



ORDINARY MINUTES

DATE: Tuesday, 6 September 2011

TIME: 2:45pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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
Cr J Moir	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 Service
Mr Dominic Le Cerf	Manager Works and Services
Mr Vincent Jenkins	Planning Officer
Mrs Linda Sounness	Executive Secretary

There were three members of the public present.

Previously Approved Leave of Absence:

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.

Mr Stewart then read aloud the following disclaimer:

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

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

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

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

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr M Skinner:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 16 August 2011 as circulated, be taken as read and adopted as a correct record.

CARRIED (9/0)

NO. 203/11

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

VALE: Joan Cameron

The Shire President then noted formally the passing of former Councillor, Deputy Shire President and Freeman of the Municipality Joan Cameron and recorded the Council's condolences to husband Shaun and family.

9 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr M Skinner

- 31 August 2011 – attended a VROC Meeting at the Shire of Plantagenet
- 5 September 2011 – attended the funeral of former Councillor Joan Cameron
- 6 September 2011 – attended a Great Southern Regional Cattle Saleyards Advisory Committee meeting

Cr S Etherington

- 23 August 2011 – attended a Mount Barker Community School Council Meeting
- 5 September 2011 – attended the funeral of former Councillor Joan Cameron

Cr B Bell

- 5 September 2011 – attended the funeral of former Councillor Joan Cameron
- 6 September 2011 – attended a Great Southern Regional Cattle Saleyards Advisory Committee meeting

Cr G Messmer

- 1 September 2011 – attended a RoadWise Committee meeting
- 5 September 2011 – attended the funeral of former Councillor Joan Cameron

Cr L Handasyde

- 23 August 2011 – attended a FESA Total Fire Ban Local Government Consultation meeting
- 31 August 2011 – attended a VROC meeting at Shire of Plantagenet
- 1 September 2011 – attended a RoadWise Committee meeting
- 5 September 2011 – attended the funeral of former Councillor Joan Cameron
- 6 September 2011 – attended a Great Southern Regional Cattle Saleyards Advisory Committee meeting

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 DEVELOPMENT SERVICES REPORTS

10.1.1 LOT 701 WARBURTON ROAD, MOUNT BARKER - PLACE OF PUBLIC WORSHIP

File No:	N19557
Attachments:	Location Plan Site Plan Floor Plan Elevations 1, 2 and 3 Elevation 4 Landscaping Plan How the Kingdom Hall is to be used Letter of Objection
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	6 September 2011
Applicant:	Jehovah's Witnesses – Mount Barker

PURPOSE

The purpose of this report is to consider an application for a place of public worship at Lot 701, Warburton Road, Mount Barker.

BACKGROUND

Shire records show the registered owner of Lot 701 Warburton Road, Mount Barker is Trengoast Pty Ltd.

The proponent originally applied for planning consent to develop a place of public worship at Lot 701 Warburton Road on 23 February 2011. As the planning consent application was incomplete, further information was sought. On 6 July 2011 the Council received new information on the planning consent application and public advertising was undertaken.

The proponent intends to construct a new 'kingdom hall' (church building) 367.1 m² in area. The 'kingdom hall' will comprise an 80 seat auditorium, foyer, discussion area, male and female toilets, a toilet for disabled persons and a portico at the entrance.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Residential (R2) – Place of Public Worship is a discretionary 'AA' use under TPS3.

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'

Western Australian Planning Commission (WAPC) conditions of subdivision approval of 27 July 2006 (131143) include:

'12. The subdivider making arrangements satisfactory to the Council to ensure that prospective purchasers and successors in title are made aware of the following:

- a) An approved alternative onsite effluent disposal system to the specifications of the Local Government and the Health Department will be required to service any new development on each lot; and*
- b) The approved alternative onsite effluent disposal system will need to be installed in combination with engineering controls to divert storm and ground water off the site through an approved method, subject to approval by Council in accordance with conventional engineering principles. (Local Government)'*

An aerobic treatment unit (ATU) onsite effluent disposal system will be a requirement of the planning consent. In addition, the control of storm and groundwater to the satisfaction of the Manager Works and Services will be a further requirement of planning consent.

Health Act 1911 -

Section 173 - defines a public building as a building or place where persons may assemble for civic, theatrical, social, political or religious purposes.

Section 176 - local government approval is required to construct, extend, or alter a public building. The Environmental Health Officer approves public buildings (religious purposes) under delegated authority.

Health (Public Buildings) Regulations 1992 – this regulation provides local government control of the construction and extension to public buildings.

Environmental Protection (Noise) Regulations 1997;

Regulation 15 – Bellringing and calls to worship – this regulation exempts religious groups from compliance with the provisions of the noise regulations for 'calls to worship' (means any call or invitation to worship - including the ringing of a single bell or sets of bells, which includes amplified or reproduced by the use of electronic amplification equipment). This regulation further prescribes the conditions upon the

type of land, the times, days and frequency of events that the calls to worship may take place.

Regulation 16 – Community Activities – Exempt Noise – religious groups are exempt from complying with the noise regulations for both calls to worship and worship activities, however if they cause conflict or unreasonable noise the Chief Executive Officer may issue a noise control notice.

EXTERNAL CONSULTATION

In accordance with Delegation LG 035 the proposal has been advertised for comment for a 21 day period closing on 17 August 2011. Advertising included letters to nine adjoining and nearby property owners, notices were placed in the Albany Advertiser, Plantagenet News, the Council's noticeboard and a sign placed on site.

A letter of objection (copy attached) was received from the land owners of adjoining Lot 463 Warburton Road to the east. Those owners are concerned about the possible adverse impacts of noise and lights associated with moving motor vehicles. They are further concerned with the noise of singing, social chatter and car doors being closed.

FINANCIAL IMPLICATIONS

The application fee of \$775.00 and a bond of \$500.00 for advertising costs have been paid.

Further, religious institutions are non rateable and therefore the current rates of \$750.00. will not be paid in future.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

'Plan a safe and healthy living environment.'

OFFICER COMMENT

The original application advised the Mount Barker congregation of Jehovah's Witnesses currently meet around twice a week for approximately three hours with up to 50 persons attending. The present church is located on the corner of Oatlands Road and Hassell Street. The document *'How the Kingdom Hall is to be used'* (copy attached) received by the Council on 6 July 2011 advised that the 'kingdom hall' may be used during the day and in the evenings up to 9:30pm on weekdays and on weekends. No social events, such as wedding receptions, fund raising activities such as bingo, or gatherings for social entertainment, youth group activities, or any unrelated to worship, are permitted in the 'kingdom hall'. The 'kingdom hall' will solely be used for religious services, counselling and bible instruction.

Lot 701 is 5003m² in area and is currently undeveloped. Remnant vegetation on the lot consists of four large trees of which three are grouped together and one standing alone. Some trees may need to be removed for safety reasons.

The building (11.69m x 23.75m) will be a single storey face brick building with a Colorbond® roof. The final brick style and roof colour is still to be decided. A portico (5.66m x 5.66m) is located at the front entrance. The building faces Warburton Road and is designed to blend in with the residential character in the location. The proposed development is consistent with the R2 density code boundary setback requirements set by Residential Design Codes (RCodes).

Access to Lot 701 and the car parking area will be by way of a 6m crossover and 6m driveway allowing two-way motor vehicle movement. A total of 22 onsite car parking bays are provided. Two car parking bays for disabled persons are provided at the front of the building. The car parking area is located approximately 37m off the rear boundary with adjoining Lot 703 to the north. The number of car parking bays provided satisfies the demand requirements of the facility. The property and car parking area is easily and safely accessible. The location of the car parking area at the rear of the building will minimise its visual impact and preserve the residential amenity of the location.

The properties most directly affected by this proposal are Lots 702 and 703 Bloomfield Rise to the west and north and Lot 463 Warburton Road to the east. A letter of objection (copy attached) to this proposal was received from the land owners of adjoining Lot 463 Warburton Road. These owners are concerned with noise associated with motor vehicles noise, worship, singing and social chatter. They are further concerned with the impact of the lights of motor vehicles.

A detailed landscaping plan was submitted as part of the application. Plant selections consist of native species that will contribute to the natural character and amenity of the location. This landscaping plan introduces landscaped buffers adjacent to driveways and car parking areas to provide screen planting to minimise its visual impact and mitigate possible adverse impacts on adjoining properties. To ensure screening is effective advance plantings will be required as a condition of planning consent. Lighting proposals were not included in the landscape plan submitted. Low intensity bollard type lighting will be required as a condition of planning consent.

The quality and concentration of existing remnant vegetation located at Lot 463 may be insufficient to effectively minimise possible adverse impacts of noise and motor vehicle light movement. The option to include a boundary fence as a condition of approval was discussed with the landowners of Lot 463 Warburton Road. Although they object to the proposed place of public worship they would prefer a solid steel fence to be constructed along the full length of the property boundary with Lot 701 and 463 (approximately 64m) at a height of 1.8m. A 1.8m high fence is considered unnecessary to shield headlight glare from vehicles and a 1.5m high fence would be adequate.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, planning consent be granted for a place of worship at Lot 701 Warburton Road, Mount Barker subject to:

1. Development being generally in accordance with the plans dated 6 July 2011.
2. A crossover being constructed, drained and sealed to the satisfaction of the Manager Works and Services.
3. Stormwater being contained onsite, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.
4. All car parking being provided onsite. Car parking bays being a minimum of 2.7m x 5.5m with a 6.0m manoeuvring space and the car parking layout being approved by the Manager Works and Services.
5. A non permeable fence with a minimum height of 1.5m being constructed along the boundary with Lot 463 Warburton Road, Mount Barker to the satisfaction of the Manager Development Services.
6. Low intensity bollard lighting being provided to the satisfaction of the Manager Development Services. No overhead lighting will be permitted.
7. The onsite effluent disposal system being an aerobic treatment unit to the satisfaction of the Council's Environmental Health Officer.
8. Landscaping shall consist of well advanced shrubs and trees to the satisfaction of Manager Works and Services.

CARRIED (8/1)

NO. 204/11

10.2 WORKS AND SERVICES REPORTS

10.2.1 DEDICATION OF ROAD RESERVE - MILLINUP ROAD AND PART CLOSURE OF MILLINUP PASS ROAD

File No:	N19520
Attachments:	Location Plan Millinup Road Dedication Location Plan Millinup Pass Road Closure
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Senior Administration / Project Officer Works and Services
Proposed Meeting Date:	6 September 2011

PURPOSE

The purpose of this report is to consider the dedication of a portion of existing Millinup Road, Porongurup as road reserve and the proposed closure of an existing unconstructed, uncleared, dedicated portion of Millinup Pass Road reserve, for inclusion into the Porongurup National Park (A Class Reserve 18987).

BACKGROUND

A portion of existing Millinup Road, Porongurup east of Millinup Pass Road (as shown on the attached location map) is not contained within dedicated road reserve and therefore has no legal status as road. Currently the road encroaches A Class Reserve 18987 (Porongurup National Park).

An unconstructed, uncleared, dedicated portion of Millinup Pass Road reserve is located south of the intersection with Millinup Road (as shown on the attached Location Plan).

STATUTORY ENVIRONMENT

Section 56 of the Land Administration Act 1997 states:

- (1) *If in the district of a local government –*
- (a) *land is reserved or acquired for use by the public, or is used by the public as a road under the care, control and management of the local government.*
- ...
- And that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate the land as a road.*
- (2) *If a local government resolves to make a request under subsection (1), it must –*
- (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*

- (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.'*

Section 58 of the Land Administration Act 1997 relates to the closure of roads:

'58. Closure of roads

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) -*
- (a) *by order grant the request;*
- (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
- (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) -*
- (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
- (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road-*
- (a) *becomes unallocated Crown land; or*
- (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.'*

Section 55 of the Land Administration Act 1997 provides the following:

'55. Property in roads etc.

- (1) *Subject to this section and to section 57, the absolute property in land comprising a road is by this subsection -*
- (a) *revested in the Crown; and*
- (b) *in the case of land under the operation of the TLA or the Registration of Deeds Act 1856, removed from that operation and so revested.*
- ...
- (3) *The operation of subsection (1) -*
- (a) *suspends, until the relevant road is closed under section 58, any rights to mine for minerals within the meaning of the Mining Act 1978 excepted from the acquisition of the land reserved, declared or dedicated as that road; but*

- (b) *does not affect the functions of a local government in respect of a road of which it has the care, control and management.'*

Section 57 of the Land Administration Act 1997 refers to leases in relation to roads.

Reserve 18987 is an 'A' Class Reserve – Porongurup National Park.

EXTERNAL CONSULTATION

Consultation has occurred with the Department of Environment and Conservation (DEC) to obtain support from the Conservation Commission of WA relating to the dedication (and therefore excision from National Park) of this portion of Millinup Road.

The DEC has advised that the Conservation Commission of WA support the excision of the section of Millinup Road from the Porongurup National Park for road purposes. The Conservation Commission of WA has also suggested the unconstructed, uncleared, dedicated section of Millinup Pass Road reserve as a suitable offset for this excision. This is shown on the attached map from the DEC.

Consultation has occurred with the Department of Regional Development and Lands (DRDL) regarding the correct processes relating to this matter. Advice received indicates that both the proposed dedication and proposed road closure can be carried out together.

FINANCIAL IMPLICATIONS

The Shire will be required to meet the costs for advertising according to the normal road closure processes required by the Land Administration Act 1997. It is estimated that this will cost approximately \$500.00 and can be charged to account Outstanding Land Resumptions (21211.0306).

Both the DEC and the DRDL have indicated that costs associated with any further survey and lodgement of deposited plans will be met by the DRDL.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

This proposed dedication will formalise this section of Millinup Road as part of the Shire's road network assets. Currently this portion is used by the public as a road under the care, control and management of the Shire of Plantagenet with the Shire maintaining the road.

The section of Millinup Pass Road is unconstructed and uncleared.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Plan 2003, Key Result Area 2 Infrastructure provides the following as one of its aims:

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

OFFICER COMMENT

The proposed offset of land (dedication of the subject section of Millinup Road for the relinquishment of the subject section of Millinup Pass Road reserve) is a positive outcome for the Shire.

It is a requirement of the Land Administration Act 1997 to request the dedication of the section of existing Millinup Road to ensure that the road has a legal status as road.

The relinquishment of the section of Millinup Pass Road to the DEC, to become part of the Porongurup National Park is considered appropriate. This section of road reserve is uncleared and unconstructed and therefore its closure and relinquishment should not adversely affect the Shire.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That:

- 1. A request be made to the Minister for Lands to dedicate the portion of existing Millinup Road, Porongurup east of Millinup Pass Road (as shown on the attached Location Plan dated 22 August 2011) as road under Section 56(1) of the Land Administration Act;**
- 2. The Minister for Lands be indemnified against any claims for compensation and costs that may be reasonably incurred by the Minister in considering and granting the request to dedicate the land as road;**
- 3. Pursuant to Section 58 of the Land Administration Act 1997 notice be given of the proposal to permanently close the unconstructed, uncleared, dedicated portion of Millinup Pass Road reserve, south of the intersection with Millinup Road (as shown on the attached Location Plan); and**
- 4. A further report be prepared for the Council's consideration at the conclusion of advertising on or before the ordinary meeting of the Council to be held 29 November 2011.**

CARRIED (9/0)

NO. 205/11

10.2.2 ROADS TO RECOVERY PROGRAM - CAMPAIGN TO CONTINUE FUNDING

File No: N19522
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Megan Beech
Senior Administration / Project Officer Works
and Services
Proposed Meeting Date: 6 September 2011

PURPOSE

The purpose of this report is to call on the Federal Government to recognise the importance of the Roads to Recovery Program and to recommend the continuation of the Roads to Recovery Program with the current administrative arrangements and an increased level of funding, as a permanent funding program for local government.

BACKGROUND

In November 2000 the Federal Government announced a \$1.2 billion boost in its funding for local roads through the Roads to Recovery Program. Of the \$1.2 billion, \$850 million was to be spent in rural and regional Australia. The program commenced in January 2001 and was originally due to end in June 2005. However, successful campaigning by local government saw two extensions of the program.

The second program was announced in January 2004 and by November 2005, the full cost of the program reached \$1.45 billion. The program ran from 2005 to 2009.

The current (and third) Roads to Recovery Program commenced in 2009 and is due to end in June 2014. The Government has committed \$1.75 billion for this program.

Administrative processes for the Roads to Recovery Program allow decisions on spending (nominated projects) to be made locally and then reported to the Government. Funds are paid directly from the Australian Government to each Council.

The Australian Local Government Association (ALGA) will be launching local government's Roads to Recovery campaign at the 2011 National Local Roads and Transport Congress being held in Mount Gambier in November.

STATUTORY ENVIRONMENT

The Roads to Recovery Act 2000, Auslink (National Land Transport) Act 2005 and Nation Building Program (National Land Transport) Act 2009 specify the funding available to each Council over the life of the Program.

EXTERNAL CONSULTATION

Correspondence has been received from the president of ALGA seeking support from local governments for the 2011 campaign. Council resolutions of support will then be incorporated as part of the campaign launch.

FINANCIAL IMPLICATIONS

The Roads to Recovery Program is 100% federally funded. Funds received by the Shire since the program began in 2001 are as follows:

- 2000/2001 – 2004/2005 \$1,368,987.00
- 2005/2006 – 2008/2009 \$1,436,716.00
- 2005/2006 (Supplementary) \$ 359,179.00
- 2009/2010 – 2013/2014 \$2,040,803.00

To date the Shire has received \$816,321.00 from the current Program, with a Program balance of \$1,224,482.00 yet to be received.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

The funding received from the Roads to Recovery Program has become an important funding source towards the maintenance of the Shire's road assets. The funds recognise the backlog of needs on local roads. An important condition of the Roads to Recovery Program is that Councils must continue to spend their share of rates revenue on roads and not use the Australian Government funds to replace this. The program would otherwise result in no significant improvement in the local road network.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Plan 2003, Key Result Area 2 Infrastructure provides the following as one of its aims:

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

OFFICER COMMENT

The 2011/2012 Roads to Recovery income of \$408,000.00 represents 10% of the Council's total expenditure on road construction and maintenance, or 8% of rates income. To lose this source of income would result in a significant impact on ratepayers if the Shire wanted to retain current levels of service in this area.

Current arrangements provide Councils with certainty of funding and control over the works to be funded and it is therefore recommended that they continue.

Support from the Council is required in order for the campaign to successfully reach the Federal Government to consider increased and ongoing Roads to Recovery Funding.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That the Shire of Plantagenet write to the Prime Minister and appropriate Federal and State Ministers to call on the Federal Government to:

1. Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
2. Continue the Roads to Recovery Program on a permanent basis to assist local government to meet its responsibilities of providing access for its communities;
3. Continue the Roads to Recovery Program with the current administrative arrangements; and
4. Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

CARRIED (9/0)

NO. 206/11

10.3 COMMUNITY SERVICES REPORTS**10.4 CORPORATE SERVICES REPORTS****10.4.1 LIST OF ACCOUNTS - JULY 2011**

File No: N19453
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 6 September 2011

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of July 2011.

STATUTORY ENVIRONMENT

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments (10 May 2009). Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Policy F/FM/7 – Purchasing and Tender Guide applies.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr M Skinner:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended July 2011 be received and recorded in the minutes of the Council, the summary of which is as follows:

1. Electronic Payments and Direct Debits totalling \$566,121.37;
2. Municipal Cheques 42158 - 42187 totalling \$81,722.01; and
3. Trust Cheques 314 – 316 totalling \$665.34.

CARRIED (9/0)

NO. 207/11

10.4.2 FINANCIAL STATEMENTS – JULY 2011

File No:	N19539
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	6 September 2011

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending July 2011.

STATUTORY ENVIRONMENT

Regulation 34 of the Financial Management Regulations 1996 requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in b) and c) above; and
- e) the net current assets at the end of the month to which the statement relates ie: surplus/deficit position.

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That the unaudited Financial Statements for the period ending July 2011 be received.

CARRIED (9/0)

NO. 208/11

10.4.3 MOUNT BARKER PLAYGROUP - RENEWAL OF LEASE

File No: N19426
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Jo McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 6 September 2011

PURPOSE

The purpose of this report is to recommend the renewal of the lease to the Mount Barker Playgroup for Lot 8 Marmion Street, Mount Barker.

BACKGROUND

Lot 8 Marmion Street, Mount Barker is owned by the Council in freehold and is leased to the Mount Barker Playgroup. The lease between the Shire and the Playgroup expired on 30 June 2011. The existing lease terms are as follows:

- Twenty one year term;
- Rent equivalent to 25% of annual rates charges;
- All outgoings payable by the Mount Barker Playgroup; and
- Indemnity insurance and \$1,000,000.00 public liability insurance to be provided by the Playgroup.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 (the Act) and Regulations 30 and 31 of the Local Government (Functions and General) Regulations 1996 govern the disposal of land.

Under these regulations *'a disposition of land is an exempt disposition, and is excluded from the application of section 3.58, if the land is disposed of to a body, whether incorporated or not the objectives of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions'*.

Given the above, the disposal of this land is exempt from section 3.58 of the Act.

EXTERNAL CONSULTATION

Consultation has occurred with the Secretary of the Mount Barker Playgroup, Mrs Susan Morrow. Mrs Morrow has confirmed that the Playgroup would like to renew its lease under conditions proposed by the Shire of Plantagenet.

Consultation has also occurred with the Council's insurers who have advised that public liability insurance to the value of \$10,000,000.00 is the recommended minimum for small to medium facilities with general usage.

FINANCIAL IMPLICATIONS

The revenue raised from the lease to the Mount Barker Playgroup for the 2011/2012 financial year will be \$353.75.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER COMMENT

It is recommended that the lease be renewed for a further 21 years under the same terms and conditions of the existing lease with the exception of an increase in the required public liability insurance to a minimum of \$10,000,000.00.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That:

- 1. The lease to the Mount Barker Playgroup for Lot 8 Marmion Street, Mount Barker be renewed for a period of 21 years under the same terms and conditions as the existing lease, with the exception that the lessee will provide for a minimum cover of \$10,000,000.00 public liability insurance.**
- 2. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the Lease Agreement between the Shire of Plantagenet and the Mount Barker Playgroup relating to Lot 8 Marmion Street, Mount Barker for the purpose of a playgroup.**

CARRIED (9/0)

NO. 209/11

10.5 EXECUTIVE SERVICES REPORTS

10.5.1 REGIONAL COUNCILS AND THEIR FORMATION

File No:	N19519
Attachments:	Regional Council Establishment Agreement 2001
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	6 September 2011

PURPOSE

The purpose of this report is to present to Councillors the legislative environment for the formation of a Regional Council and to give some historical background regarding Plantagenet and its involvement as a member of a Regional Council.

BACKGROUND

In June 2001, the Shire of Plantagenet agreed to be a member of the Great Southern Regional Council.

Other members of that Regional Council included the City of Albany and the Shires of Cranbrook, Denmark and Gnowangerup. A copy of the Establishment Agreement for the Regional Council is attached to this report.

STATUTORY ENVIRONMENT

A Regional Local Government is established pursuant to Section 3.61 of the Local Government Act 1995. That section provides that two or more Local Governments may, with the Minister's approval, establish a Regional Local Government to do things for any purpose for which a Local Government can do things under the Act or any other Act.

The Great Southern Regional Council had the regional purpose to:

- a. Establish, operate and manage a landfill site or sites for the disposal of waste for the benefit of the participants; and
- b. Undertake the recycling, processing, treatment, collection and removal of waste from the Districts of the participants.

It should be noted that the Council was formerly a member of the Rainbow Coast Regional Council. This 'Regional Council' was not a Regional Council pursuant to the Act and was effectively a Voluntary Regional Organisation of Councils.

Also, when the City of Albany and the Shire of Plantagenet decided to jointly purchase and develop the Great Southern Regional Cattle Saleyards, some consideration was given to forming a Regional Council. It is understood that a Regional Council was not proceeded with due to the costs and perception of 'forming another level of Government'. Ultimately the venture between the City and the Shire

failed in part due to the lack of governance procedures as the Joint Venture that was formed had no power to act.

EXTERNAL CONSULTATION

There has been no consultation with regard to the formation of a Regional Council, except general discussion at a Southern Link VROC level.

FINANCIAL IMPLICATIONS

The formation of a Regional Council has minimal financial costs. However, costs are associated with the running of a Regional Council in line with any other constituted corporation.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 5 (Strategic Planning) notes that an aim of the Council is the development of strategic partnerships and the fostering of regional cooperation.

OFFICER COMMENT

The author of this report has been a long time proponent for the formation of Regional Councils, especially for those Local Government services that can be classified as homogeneous across Council boundaries. The predominant responsibility of Regional Councils so far formed in the State is that of waste. Examples of Regional Councils include the Bunbury-Harvey Regional Council, the Eastern Metropolitan Regional Council, the Mid West Regional Council, the Mindarie Regional Council, the Murchison Regional Vermin Council, the Pilbara Regional Council and the Southern Metropolitan Regional Council.

It is sometimes argued that Regional Councils can be construed as another level of Government and that the costs associated with their formation and ongoing running are too high.

It has also been argued that a Voluntary Regional Organisation of Councils (VROC) can accrue the same benefits as a Regional Council without the costs.

Alternatively, it is also argued that a Regional Council allows advantages of scale to accrue to the member councils, and in undertaking homogeneous responsibilities, allow smaller councils to concentrate on servicing local residents and ratepayers.

It should also be noted that a Regional Council will exist as a corporate entity in its own right while a VROC does not have any corporate existence. Therefore when a VROC needs to undertake a project and expend funds, it needs a member council to act as 'banker'.

It is also argued in some circles that a Regional Council can be seen as a precursor to amalgamation. Although we are existing at present within an environment of

structural reform, there is no evidence in the past that members of Regional Councils have been amalgamated.

To form a Regional Council, two or more participants are necessary pursuant to the Act. Should the Shire of Plantagenet believe that the formation of a Regional Council would have benefit, the environment of structural reform within which we now work, could act as a reasonable catalyst for sounding out potential regional partners.

Our VROC partners of Broomehill-Tambellup, Cranbrook and Kojonup would make ideal Regional Council partners with regard to, for example, waste. In fact, it could be argued that the former Great Southern Regional Council failed as one of the partners was the City of Albany. That Council would have provided as much as 80% of the waste developed by all of the Councils of the Great Southern Regional Council. At the time the City of Albany believed that the lead distance to the Regional site at Chillinup placed an unfair burden on Albany ratepayers and therefore improved its main waste facility and introduced recycling to extend the life of that waste facility. At that time and under the existing statutory framework that was a reasonable decision.

Today the situation has changed somewhat from a legislative format where there is encouragement to form regional alliances (such as Zero Waste Management Plans) and Albany's main waste facility is possibly reaching the end of its life as a landfill. Further, as the Shire of Denmark has no waste facility, it would appear sensible to include Albany and Denmark in any potential invitation to become a participant in a Regional Council for the purposes of waste.

Further, discussions at a Councillor level have also expressed the possibility of utilising a Regional Council for regional capital road building. Again this could be argued as an homogeneous product and therefore could lend itself to this purpose.

There is little point in doing a full business case regarding the formation and purpose of a Regional Council unless there was some likelihood of success. For this reason, no analysis of staffing, machinery or funding has been attempted. At this stage it would seem advisable to simply test the water with our VROC partners and the City of Albany and the Shire of Denmark.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That the City of Albany and the Shires of Broomehill-Tambellup, Cranbrook, Denmark and Kojonup be approached to work with the Shire of Plantagenet investigating the formation of a Regional Council pursuant to Section 3.61 of the Local Government Act 1995 for the following purposes:

1. Establish, operate and manage a landfill site or sites for the disposal of waste for the benefit of the participants;
2. Undertake the recycling, processing, treatment, collection and removal of waste from the Districts of the participants; and
3. Undertake capital road works and maintenance

and to this end invites the Chief Elected Representative and the Chief Executive Officer of each of those Councils to attend a Forum to be held at the Shire of Plantagenet to develop a position on the proposal and, if agreed, proceed to the establishment of a Regional Council of Local Government.

AMENDMENT

Moved Cr J Moir, seconded Cr B Bell:

The word 'and' at the end of part 2 and the words '3. Undertake capital road works and maintenance' be deleted.

CARRIED (7/2)

NO. 210/11

FURTHER AMENDMENT

Moved Cr A Budrikis, seconded Cr L Handasyde:

That the motion before the Chair be numbered as (1) and a part (2) be added as follows:

'The participants also be requested to discuss other potential services to be provided by the Regional Council including, but not limited to, capital road works, information technology, health services, aged care and the like',

and the motion be re-cast accordingly

CARRIED (9/0)

NO. 211/11

COUNCIL DECISION

That:

1. The City of Albany and the Shires of Broomehill-Tambellup, Cranbrook, Denmark and Kojonup be approached to work with the Shire of Plantagenet investigating the formation of a Regional Council pursuant to Section 3.61 of the Local Government Act 1995 for the following purposes:
 - a) Establish, operate and manage a landfill site or sites for the disposal of waste for the benefit of the participants;
 - b) Undertake the recycling, processing, treatment, collection and removal of waste from the Districts of the participants;and to this end invites the Chief Elected Representative and the Chief Executive Officer of each of those Councils to attend a Forum to be held at the Shire of Plantagenet to develop a position on the proposal and, if agreed, proceed to the establishment of a Regional Council of Local Government, and
2. The participants also be requested to discuss other potential services to be provided by the Regional Council including but not limited to, capital road works, information technology, health services, aged care and the like.

CARRIED (9/0)

NO. 212/11

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

13 CONFIDENTIAL

14 CLOSURE OF MEETING

3:45pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____ / ____ / ____