

CARRIED (8/0)

NO. 171/10

(Absolute Majority)

13.1.2 SALE OF LAND FOR NON PAYMENT OF RATES - TRANSFERS OF LAND

File No: N15265
Attachments: Transfers of Land (Four)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Cherie Delmage
Accountant/Office Manager
Proposed Meeting Date: 6 July 2010

PURPOSE

The purpose of this report is to seek authority to affix the Common Seal of the Council to four Transfers of Land relating to the sale of properties due to non-payment of rates.

BACKGROUND

At its meeting held on 22 April 2008, the Council resolved:

'That the action of the Chief Executive Officer in commencing the sale of land actions against the landowners of the following assessments in accordance with Section 6.64 (1) (b) of the Local Government Act 1995 and pursuant to delegation LG022, be noted:

*110007 30 Westfield Street, Rocky Gully;
112334 60 Ormond Road, Mount Barker;
137612 42 Seventh Avenue, Kendenup;
137695 48 Second Avenue, Kendenup;
138552 105 Hassell Avenue, Kendenup; and
138560 107 Hassell Avenue, Kendenup.'*

On 15 September 2009 a memorandum was provided to all Councillors advising that the sale of land actions had commenced in accordance with Section 6.64 (1) (b) of the Local Government Act 1995 and Delegation LG022.

A public auction was held on 20 March 2010 which resulted in the sale of the last four properties listed in the resolution above.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

Currently the outstanding rates and legal fees of the four properties stand at \$29,316.41. This does not include the rates (approximate \$2,840.00) that will be raised in 2010/2011 that will be paid by the new owners, at settlement.

Additional auction costs of \$15,664.00 will also need to be recovered from the sales. Any remaining funds will be forwarded to the Department of Treasury and Finance, as the statutory authority responsible for unclaimed moneys.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

There are three purchasers of the four properties. As the properties are still part of the original De Garis title, there has been a need to co-ordinate settlement with the three purchasers, otherwise the process would take up to 12 months as each action to create a new title would add time to the process, delaying the succeeding one.

After some time, all parties have agreed on a settlement date which is now set for 9 July 2010. Authority is sought to attach the common seal to these documents so that this settlement date is met.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to four Transfer of Land documents relating to the following properties, which have been sold for non payment of rates:

Assessment	Property
137612	Lot 800 (42) Seventh Avenue, Kendenup;
137695	Lot 253 (48) Second Avenue, Kendenup;
138552	Lot 52 (105) Hassell Avenue, Kendenup; and
138560	Lot 53 (107) Hassell Avenue, Kendenup.

CARRIED (8/0)

NO. 172/10

14 CONFIDENTIAL

Nil

15 CLOSURE OF MEETING

5:22pm The Presiding Member declared the meeting closed.

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