



ORDINARY MINUTES

DATE: Tuesday, 18 October 2011

TIME: 2:45pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – QUORUM (5)

Members:

Cr K Clements (Shire President)
Cr M Skinner (Deputy Shire President)
Cr B Bell
Cr A Budrikis
Cr S Etherington
Cr L Handasyde
Cr G Messmer
Cr J Moir
Cr C Pavlovich

Information and recommendations are included in the reports to assist the council in the decision making process and may not constitute the Council's decision until considered by the Council.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:49pm 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 A Budrikis	Councillor (left Chamber at 3:33pm, returned 3:35pm)
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor (left Chamber at 3:06, returned 3:25pm)
Cr J Moir	Councillor
Cr C Pavlovich	Councillor (left Chamber at 3:37pm, returned 3:51pm)

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary (left Chamber at 3:26pm, returned 3:27pm)
Vincent Jenkins	Planning Officer

There were three members of the public in attendance

Previously Approved Leave of Absence:

Cr B Bell – 18 October 2011

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

3.2.1 AREA AND DISTRICT PROMOTION BUDGET ALLOCATION

Asked by :Mr Scott Drummond:

Mr Drummond asked for a breakdown on the budget figure of \$86,000.00 allocated to promotion and tourism and what plan is in place for the expenditure of this amount.

Response by: Mr Rob Stewart, Chief Executive Officer

Mr Stewart advised that he would respond to Mr Drummond in writing, outlining all the current expenditure of area and district promotion budgeted funds.

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 COLIN TOONE - ITEM 10.1.1 BOUNDARY ENCROACHMENT

I am presenting this on behalf of Hazel Rutter to Council as you will be deliberating your vote on this matter today. In order to make a fully informed decision I simply wish to submit the relevant information in relation to Lot 39 owned by me.

Hazel's name has been on the title since 30 September 1994. Council has owned Lot 93 (land adjoining Lot 39) since 1949. She first heard of the encroachment on 8 November 2010. A double garage which included a rear door and window was approved by Council on 16 September 1999 which now also appears to be a partial encroachment.

Some research relating to this encroachment and have since been informed that Lot 93 does not have a street/road frontage and can only be accessed through adjoining privately owned land, with the exception of council land. It

could not be established why this lot (93) was independent and had not been amalgamated with Council Lot 500 or Lot 40. This information was provided by Landgate.

Further to this legal advice was obtained. Advice received was – in their view there may be a valid claim for Adverse Possession. This arises within the Limitation Act (WA) whereby the recovery of possession of land meets the basic elements. This would then be required, as a proprietor by possession, to make a claim pursuant to the Transfer of Land Act 1893.

Recently contact was made with the Shire to purchase the land and meet any related costs. It was hoped to negotiate a sale/purchase amount. This would have been preferred rather than the pathway of Adverse Possession. Other land within the vicinity of area in question is currently on the market at \$74.00m². However an average price of similar blocks around town attract value between \$62.20 to \$95.30 making an average of \$80.35.

Reference has been made to a recent application for a carport to the side of the house not the front. This was received by the Shire on 9 September 2011. Also a letter from the owner of the adjacent land dated 5 October 2011 confirming that they have no objections regarding the boundary setback. Unfortunately this item was not able to be presented today. Finally I anticipate Council will take these matters into consideration when voting today.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr G Messmer:

Disclosed a Proximity (Section 5.60(B) LGA) Interest – Own property adjacent - in Item 10.1.1.

Cr A Budrikis:

Disclosed Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) and Proximity (Section 5.60 (B) LGA) Interests – Relation to owner (father) of land adjacent to railway station.

Cr C Pavlovich:

Disclosed a Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest – Chair the Committee of the Mt Barker Football Club – in Item 10.3.7.

Disclosed a Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest – Chair the Committee of the Mt Barker Football Club – in Item 10.3.8.

Cr J Moir:

Disclosed a Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest – Cattle farmer – in Item 10.5.3.

Cr M Skinner:

Disclosed a Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest – Farming 400 head of cattle – in Item 10.5.3.

Staff Disclosures

Mrs L Sounness:

Disclosed a Code of Conduct (Section 5.70) Interest – Proponent is husband of employee and employee is a partner in the farming enterprise including locations on Horne Road – in Item 10.2.1.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr A Budrikis:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 27 September 2011 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 266/11

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

The Shire President on behalf of the Council acknowledged and congratulated local youth Cody Woolhouse for being awarded the Youth Achievement Award at the recent 2011 Firefighting Awards in Perth.

9 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr S Etherington

- 17 October 2011 - Attended a Recreation Advisory Committee Meeting

Cr A Budrikis

- 17 October 2011 - Attended a Recreation Advisory Committee Meeting

Cr G Messmer

- 5 October 2011 - Attended a Townscape Review Committee Meeting

Cr L Handasyde

- 13 October 2011 - Attended a Plantation Industry Representatives meeting to discuss firebreak recommendations.

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 DEVELOPMENT SERVICES REPORTS

10.1.1 BOUNDARY ENCROACHMENT OVER FORMER DEPOT SITE AT LOTS 500, 93, 40, 411 - 414 MARION STREET, MENSTON STREET AND LANGTON ROAD, MOUNT BARKER

A Proximity (Section 5.60(B) LGA) Interest was disclosed by Cr G Messmer – Nature of interest - Own property adjacent.

3:06pm Cr G Messmer withdrew from the meeting.

File No: N20005

Attachments: [Location Plan](#)
[Overall Feature Survey](#)
[Enlargement 1](#)
[Enlargement 2](#)

Responsible Officer: John Fathers
Acting Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 18 October 2011

Owners: Shire of Plantagenet and owners whose properties encroach
Lot 415 Marion/Menston Street – R & J Palmer
Lot 416 Marion Street – G Ecclestone
Lot 417 Marion Street – S Porter
Lot 39 Marion Street – H Rutter
Lot 1 Langton Road – R Lewis

PURPOSE

The purpose of this report is to consider encroachments from various lots over the Council owned former depot site at Lots 500, 93, 40 and 411 - 414 Marion and Menston Streets and Langton Road, Mount Barker.

BACKGROUND

The Council purchased Lot 500 Marion Street from the Crown in 2010 and as such it now owns Lots 500, 93, 40 and 411 - 414 Marion and Menston Streets and Langton Road. Being a former depot site, Lots 500 and 411 - 414 are listed as 'possibly contaminated' by the Environmental Protection Authority (EPA). The necessary remedial works and environmental reporting have nearly been completed and it is anticipated that it will be cleared by the EPA so that Memorials on the affected Certificates of Title can be removed.

A detailed feature and contour survey was carried out by 35 Degrees South in 2010. That survey revealed there were several encroachments over the lot boundary into

the Council's former depot site. The encroachments ranged from gardens, fences and driveways through to substantial sheds and carports.

The Chief Executive Officer (CEO) wrote to the owners of the offending properties in November 2010 requesting the encroachments be removed as soon as possible.

The encroachments relative to each lot are as follows:

1. Lot 415 Marion/Menston Streets – gardens, fencing and a free standing carport (over Lot 414).
2. Lot 416 Marion Street – gardens and fencing (over Lot 414).
3. Lot 417 Marion Street – gardens and fencing (over Lot 500).
4. Lot 39 Marion Street – gardens, two sheds and fencing (over Lot 93).
5. Lot 1 Langton Road – driveway (over Lot 40).

In respect to Lot 1 Langton Road which has a driveway from the rear of the service station crossing the Council's Lot 40, the owner was advised the existence of the driveway was recognised. The owner was advised that should the Council wish to develop its landholdings, the driveway may need to be removed from Lot 40.

The owner of Lot 416 discussed the matter with the Manager Development Services (MDS) on 16 November 2010. The owner was to get together with the other encroaching owners to discuss options. No further contact was received.

The owner of Lot 415 discussed the matter with the MDS on 22 November 2010. The owner was to discuss the matter with her husband and may request a three to six month extension to remove the carport. No request was received.

The owner of Lot 39 met with the MDS on 2 December 2010 and queried whether an easement was an option. It was explained an easement is normally for access over land and not to occupy land. The MDS advised one option was to ask Council if they could purchase the land but on values in December 2010 the 167m² would cost in the order of \$19,000.00. Another option discussed was the lease of the land for five years but at the end, the buildings will need to be removed. The owner then advised that she may ask for one to two years' grace to enable the structures to be relocated.

As nothing further had been heard from the owners, the CEO again wrote on 23 September 2011 to the owners of Lots 415, 416, 417 and 39 and asked when they intended to remove the encroachments.

The owner of Lot 39 has now written asking if the Council would be prepared to consider the sale of the land.

The owner of Lot 39 has also recently applied for approval to erect a carport structure to the front of the house. That application is still being processed as adjoining owner approval is required for a slightly reduced side setback issue.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Lots 500, 93 and 411 - 414 are zoned Public Purpose Reserve and Lot 40 Langton Road is zoned Residential (R12.5/20).

Dividing Fences Act 1961 – the Council as a Local Government Authority is not bound by the provisions of this Act.

Dividing Fences Regulations 1971.

Land Administration Act 1997.

Transfer of Land Act 1893.

EXTERNAL CONSULTATION

This is detailed under Background above in respect to discussions with various landowners.

FINANCIAL IMPLICATIONS

The cost of the detailed feature survey by 35 Degrees South was \$2,970.00.

The estimated cost for the purchase of the land with the encroachments (not including the driveway over Lot 40 Langton Road) are as follows and are based on an estimated value of \$114.00/m² (from 2010):

- | | | | |
|----|--------------------------------|---------------------|----------------|
| 1. | Lot 415 Marion/Menston Streets | 66.0m ² | - \$ 7,524.00. |
| 2. | Lot 416 Marion Street | 72.0m ² | - \$ 8,208.00. |
| 3. | Lot 417 Marion Street | 67.45m ² | - \$ 7,689.30. |
| 4. | Lot 39 Marion Street | 167.4m ² | - \$19,083.60. |

These estimates do not include legal fees, stamp duty and agents commission and so on.

Obviously if the disposal of the land was to be considered, fresh valuations would need to be obtained by a sworn valuer.

It is also advised that Lot 417 Marion Street is presently the subject of a mortgagee sale and as such the option to purchase the 67.45m² (\$7,689.30) would be very unlikely at this particular point in time.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The former depot site is shown as Residential under the Council's Planning Vision (TPS Policy No. 18).

OFFICER COMMENT

The former depot site as depicted on the location plan attached generally has regular and straight boundaries. The site has a total area of 12,234m² and once zoned

Residential (R17.5) in accordance with the Council's Planning Vision it would have the potential of generating some 21 residential lots.

If the encroachments from Lots 415, 416, 417 and 39 (372.85m²) were removed from the total land holding, then its area would be reduced to 11,861.15m², which would have the potential for 20 residential lots based on a possible R17.5 density.

The encroachment over Lot 40 Langton Road has not been included in these calculations as being a driveway and considering the configuration of the total site, this land is likely to be used as a vehicular access to and from Langton Road to the remainder of the site. The access from the service station could possibly be addressed by an easement at the time of any future development proposal.

There are no plans presently to consider this land as a Council residential land development site. Once the site contamination issues are resolved then the next step will be for the Council to rezone the whole depot site as Residential (R17.5). Once rezoned, the Council can then consider its future options for the land which could involve the calling for tenders for the sale to a developer.

If the boundary encroachments are sold to the affected owners, not only would the potential of the land be reduced from 21 lots to 20 lots, the resultant lot boundary would have an irregular shape which may not be as attractive to a potential developer. This could make the land more difficult to sell.

It is considered the most appropriate approach in respect to these boundary encroachments is for the Council to retain the land in its ownership and not sell the affected areas to the adjoining owners.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr M Skinner, seconded Cr S Etherington:

That:

- 1. The Council does not support the disposal of portions of any of its land holdings at Lots 414, 500 and 93 Menston and Marion Streets and Lot 40 Langton Road, Mount Barker affected by boundary encroachments from adjoining properties.**
- 2. The landowners of Lots 415, 416, 417 and 39 Marion Street be requested to remove all boundary encroachments from the Council's land by October 2013.**

AMENDMENT

Moved Cr A Budrikis, seconded Cr S Etherington:

That:

1. In part 1 of the motion the words 'any of' be deleted.
2. In part 2 of the motion the words 'and 39' be deleted and the word 'and' be added after the number '416'.
3. That a part 3 be added to the motion:
'The Chief Executive Officer be authorised to negotiate with the owners of Lot 39 Marion Street Mount Barker the sale of approximately 167 square metres of Lot 93 Marion Street, being that portion of Council owned land affected by improvements not caused by the Council, subject to no loss of development potential of the balance of the Council owned land.'

CARRIED (4/3)

NO. 267/11

COUNCIL DECISION

That:

1. The Council does not support the disposal of portions of its land holdings at Lots 414, 500 and 93 Menston and Marion Streets and Lot 40 Langton Road, Mount Barker affected by boundary encroachments from adjoining properties.
2. The landowners of Lots 415, 416 and 417 Marion Street be requested to remove all boundary encroachments from the Council's land by October 2013.
3. The Chief Executive Officer be authorised to negotiate with the owners of Lot 39 Marion Street Mount Barker the sale of approximately 167 square metres of Lot 93 Marion Street, being that portion of Council owned land affected by improvements not caused by the Council, subject to no loss of development potential of the balance of the Council owned land.

CARRIED (7/0)

NO. 268/11

3:25pm Cr G Messmer returned to the meeting.

10.1.2 LOT 102 ALBANY HIGHWAY, MOUNT BARKER - ADDITIONS AND RENOVATIONS AT PLANTAGENET WINES

File No: N20042

Attachments: [Location Plan](#)
[Site Plan](#)
[Floor Plan](#)
[Elevations](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 18 October 2011

Applicant: Plantagenet Wines

PURPOSE

The purpose of this report is to consider a proposal from Plantagenet Wines to extend and renovate the building at Lot 102 Albany Highway, Mount Barker.

BACKGROUND

The Council at its meeting held on 12 September 2006 resolved at Resolution No. 282/06:

'That planning consent be granted in respect of Application No. 40/06 for Office Additions and Alterations on Lots 45, 46 and 47 Albany Highway, Mount Barker in accordance with the plans dated 10 August 2006 and 5 September 2006, subject to the following conditions:

- (1) The proposed windows to include appropriate treatments that form a similar crossed pattern as the existing windows.*
- (2) The office additions and alterations to ensure compatibility with existing buildings.*
- (3) A detailed landscaping plan incorporating trees and shrubs being submitted, for the area between the Wine Storage warehouse and Albany Highway, to the Council for assessment prior to commencement of development and landscaping being installed in accordance with the approved plan.*
- (4) Internal public driveways and car parking bays being paved, drained and line marked to the Council's satisfaction.*
- (5) Lots 45, 46 and 47 shall be amalgamated into one lot on a compiled Diagram of Survey and application for a new Certificate of Title shall be lodged with the Land Titles Office and new titles shall be created prior to the issuing of the building licence.*

ADVICE NOTES:

- (i) *If the development, the subject of this approval, is not substantially commenced within a period of twenty-four months, the approval shall lapse and be of no further effect. Where approval has lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.*
- (ii) *This planning approval is not an authorisation to commence construction. A building licence must be obtained from the Council's Building Services Department prior to commencing any work of a structural nature.*
- (iii) *The developer is encouraged to landscape to a high standard.*
- (iv) *It is advised that there is a right to apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rules or Regulations made pursuant to the Act. Such an application must be lodged within twenty-eight days of the date of this decision.'*

The above planning consent granted by the Council would have allowed an addition of 188m² of floor area to the building. This approval was valid for two years and expired on 12 September 2008. The Western Australian Planning Commission (WAPC) on 12 December 2006 approved the amalgamation of Lots 45, 46 and 47 and the three lots have subsequently been amalgamated to form the one Lot 102. Except for amalgamation of three lots this development was never carried out.

The Council at its meeting held on 14 April 2009 resolved at Resolution No. 81/09:

'That Planning Consent be granted for the proposed signage, carparking and entry/exit works at Lot 102 Albany Highway, Mount Barker, subject to:

1. *Development being in accordance with the plans dated 31 March 2009.*
2. *Existing crossovers to Albany Highway at the main entry and to the south are to be closed and rekerbed to the satisfaction of the Manager Works and Services and Main Roads WA.*
3. *The main carpark, entry/exit and connecting driveway are to be sealed, drained and linemarked to the satisfaction of the Manager Works and Services.*
4. *Engineer's certification being provided for the three (3) new sign structures prior to the issue of a Building Licence.*
5. *Existing signage being removed as identified on the plans dated 31 March 2009.*
6. *The written approval of the proposed vehicle entry and exit points to and from Albany Highway by Main Roads WA.'*

This development was carried out in full.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) - Zoned Special Site R2 and R3 (Wine display, storage and retail; manufacture and production of wine) and (use that has low traffic generating capacity).

FINANCIAL IMPLICATIONS

The application fee of \$640.00 has been paid.

A building licence fee will be required to be paid for all additions and renovations.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Extensions to the front of the Plantagenet Wines buildings include new boardroom/tasting room, gallery, male and female toilets and General Manager's office.

Renovations also proposed include the installation of a roof dome and ceiling diffuser to allow for natural light in the cellar sales area, new workstations and jarrah flooring in two office areas. Various other cosmetic changes include painting existing doors to match masonry walls and matching new Colorbond® trim to the existing colour scheme. Further improvements involve a new landscaped courtyard and courtyard screen wall and new pergola and vines at the front of the boardroom/tasting room the match the existing pergola.

Additions and renovations are designed to be in keeping with the existing building, using similar materials and colour scheme. Additions will contribute an additional 77.4m² floor area to the existing building. There is adequate car parking on site for staff and visitors.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr S Etherington:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, planning consent be granted for additions and renovations at Lot 102 Albany Highway, Mount Barker subject to:

1. Development being in accordance with the plans dated 20 September 2011.
2. All stormwater being disposed of to the satisfaction of the Manager Works and Services.
3. A building licence application being submitted including full plans and specifications.

CARRIED (8/0)

NO. 269/11

**10.1.3 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 54 - OMNIBUS
AMENDMENT - SUBMISSIONS RECEIVED**

File No: N19824
Attachments: [Summary of Submissions](#)
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to consider submissions received on a proposed Amendment to Town Planning Scheme No. 3 to alter various parts of the text to clarify anomalies, rationalise numbering and to bring more consistency with model provisions and to recommend final approval.

BACKGROUND

Town Planning Scheme No. 3 has been in operation since gazettal in 1991 and it has become apparent there are several areas where the text needs to be rationalised and areas where improvements are needed to include some additional provisions based on the Western Australian Planning Commission (WAPC) Model Scheme Text.

In 2007, Amendment No. 41 to Town Planning Scheme No. 3 was finalised and that omnibus Amendment also clarified anomalies and introduced some model provisions.

This proposed Amendment No. 54 consists of 16 parts and brings the Scheme into line with current practices and corrects various anomalies. The Amendment was considered by the Council at its meeting held on 14 June 2011 where the Council resolved:

'That:

- 1. Amendment No. 54 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.*
- 2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.*
- 3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held on 18 October 2011.'*

The Amendment was referred to the Environmental Protection Authority (EPA) on 20 June 2011 and the EPA authorised the Amendment to proceed to advertising in a letter received on 13 July 2011. The necessary 42 day advertising period closed on

15 September 2011 and a total of eight submissions was received (see Summary of Submissions).

A full copy of the Amendment was included in the 14 June 2011 Agenda.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations 1967 - these have set procedures for amending a Town Planning Scheme including, once initiated by the Council, referral to the EPA for 28 days. Once cleared by the EPA a 42 day advertising period applies. The Council must consider any submissions lodged within 42 days of the close of formal advertising and refer its recommendation to the WAPC and the Minister within 28 days.

EXTERNAL CONSULTATION

The Amendment was advertised for 42 days with letters to affected landowners of the caravan park in Mount Barker and the poultry abattoir in Kendenup, letters to government agencies, newspaper notices and a notice on the Council's notice board. A Summary of Submissions received is attached.

FINANCIAL IMPLICATIONS

The cost of advertising in the press was met by the town planning advertising budget. If finalised there will be the cost of publishing a notice in the Government Gazette.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 4 includes an initiative to:

'Ensure that the Town Planning Scheme and Amendments are consistent with Council's strategic direction and the sustainable development of land, reflect community expectations and have regard to government requirements.'

OFFICER COMMENT

The proposed Amendment consists of 16 parts many of which are relatively minor in nature and correct typographical errors, update superfluous wording in forms and so on. The main points of importance are as follows:

Part (1) proposes the alteration of the symbol from 'P' to 'AA' in the Residential Zone for a Cottage Industry offering the Council the discretion to consider such a use which may have a potential impact on the residential amenity rather than it being automatically permitted.

Part (2) introduces the 'SA' symbol for Grouped Dwellings in the Commercial Zone which will mean such a use may be considered after a proposal has been advertised for comment. Part (6) of this Amendment is introducing a clause relating to

residential development in the Commercial Zone. Presently Grouped Dwellings are not permitted in the Commercial Zone.

Part (6) introduces a new clause 5.3.5 which refers to the Council's preference for mixed use development in the Commercial Zone. It also sets the maximum density for housing at R30 in the Commercial Zone.

Part (8) refers to Schedule 3 which lists various Special Sites and site number R7 is occupied by the Mount Barker Caravan Park. The restricted use does not refer to a caravan park. The change proposed is to add caravan park to the restricted use column.

Part (9) refers to Special Site number R9 which refers to the restricted use being a rabbit abattoir. The original use of the abattoir was for the slaughter and processing of rabbits, but many years ago the activity changed to the slaughter and processing of poultry. The poultry abattoir has all of the necessary approvals and operated under a strict licence set by the Department of Environment and Conservation.

Parts (12) and (13) propose to renew and update two of the forms in the Scheme. The first is the Application for Planning Consent form and the second is the Decision on an Application for Planning Consent form. The changes proposed bring the forms more closely aligned with those in the Model Scheme Text. The decision form presently contains wording that states if the development is not 'completed' within the approval period a fresh approval is needed. The model decision form refers to 'substantially commenced' and this is more in line with present practices.

At the conclusion of the advertising, eight submissions were received. These are detailed in the Summary of Submissions attached.

Following the consideration of the submissions received there is no need to further modify the Amendment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr M Skinner, seconded Cr A Budrikis:****That:**

- 1. The submissions lodged on Amendment No. 54 to Town Planning Scheme No. 3 be noted.**
- 2. Amendment No. 54 to Town Planning Scheme No. 3 be adopted without modification and forwarded to the Western Australian Planning Commission for the final approval of the Minister for Planning.**
- 3. Authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to Amendment No. 54 once approved by the Honourable Minister.**

CARRIED (8/0)**NO. 270/11**

**10.1.4 LOT 306 TOWER ROAD, MOUNT BARKER - APPLICATION FOR
TEMPORARY ACCOMMODATION**

File No: N19964
Attachments: [Location Plan](#)
[Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 18 October 2011
Owner: M Tester

PURPOSE

The purpose of this report is to consider an application to grant approval to continue to occupy temporary accommodation for a further 12 month period at Lot 306 Tower Road, Mount Barker.

BACKGROUND

The owner of Lot 306 Tower Road, Mount Barker received the Council's approval at its meeting held on 19 October 2010 to occupy a caravan at Lot 306 Tower Road, Mount Barker for a period of 12 months during the construction of a Class 1a dwelling on the lot.

The owner of the dwelling has determined that the dwelling construction will not be completed to a standard suitable for occupation within the approved 12 month period and accordingly now seeks the Council's approval to allow him to continue to occupy temporary accommodation at the property for a further 12 month period.

STATUTORY ENVIRONMENT

Caravan Parks and Camping Ground Regulations 1997 Section (11)(2) states as follows:

- (2) *Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) *despite paragraph (b), by the local government of the district where the land is situated —*
-

- (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
- (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*

FINANCIAL IMPLICATIONS

The \$100.00 application fee has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The Caravan Parks and Camping Ground Regulations 1997 enable local governments to grant approval for a person to camp on land they have legal right to occupy, for a period not exceeding 12 consecutive months. Subsequent approvals beyond 12 months may only be issued by the Minister for Local Government with the support of the relevant local government. It would therefore be necessary for the applicant to first receive Council approval prior to his application to the Minister.

The applicant's dwelling is currently at 'lock-up' stage and he believes that the house can be completed to a habitable standard within the next six months.

The applicant has resided on site during the construction of the dwelling for the past 11 months in compliance with the provisions of the Council's conditions of approval (dated 19 October 2010) and in accordance with health requirements.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr S Etherington:

That the application for temporary accommodation at Lot 306 Tower Road, Mount Barker be approved for a period of 12 months from 18 October 2011 subject to:

1. Approval being issued to the applicant by the Minister for Local Government to occupy temporary accommodation at Lot 306 Tower Road, Mount Barker.
2. The temporary accommodation facility meets all relevant health and safety standards.
3. Satisfactory progress being achieved with the construction of the Class 1a dwelling.

ADVICE NOTE:

- i) The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.

CARRIED (8/0)

NO. 271/11

10.1.5 LOT 421 THIRD AVENUE KENDENUP - APPLICATION FOR TEMPORARY ACCOMMODATION

File No: N20036
Attachments: [Location Plan](#)
[Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 18 October 2011
Applicant: N Rogers

PURPOSE

The purpose of this report is to consider an application for temporary accommodation at Lot 421 Third Avenue, Kendenup.

BACKGROUND

An application has been received from the owner of Lot 421 Third Avenue, Kendenup seeking approval to occupy a caravan located on the lot for a period of 12 months during the construction of a Class 1a dwelling on the lot. A Building Licence (Building Licence No. 3406) has been issued for the construction of a Class 1a dwelling.

STATUTORY ENVIRONMENT

Caravan Parks and Camping Ground Regulations 1997 Section (11)(2) states as follows:

- '(2) Written approval may be given for a person to camp on land referred to in sub regulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
 - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.'*
-

FINANCIAL IMPLICATIONS

The \$100.00 application fee has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The applicant wishes to reside on site during the construction of the dwelling to maintain site security and to expedite the building project. It is expected that the dwelling will be constructed to a habitable standard within 12 months and therefore temporary accommodation will be required for a period of 12 months.

The applicant intends to construct and install ablution facilities attached to a small shed located adjacent to the caravan and the proposed dwelling site. Wastewater from the ablution facility will be connected to a septic system approved and installed for use of the dwelling.

The Council may revoke the temporary accommodation approval at any time during this approval period.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr L Handasyde:

That the application for temporary accommodation at Lot 421 Third Avenue, Kendenup be approved for a period of 12 months from 18 October 2011 subject to:

- 1. The installation and connection of an approved on-site effluent disposal system serving the temporary toilet and ablution facilities.**
- 2. Inspection and certification by the Council's Environmental Health Officer that the temporary accommodation facility meets all relevant health and safety standards.**
- 3. Satisfactory progress being achieved with the construction of the Class 1a dwelling.**

ADVICE NOTE:

- i) The approval to occupy temporary accommodation may be revoked at any time within the 12 month approval period.**

CARRIED (8/0)

NO. 272/11

10.2 WORKS AND SERVICES REPORTS

10.2.1 HORNE ROAD - UPGRADE FOR PROPERTY ACCESS

A Code of Conduct (Section 5.70) Interest was disclosed by Mrs L Sounness – Nature of interest - Proponent is husband of employee and employee is a partner in the farming enterprise including locations on Horne Road.

3:26pm Mrs Sounness withdrew from the meeting

File No: N19978
Attachments: [Location Map Horne Road](#)
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to consider a request from Mr Owen Sounness for the upgrade of a section of the unformed/unmade section of Horne Road, to provide access to five lots.

BACKGROUND

Horne Road is located east off Craddock Road. The first 400m of Horne Road, from Craddock Road, is currently formed. The remainder of the road reserve is uncleared and unmade.

The proposal is to upgrade an approximate section of 1,200m of this road reserve to a 'C' class road. The subject section commences at the western boundary of Lot 667 to the eastern boundary of Lot 663 (according to the attached location map).

STATUTORY ENVIRONMENT

Land Administration Act 1997 Part 5, Section 55 refers to *Property in roads etc.*

'55. Property in roads etc.

...

(2) *Subject to the Main Roads Act 1930 and the Public Works Act 1902, the local government within the district of which a road is situated has the care, control and management of the road.'*

Planning and Development Act 2005 Section 158 provides the following:

'158. Expenses of construction etc. of roads etc.

(1) *Where a person who is subdividing land is required under this Part to construct and drain roads or construct artificial waterways shown on the plan of subdivision that person may —*

- (a) *carry out or cause to be carried out the construction and drainage at his or her own expense; or*
- (b) *arrange for the local government to carry out the work on behalf, and at the cost and expense, of that person.'*

EXTERNAL CONSULTATION

Consultation has occurred with Mr Owen Sounness. A site meeting was held on 12 August 2011 with Mr Sounness to discuss the proposed upgrade.

Mr Sounness is currently contacting other landowners along Horne Road regarding this proposal.

Advice has been obtained from Geographic Names regarding the status of Horne Road as a road name within the Shire of Plantagenet. Geographic Names has indicated that Horne Road is an Approved Road Name (Public Road).

FINANCIAL IMPLICATIONS

It is estimated that the cost to upgrade this portion of Horne Road is \$3,700.00 (inc GST), which would be required to be paid by Mr Sounness. Works would include tree pruning, minor drainage improvements and earthworks (grading, gravel sheeting and water binding with all required earthmoving equipment).

The section of the road adjacent to Lot 663, 664 and 665 is not fenced on the northern side. Survey and fencing of the road reserve would be required prior to completion of works, also at a cost to Mr Sounness.

POLICY IMPLICATIONS

Council Policy No. I/R/7 – Roads – Unconstructed Roads applies to this report.

Council Policy No. I/PW/1 – Private Works – External, provides the procedure for costing and carrying out works for residents by the Shire of Plantagenet.

In accordance with the Council's Road Hierarchy Policy (I/R/16), the Council will continue to maintain the road to a standard allowed by resource and budgetary constraints applicable within each financial year.

ASSET MANAGEMENT IMPLICATIONS

The length of requested road reserve for upgrade is approximately 1,200m. If this upgrade is completed the total road length will be approximately 1,600m (the first 400m is already formed).

Currently the cost to grade the existing formed section of Horne Road (400m) is approximately \$230.00 each grade which is carried out once a year. Therefore if the entire length (1,600m) was to be graded once a year, the ongoing costs to the Council would be approximately \$920.00 each year.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan 2003, Key Results 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

Although a Council policy exists relating to the upgrade of unformed/unmade road reserves (Council Policy No. I/R7), it is considered that this item should be presented to the Council. Two staff members within the Administration Office are directly related to Mr Sounness. In order to ensure transparency surrounding this request it is considered appropriate for the Council to consider this matter.

The Council has no obligation to undertake capital improvement and/or maintenance of unmade/unformed roads within a public road reserve for the purpose of access by land owners to their land. However, a person may request to have an unmade/unformed road constructed at their expense and arrange for the Council to carry out the works at the rates provided by the Council's annual budget.

The requested upgrades to Horne Road are minor and it is estimated that they would be completed in three days with the use of a contractor for tree pruning and Council staff to complete the drainage and earthworks.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That:

- 1. An approximate 1,200m section of the unformed/unmade Horne Road road reserve, from the western boundary of Lot 667 to the eastern boundary of Lot 663 be upgraded to 'C' class standard according to Council Policy I/R/16.**
- 2. Works to complete the upgrade be carried out by the Shire of Plantagenet at the expense of Mr Owen Sounness, according to Council Policy No. I/PW/1.**
- 3. Fencing of the Horne Road road reserve, adjacent to Lots 663, 664 and 665 be carried out by Mr Owen Sounness at his expense, prior to completion of works to upgrade the road reserve.**

CARRIED (8/0)

NO. 273/11

3:27 pm Mrs L Sounness returned to the meeting.

10.2.2 LOT 53 LOWOOD ROAD - PROPOSED ENCROACHMENT TO ROAD RESERVE – MOUNT BARKER COMMUNITY RESOURCE CENTRE FUTURE CAR PARK CONSTRUCTION

File No:	N19991
Attachments:	Layout Plan Community Resource Centre Car Park Upgrade
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Senior Administration / Project Officer Works and Services
Proposed Meeting Date:	18 October 2011

PURPOSE

The purpose of this report is to seek approval for an encroachment into the Lowood Road road reserve at the Mount Barker Community Resource Centre site at Lot 53 Lowood Road for the purpose of proposed future construction of car parking bays.

BACKGROUND

Design drawings for the car park upgrade have been completed by Opus. Car parking bays in the south eastern portion of the car park have been proposed for future construction. Due to design standards for the car park (relating to size and distance between traffic islands and bays), these future bays will encroach into the road reserve of Lowood Road (as shown on the attached Layout Plan).

The land in which the Mount Barker Community Resource Centre and car park is situated on, is owned by the Shire of Plantagenet.

Construction of the car park has commenced at the site, however this proposal relates to future car park construction works.

STATUTORY ENVIRONMENT

Regulation 7 of the Local Government (Uniform Local Provisions) Regulations 1996 provides the following:

'7. Encroaching on public thoroughfare — Sch. 9.1 cl. 3(2)

- (1) *A person who is the owner or occupier of land and, without lawful authority —*
- (a) *erects on the land a structure that encroaches upon a public thoroughfare;*
or
 - (b) *permits a tree or other plant growing on the land to encroach upon a public thoroughfare, commits an offence if the person fails to remove the structure or plant, to the extent that it is encroaching, when requested by the local government to do so.'*

Further, Regulation 17 of the Local Government (Uniform Local Provisions) Regulations 1996 provides the following:

'17. Private works on, over, or under public places — Sch. 9.1 cl. 8

- (1) A person who constructs anything on, over, or under a public thoroughfare or other public place that is local government property without first obtaining written permission from the local government commits an offence.*
- (2) A local government may —*
 - (a) grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property; and*
 - (b) impose conditions in respect of the permission, which may include a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction.*
- (3) It is a condition of the permission that the ordinary and reasonable use of the public thoroughfare or public place for the purpose to which it is dedicated is not to be permanently or unreasonably obstructed.*
- (4) A person who fails to comply with a condition of the permission commits an offence.*
- (5) A person who constructs anything in accordance with permission under this section is required to —*
 - (a) maintain it; and*
 - (b) obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.*
- (6) A person who fails to comply with subregulation (5) commits an offence.'*

The Shire of Plantagenet Activities in Thoroughfare and Public Places and Trading Local Law 2008, section 2.13, refers to *'Power to carry out public works on verge'*.

EXTERNAL CONSULTATION

Consultation has occurred with Mr Bart Wassink from Opus regarding completion of the design drawing for the car park upgrade.

Telstra, Western Power and Water Corporation have been advised of our intentions and we do not anticipate any objections.

FINANCIAL IMPLICATIONS

There are no direct financial implications relating to this report.

Construction of the car park is currently being completed by both Shire staff and contractors. An allocation of \$84,000.00 is provided in the 2011/2012 budget at account 51151.0252 (Mount Barker Community Centre – Carpark) for the construction of the Community Resource Centre car park.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

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

OFFICER COMMENT

If this proposal was for a private development, on a private lot, the developer would be required to amend the design plans to ensure that all parking is provided on site. However as this proposal is relating to land which is currently owned by the Council and affects road reserve under the care and control of the Council, the proposal is not considered to be of concern.

Should the proposal be approved, construction of the future car parking bays will not directly affect the existing footpath or road surface as the land to be encroached in the road reserve is currently not used for either purpose.

It is worth noting that should the Council decide to sell the land in the future, there would be a requirement for the Council to adjust the car park so that it is totally contained within the site. The Council has leased the building located on Lot 53 Lowood Road to the Baptist Union of Western Australia for a 55 year period.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That:

- 1. The encroachment into the Lowood Road road reserve for the purpose of future construction of car parking bays at Lot 53 Lowood Road, according to the attached Layout Plan issued for construction on 14 September 2011, be approved; and**
- 2. The requirement to rectify the car park encroachment of the south eastern car parking bays be noted in the event that the Council is ever to consider the sale of Lot 53 Lowood Road in the longer term.**

CARRIED (8/0)

NO. 274/11

10.2.3 EXCAVATOR AND MULCHING HEAD ATTACHMENT - OUTRIGHT DISPOSAL

File No: N19842
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Megan Beech
Senior Administration / Project Officer Works
and Services
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to consider a recommendation for the outright disposal of the Council's Excavator and Mulching Head attachment.

BACKGROUND

The Council's Volvo EC210BLC Excavator with FAE UML/EX 150 Mulcher was purchased from CJD Equipment in 2007/2008.

Council workshops have been held on 14 June and 6 September 2011 regarding a proposal to dispose of this item of plant. Councillors received information relating to cost comparison between the use of the Council's Excavator and contractors, downtime, other possible uses and the advantages and disadvantages of the disposal of the plant item.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 refers to *disposing of property*.

- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
-

- (b) *the consideration to be received by the local government for the disposition; and*
- (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.'*

Regulation 30 of the Local Government (Functions and General) Regulations 1996 refers to *Dispositions of property to which section 3.58 of the Act does not apply.*

'(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.'

...

'(2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —

- (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;*
- (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
- (c) *the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
 - (i) *the names of all other parties concerned;*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*

...

'(3) A disposition of property other than land is an exempt disposition if —

- (a) *its market value is less than \$20 000; or*
- (b) *it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.'*

EXTERNAL CONSULTATION

A valuation has been sought from CJD Equipment for the outright disposal of the Council's Excavator and Mulching Head Attachment.

FINANCIAL IMPLICATIONS

The Excavator and Mulching Head attachment was purchased in 2007/2008 for \$245,200.00 (ex GST).

A valuation has been received from CJD Equipment for the Excavator and a separate 'rough approximate value' has been provided for the Mulching Head Attachment (also from CJD Equipment).

CJD Equipment considers that the value of the Excavator is in the vicinity of \$100,000.00 (ex GST). CJD Equipment considers the value of the Mulching Head Attachment to be estimated at between \$15,000.00 to \$20,000.00 (ex GST).

Legislation provides that disposal of this item must occur by public tender or by publicly inviting submissions prior to agreeing to dispose of the item. Tenders are required to be advertised by State-wide public notice and this is estimated to cost around \$500.00 from account 20261.0312 (Other Operating Costs).

It is proposed that the funds received from the outright disposal of this item of plant would not be used to purchase a replacement plant item. Instead the funds would be allocated to the Plant Replacement Reserve account.

POLICY IMPLICATIONS

The following Council Policies apply to this report:

- F/FM/7 – Purchasing and Tender Guide;
- I/T/1 – Tenders – Canvassing of Councillors; and
- I/PM/1 – Plant – General Policy.

ASSET MANAGEMENT IMPLICATIONS

The Excavator and Mulching Head attachment are assets of the Shire of Plantagenet. The disposal of this item of plant will result in the Shire relying on contractors to undertake tree pruning and associated works.

Possible implications from the disposal of these Council assets have been considered (such as a future reliance on contractors). There are currently a number of contractors in the area who provide this service. Also the nature of the works is that it is not urgent (even though it is scheduled for completion within a given year, the timeframe is flexible).

STRATEGIC IMPLICATIONS

The Council's Strategic Plan 2003, Key Results 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

An analysis of the costs to carry out works using the Council's plant item, compared with contractors has indicated a cost difference in favour of using contractors. Investigations have also indicated a large percentage of downtime for the Council's Excavator and Mulching Head attachment, resulting in an opportunity cost as well as increased financial cost to the Council.

Alternative uses for the Council's excavator have been explored and only minor excavations and occasional waste land filling activities were identified. Due to the low depth of gravel in the area the excavator is not required for gravel extraction

(which is already under contract). The Council's backhoe and loaders are sufficient equipment for works required at the waste sites.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That:

- 1. The Chief Executive Officer be authorised to commence the necessary processes according to Section 3.58 of the Local Government Act 1995 relating to the outright disposal of the Council's Excavator and Mulching Head attachment; and**
- 2. Funds received from the outright disposal of the Excavator and Mulching Head attachment be allocated to the Plant Replacement Reserve account.**

CARRIED (8/0)

NO. 275/11

10.3 COMMUNITY SERVICES REPORTS

10.3.1 LOAN OF ACQUISITIVE ART COLLECTION

File No:	N20033
Attachments:	Art Loan Agreement
Responsible Officer:	Nicole Selesnew Manager Community Services
Author:	Rayona Evans Administration Officer (Relief)
Proposed Meeting Date:	18 October 2011

PURPOSE

The purpose of this report is to seek approval to loan the Acquisitive Art Collection to the Mount Barker Community Resource Centre.

BACKGROUND

The Shire of Plantagenet has an art collection comprising the Claude Hotchin collection, the Acquisitive Art Prize collection and some pieces donated from various artists. All of the collections were on display at the Mount Barker Library prior to the construction of the Mount Barker Community Resource Centre (CRC). Since the commencement of building refurbishments, the collections have been stored in the Council storeroom.

EXTERNAL CONSULTATION

Consultation has occurred with the staff of the CRC regarding the proposed loan of the art. Consultation has also occurred with Local Government Insurance Services to ensure that insurance requirements will be met during the period of the loan.

FINANCIAL IMPLICATIONS

The relocation of the art will not affect the Council's insurance premiums. As the proposal is to loan the art, there will not be any fees charged. The CRC will be responsible for the cost of hanging the art.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan Key Result Area 3, new initiatives 3.2 provides the following:

'In partnership with the community, conserve and promote local history and heritage. To achieve this we will:

- *Sponsor and display local artworks'.*

OFFICER COMMENT

The Council has been a sponsor of the Acquisitive Art Prize for many years. As part of this sponsorship the Council has acquired a collection of winning pieces.

Since the completion of the renovations, the CRC has expressed an interest in displaying the Acquisitive Art Collection throughout their facility. This will complement the Claude Hotchin pieces (28 pieces in total) which will be permanently displayed in the Mount Barker Library. This will also ensure that the art is accessible to the community rather than being kept in storage.

All of the Council's artwork was catalogued and valued in February 2008. This has ensured that there is a comprehensive record of the art and the values are current for insurance purposes.

A draft formal agreement has been compiled outlining the terms of the loan. This is to legally cover both the Council as the lender and the CRC as the borrower (copy attached). In this agreement, the Shire of Plantagenet will ensure that an appropriate level of insurance is maintained on the art. However, should any insurance claim be lodged the CRC will be responsible for the payment of any insurance excess.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr M Skinner:

That:

- 1. Approval be given for the loan of the Acquisitive Art Collection to the Mount Barker Community Resource Centre providing all of the terms and conditions outlined in the formal agreement are met.**
- 2. The Chief Executive Officer be authorised to sign the Art Loan Agreement with the Mount Barker Community Resource Centre.**

CARRIED (8/0)

NO. 276/11

10.3.2 MOUNT BARKER RECREATION CENTRE - INSTALLATION OF AIR-CONDITIONER

File No: N20026
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to adjust the adopted 2011/2012 Annual Budget by funding the installation of one air-conditioning unit into the Mount Barker Recreation Centre.

BACKGROUND

The Mount Barker Recreation Centre is owned by the Department of Education. The Shire has a licence with the Department for the use of the Centre. The licence agreement stipulates the hours that both the Shire and the Mount Barker Community College (MBCC) have access to the Centre, cost arrangements for cleaning and maintaining the Centre and other operational requirements.

Any structural alterations or repairs to the Centre need to be endorsed and paid for by the Department.

In the event that structural repairs or alterations are requested which are not critical to the longevity or safety of the building, but are important for the Shire's operations, payment has been negotiated with the Department. For example, the introduction of the 'After Hours Access System' enables Centre members access into the gymnasium seven days per week, between 5.00am and 10.00pm. This arrangement has no benefit to the Department or the MBCC, however the Department funded 50% of the cost of implementing the system.

An amount of \$13,600.00 has been provided in the 2011/2012 Annual Budget for the installation of two air-conditioning units in the gymnasium area of the Recreation Centre. A 50% reimbursement from the Department was also factored into the Budget as income.

The Department has endorsed the installation of the air conditioners but has advised they are not in a position to contribute to the cost.

STATUTORY ENVIRONMENT

Minister for Education and the Shire of Plantagenet Agreement – School Community Recreation Centre licence.

School Education Act 1999.

Local Government Act 1995.

EXTERNAL CONSULTATION

Consultation has occurred with the Department of Education and the Recreation Centre Advisory Committee comprising representatives from the Mount Barker Community College, Shire of Plantagenet and community members.

FINANCIAL IMPLICATIONS

An amount of \$13,600.00 has been provided in the 2011/2012 Annual Budget for the installation of two air-conditioning units in the gymnasium area of the Recreation Centre. A 50% reimbursement from the Department was identified to offset the cost of the installation.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's 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.'

Measures of success towards achieving these aims include increasing levels of community participation in Council services and facilities and an increasing level of customer satisfaction with community services.

OFFICER COMMENT

The installation of air-conditioners in the Mount Barker Recreation Centre gymnasium has been identified as a priority due to the unpleasant conditions in this room throughout the summer.

The room is not naturally ventilated and the western facing windows capture the sun which heats the room to uncomfortable temperatures. It is common for members to suspend their membership, or not attend, over the summer due to these conditions. There has been an increase in elderly participants and people with chronic health problems taking part in programs such as Living Longer Living Stronger and HeartMoves which cannot occur when the temperature in the gymnasium is too high.

Following the Department's advice that it would not contribute to the cost of installing two air-conditioners into the gymnasium, it is proposed that only one split system be installed which is funded by the Shire. While the one system will not be as effective, it will provide some relief over the summer and an additional unit may be considered in the next financial year. Enquiries have been made to Lotterywest, Department of Sport and Recreation and Disability Services to see if they would contribute to the cost of air-conditioning at the Recreation Centre and in each case, the project was ineligible.

The cost of the installation will be \$5,585.00 (including GST). It is proposed that any savings be used to fit shade cloth along the western side of the building to help prevent the setting sun from shining through the windows and heating the area.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr S Etherington, seconded Cr J Moir:****That the adopted 2011/2012 Annual Budget be amended as follows:**

Account	Description	Adopted 2011/2012 Budget Amount (\$)	New Budget Amount (\$)	Variance (\$)
51470.0252	Air conditioning in Gym	(13,600.00)	(6,800.00)	6,800.00
41113.0227	Capital Contributions – Department of Education	9,300.00	2,500.00	(6,800.00)

CARRIED (8/0)**NO. 277/11****Absolute Majority**

10.3.3 MOUNT BARKER WETLANDS DEVELOPMENT - ADVERTISE PLANS FOR PUBLIC COMMENT

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) and Proximity (Section 5.60 (B) LGA) Interest was disclosed by Cr A Budrikis. Nature of interest – Relation to owner (father) of land adjacent to railway station.

3:33pm Cr A Budrikis withdrew from the meeting.

File No: N20023
Attachments: [Mount Barker Wetlands Development Concept Plan](#)
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to seek the Council's approval to advertise the Mount Barker Wetlands Development Concept Plan for public comment. A copy of the Wetlands Development Concept Plan is attached.

BACKGROUND

The Council commissioned Centenary and Wilson Park Precinct Plan was finished in July 2008. The project initially started as a Park Lighting Plan funded by the Office of Crime Prevention. The Council contributed to the budget to extend the scope of the project to a detailed public open space plan (including park lighting) extending throughout the Centenary and Wilson Parks area.

The Precinct Plan highlights the possibility of creating a wetland development in the area south of the Railway Station buildings, including both sides of the railway line. The concept of a wetland was further discussed at a Council workshop.

On 9 November 2010, the Council allocated \$7,000.00 towards the cost of a landscape survey and plan for a proposed wetland development.

Bruce Thomas from Thomas Design was engaged to prepare the Wetlands Development Concept Plan.

STATUTORY ENVIRONMENT

Shire of Plantagenet Property Local Law 2008

Local Government Act 1995

Rail Freight System Act 2000

EXTERNAL CONSULTATION

Bruce Thomas worked in consultation with Cr Ken Clements, Bill Hollingworth from Bandicoot Nursery, Lynn Heppell from the Wilson Inlet Catchment Committee and Shire staff to prepare the Wetlands Development Concept Plan.

Consultation also occurred with staff from Main Roads Western Australia (MRWA) and Brookfield Rail Pty Ltd (formerly WestNet Rail Pty Ltd) as both agencies have land located within the wetlands site.

The plan has not been made available for public comment to date.

FINANCIAL IMPLICATIONS

It is proposed to advertise the Wetlands Development Concept Plan for public comment in the Plantagenet News. Advertising costs will be in the order of \$150.00 which will be funded from the Office Expenses – Advertising account (20048.0003).

An estimate cost for the Wetlands Development is \$285,000.00, however this cost is based on a concept design, not engineered drawings and industry quotations.

The Shire has been successful with a Department of Environment and Conservation (DEC) Environmental Community Grant of \$40,000.00 towards the cost of constructing the wetland development area. The Shire has not allocated any funds towards this project in the 2011/2012 annual budget.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's 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 wellbeing of the community.'

OFFICER COMMENT

The Mount Barker Wetlands Development Concept Plan combines wetland hydrology with public facilities including pathways, boardwalks and artwork, all of which are designed to complement the existing facilities throughout the park area.

The plans also need to accommodate Brookfield Rail's requirements for a 15m wide easement along the eastern side of the railway line and a 3m wide MRWA easement adjacent to Albany Highway.

The wetlands area has been designed to slow the road side, railway line and town street drainage (all of which is directed into the area) and to encourage the water to flow through a series of vegetated basins to help strip damaging nutrients and pollutants from the water body before it eventually ends up in the Wilson Inlet system.

The grant of \$40,000.00 from the DEC has been allocated towards development of the wetland area on the eastern side of the railway line. This is considered as a priority for development. The western side of the railway line could be considered at a later date.

Prior to the Council considering the endorsement of the Wetlands Development Concept Plan, it is recommended that the plans be made available for public comment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That:

1. The Mount Barker Wetlands Development Concept Plan be made available for public comment for a period of 30 days and an advertisement be placed in the Plantagenet News and on the Council's website promoting the opportunity to comment on the plans.
2. A report be presented to the Council following the conclusion of the public comment period in regard to the outcome of the public consultation.

CARRIED (7/0)

NO. 278/11

3:35pm Cr A Budrikis returned to the meeting.

10.3.4 POLICY REVIEW - BUSHFIRE - PERMITS TO BURN

File No: N20084
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Andrew Buchanan
Community Emergency Services Manager
Proposed Meeting Date: 18 October 2011

WITHDRAWN

This matter was withdrawn at the request of the Chief Executive Officer.

10.3.5 POLICY REVIEW - BUSHFIRE GUIDELINES - VEHICLE MOVEMENT BANS

File No: N20085
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Andrew Buchanan
Community Emergency Services Manager
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to review Council Policy RS/FP/2 - Bushfire Guidelines – Vehicle Movement Bans.

BACKGROUND

Council Policy RS/FP/2 – Bushfire Guidelines – Vehicle Movement Bans currently reads as follows:

That Council Policy RS/FP/2 – Vehicle Movement Bans, as follows:

OBJECTIVE:

The objective of this Policy is to provide clear guidelines on activities that may occur during a Harvest Ban and/or Vehicle Movement Operation of Combustion Engine Ban.

DEFINITIONS:**Constructed Gazetted Road**

A constructed gazetted road is defined as having a trafficable surface, free of all inflammable material including overhanging vegetation to a minimum of four metres wide.

Registered On and Off Loading Area

A Registered On and Off Loading Area is defined as an area free of inflammable material, except live standing trees to a radius of fifty metres from the centre of the area.

Mobile Fire Fighting Unit

A mobile fire fighting unit is defined as having a minimum water carrying capacity of four hundred litres, fitted with a minimum of twenty metres of nineteen millimetre diameter fire fighting hose and pump capable of delivering water through an adjustable nozzle in the spray and jet configurations.

Harvest Ban

Any operation of machinery involved in harvesting seed crops/timber and/or other produce must come to a complete stop in paddocks when a ban is in place.

Vehicle Movement/Operation of Combustion Engines Ban

No vehicles to be driven unless on a constructed gazetted road and/or front entrance of property residences when the ban is in place and no combustion engines are to be operated.

POLICY:

The following regulated activities may take place when a Harvest Ban and/or Vehicle Movement/Operation of Combustion Engines Ban is in place:

- 1. Loading and offloading of grain, fertiliser and feed is only permitted on sites which are approved and registered by the Council on an annual basis and which comply with the definition of a Registered On and Off Loading area. A mobile fire fighting unit shall be in attendance at all times the site is in use during the ban period.*
- 2. Water carting for stock and domestic purposes, provided a mobile fire fighting unit accompanies the vehicle being used for water carting purposes, or alternatively, the water carting vehicle acts as the mobile fire fighting unit and meets the requirements as detailed in the definition of a mobile fire fighting unit (including the retention of 400 litres at all times).*
- 3. All necessary travel to, from and within piggeries (both intensive and extensive), sheep or cattle feed lots, provided this is undertaken in or is accompanied by a mobile fire fighting unit.*
- 4. All necessary carting of livestock, provided that a mobile fire fighting unit accompanies such a vehicle.*
- 5. Activities which received specific exemptions from the Shire or the Chief Bush Fire Control Officer.*
- 6. All other activities or operations may only be undertaken during Harvest Bans and/or Vehicle Movement/Operation of Combustion Engines Bans after approval has been granted by the Council. Approval must be sought on an individual basis and if granted, may be subject to certain conditions.'*

EXTERNAL CONSULTATION

This policy has been reviewed by the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and the Chair of the Bush Fire Advisory Committee.

STATUTORY ENVIRONMENT

The Bush Fires Act 1954 and Bush Fires Regulations 1954 govern the requirement to enforce Vehicle Movement Bans.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Council's strategic Plan Key Area 1, (New Initiative 1.4) provides for the following:

'Ensure the Administrative system and framework of the organisation effectively and efficiently permit the functions of the organisation to be undertaken.'

To achieve this we will:

'Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislations.'

OFFICER COMMENT

The Vehicle Movement Ban policy is based on Fire and Emergency Services Authority Guidelines for such a policy.

The policy has been amended to refer to the specific Regulation under the Bush Fires Act 1954 that allows regulated activities to continue during a Harvest Ban and/or Vehicle Movement/Operation of Combustion Engines Ban. Points have also been added to allow for activities related to the immediate welfare of animals and to set a limit at which regulated activities must cease, which is a Fire Danger Index of 50 or above.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy RS/FP/2 – Vehicle Movement Bans, as follows:

OBJECTIVE:

The objective of this Policy is to provide clear guidelines on activities that may occur during a Harvest Ban and/or Vehicle Movement Operation of Combustion Engine Ban.

DEFINITIONS:

Constructed Gazetted Road

A constructed gazetted road is defined as having a trafficable surface, free of all inflammable material including overhanging vegetation to a minimum of 4m wide.

Registered On and Off Loading Area

A Registered On and Off Loading Area is defined as an area free of inflammable material, except live standing trees to a radius of 50m from the centre of the area.

Mobile Fire Fighting Unit

A mobile fire fighting unit is defined as having a minimum water carrying capacity of 400L, fitted with a minimum of 20m of 19mm diameter fire fighting hose and pump capable of delivering water through an adjustable nozzle in the spray and jet configurations.

Harvest Ban

Any operation of machinery involved in harvesting seed crops/timber and/or other produce must come to a complete stop in paddocks when a ban is in place.

Vehicle Movement/Operation of Combustion Engines Ban

No vehicles to be driven unless on a constructed gazetted road and/or front entrance of property residences when the ban is in place and no combustion engines are to be operated.

POLICY:

Under the Bush Fires Regulations 1954 (38A) the following regulated activities may take place when a Harvest Ban and/or Vehicle Movement/Operation of Combustion Engines Ban is in place:

1. Loading and offloading of grain, fertiliser and feed is only permitted on sites which are approved and registered by the Council on an annual basis and which comply with the definition of a Registered On and Off Loading area. A mobile fire fighting unit shall be in attendance at all times the site is in use during the ban period.
2. Water carting for stock and domestic purposes, provided a mobile fire fighting unit accompanies the vehicle being used for water carting purposes, or alternatively, the water carting vehicle acts as the mobile fire fighting unit and meets the requirements as detailed in the definition of a mobile fire fighting unit (including the retention of 400L at all times).
3. All necessary travel to, from and within piggeries (both intensive and extensive), sheep or cattle feed lots, provided this is undertaken in or is accompanied by a mobile fire fighting unit.
4. All necessary carting of livestock, provided that a mobile fire fighting unit accompanies such a vehicle.
5. All activities attending to the immediate welfare of animals, provided that a mobile fire fighting unit accompanies such a vehicle.
6. Activities which have received specific exemptions from the Shire or the Chief Bush Fire Control Officer.
7. All other activities or operations may only be undertaken during Harvest Bans and/or Vehicle Movement/Operation of Combustion Engines Bans after approval has been granted by the Council. Approval must be sought on an individual basis and if granted, may be subject to certain conditions.
8. Once the actual Fire Danger Index reaches 50 or above, all regulated activities must cease excluding those for the immediate welfare of stock, provided that a mobile fire fighting unit accompanies such a vehicle.'

be endorsed.

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That amended Council Policy RS/FP/2 – Vehicle Movement Bans, as follows:

OBJECTIVE:

The objective of this Policy is to provide clear guidelines on activities that may occur during a Harvest Ban and/or Vehicle Movement Operation of Combustion Engine Ban.

DEFINITIONS:**Constructed Gazetted Road**

A constructed gazetted road is defined as having a trafficable surface, free of all inflammable material including overhanging vegetation to a minimum of 4m wide.

Registered On and Off Loading Area

A Registered On and Off Loading Area is defined as an area free of inflammable material, except live standing trees to a radius of 50m from the centre of the area.

Mobile Fire Fighting Unit

A mobile fire fighting unit is defined as having a minimum water carrying capacity of 400L, fitted with a minimum of 20m of 19mm diameter fire fighting hose and pump capable of delivering water to full capacity through an adjustable nozzle in the spray and jet configurations.

Harvest Ban

Any operation of machinery involved in harvesting seed crops/timber and/or other produce must come to a complete stop in paddocks when a ban is in place.

Vehicle Movement/Operation of Combustion Engines Ban

No vehicles to be driven unless on a constructed gazetted road and/or front entrance of property residences when the ban is in place and no combustion engines are to be operated.

POLICY:

Under the Bush Fires Regulations 1954 (38A) the following regulated activities may take place when a Harvest Ban and/or Vehicle Movement/Operation of Combustion Engines Ban is in place:

1. Loading and offloading of grain, fertiliser and feed is only permitted on sites which are approved and registered by the Council on an annual basis and which comply with the definition of a Registered On and Off Loading area. A mobile fire fighting unit shall be in attendance at all times the site is in use during the ban period.

2. **Water carting for stock and domestic purposes, provided a mobile fire fighting unit accompanies the vehicle being used for water carting purposes, or alternatively, the water carting vehicle acts as the mobile fire fighting unit and meets the requirements as detailed in the definition of a mobile fire fighting unit (including the retention of 400L at all times).**
3. **All necessary travel to, from and within piggeries (both intensive and extensive), sheep or cattle feed lots, provided this is undertaken in or is accompanied by a mobile fire fighting unit.**
4. **All necessary carting of livestock, provided that a mobile fire fighting unit accompanies such a vehicle.**
5. **All activities attending to the immediate welfare of animals, provided that a mobile fire fighting unit accompanies such a vehicle.**
6. **Activities which have received specific exemptions from the Shire or the Chief Bush Fire Control Officer.**
7. **All other activities or operations may only be undertaken during Harvest Bans and/or Vehicle Movement/Operation of Combustion Engines Bans after approval has been granted by the Council. Approval must be sought on an individual basis and if granted, may be subject to certain conditions.**
8. **Once the actual Fire Danger Index reaches 50 or above, all regulated activities must cease excluding those for the immediate welfare of stock, provided that a mobile fire fighting unit accompanies such a vehicle.'**

be endorsed.

CARRIED (8/0)

NO. 279/11

Reason for Change

Councillors believed that the changes from the Officer's Recommendation provided better clarity.

10.3.6 POLICY REVIEW - ROAD VERGE BURNING

File No: N20086
Responsible Officer: Nicole Selesnew
Manager Community Services
Author: Andrew Buchanan
Community Emergency Services Manager
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to review Council Policy I/R/15 – Road Verge Burning.

BACKGROUND

Council Policy I/R/15 – Road Verge Burning currently reads as follows:

OBJECTIVE:

The objective of this Policy is to provide clear guidelines for the burning of road verges throughout the Plantagenet Shire.

POLICY:

The burning of vegetative matter on any roads, streets or ways under the care and control of the Shire of Plantagenet must be authorised by the Council (under delegation to the Chief Executive Officer). Authorisation will be conditional upon the following:

- a) Roadside burning should only be carried out if no other options for fire hazard management are available;*
- b) Burning is only to be permitted at the conclusion of the Restricted Burning Period (unless a permit has been authorised by a Shire of Plantagenet authorised Fire Control Officer);*
- c) The applicant complies with all requirements of the Bush Fires Act 1954;*
- d) All applications must be inspected by a Shire of Plantagenet Bush Fire Brigade Fire Control Officer (FCO) and, if necessary, any requirements detailed by the FCO (recorded on the application form) adhered to;*
- e) The applicant ensures the protection of standing timber and complies with the Council's policy to protect and preserve natural vegetation on road reserves wherever possible. No burning of well-conserved or semi-conserved bush areas may occur without authorisation from the Council;*
- f) The burning of the roadside will not cause any direct or indirect damage to declared rare flora or fauna;*
- g) No damage is caused to fences, roads, road furniture, drainage structures, public utilities or other property in the vicinity;*
- h) If an application has been received by a resident/land owner, road verge burning may only occur adjacent to the resident/land owner's property;*
- i) A maximum 2km strip may be burnt per year;*

- j) *The applicant installs the appropriate traffic warning devices;*
- k) *No obstruction of roadways or drainage channels by fallen trees or other debris occurs; and*
- l) *Consideration should be given to the potential for smoke pollution.'*

STATUTORY ENVIRONMENT

The Bush Fires Act 1954 stipulates the restrictions and requirements for Road Verge Burning.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Council's strategic Plan Key Area 1, (New Initiative 1.4) provides for the following:

'Ensure the Administrative system and framework of the organisation effectively and efficiently permit the functions of the organisation to be undertaken.'

To achieve this we will:

'Revise all policies, procedures and delegations to ensure internal consistency and convergence; and

Promote and provide access to policies, procedures, standards and legislations.'

OFFICER COMMENT

The road verge burning policy has been applied regularly for people wishing to burn verges. The policy is appropriate, however it is recommended that an additional clause be added which requires the permit holder to be present while the fire is burning and to extinguish the fire before leaving the site. Other minor wording adjustments have been made to clarify the intent.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That amended Council Policy I/R/15 – Road Verge Burning:

OBJECTIVE:

The objective of this Policy is to provide clear guidelines for the burning of road verges throughout the Plantagenet Shire.

POLICY:

The burning of vegetative matter on any roads, streets or ways under the care and control of the Shire of Plantagenet must be authorised by the Council (under delegation to the Chief Executive Officer). Authorisation will be conditional upon the following:

- a) Roadside burning should only be carried out if no other options for fire hazard management are available;
- b) Burning is only to be permitted at the conclusion of the Restricted Burning Period (unless a permit has been authorised by a Shire of Plantagenet authorised Fire Control Officer);
- c) The applicant complies with all requirements of the Bush Fires Act 1954;
- d) All sites must be inspected by a Shire of Plantagenet Bush Fire Brigade Fire Control Officer (FCO) and, if necessary, any requirements detailed by the FCO (recorded on the application form) adhered to;
- e) The applicant ensures the protection of standing timber and complies with the Council's policy to protect and preserve natural vegetation on road reserves wherever possible. No burning of well-conserved or semi-conserved bush areas may occur without authorisation from the Council;
- f) The burning of the roadside will not cause any direct or indirect damage to declared rare flora or fauna;
- g) No damage is caused to fences, roads, road furniture, drainage structures, public utilities or other property in the vicinity;
- h) If an application has been received from a resident/land owner, road verge burning may only occur adjacent to that resident/land owner's property;
- i) A maximum 2km strip may be burnt per applicant per year;
- j) The applicant installs the appropriate traffic warning devices;
- k) No obstruction of roadways or drainage channels by fallen trees or other debris occurs;
- l) Consideration should be given to the potential for smoke pollution; and
- m) The fire must be attended at all times until the burn is completely safe and the fire is out.'

be endorsed.

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr A Budrikis:

That amended Council Policy I/R/15 – Road Verge Burning:

OBJECTIVE:

The objective of this Policy is to provide clear guidelines for the burning of road verges throughout the Plantagenet Shire.

POLICY:

The burning of vegetative matter on any roads, streets or ways under the care and control of the Shire of Plantagenet must be authorised by the Council (under delegation to the Chief Executive Officer). Authorisation will be conditional upon the following:

- a) Roadside burning should only be carried out if no other practical options for fire hazard management are available;
- b) Burning is only to be permitted at the conclusion of the Restricted Burning Period (unless a permit has been authorised by a Shire of Plantagenet authorised Fire Control Officer);
- c) The applicant complies with all requirements of the Bush Fires Act 1954;
- d) All sites must be inspected by a Shire of Plantagenet Bush Fire Brigade Fire Control Officer (FCO) and, if necessary, any requirements detailed by the FCO (recorded on the application form) adhered to;
- e) The applicant ensures the protection of standing timber and complies with the Council's policy to protect and preserve natural vegetation on road reserves wherever possible. No burning of well-conserved or semi-conserved bush areas may occur without authorisation from the Council;
- f) The burning of the roadside will not cause any direct or indirect damage to declared rare flora or fauna;
- g) No damage is caused to fences, roads, road furniture, drainage structures, public utilities or other property in the vicinity;
- h) If an application has been received from a resident/land owner, road verge burning may only occur adjacent to that resident/land owner's property;
- i) A maximum 2km strip may be burnt per applicant per year;
- j) The applicant installs the appropriate traffic warning devices;
- k) No obstruction of roadways or drainage channels by fallen trees or other debris occurs;
- l) Consideration should be given to the potential for smoke pollution; and
- m) The fire must be attended at all times until the burn is completely safe and the fire is out.'

be endorsed.

CARRIED (8/0)

NO. 280/11

Reason for Change

Councillors believed that the changes from the Officer's Recommendation provided better clarity.

10.3.7 SPORT AND RECREATION PRECINCT PLAN - SOUNNESS PARK AND FROST PARK PLAN AMENDMENTS

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr C Pavlovich. Nature of Interest – Chair the Committee of the Mt Barker Football Club.

3:37pm Cr C Pavlovich withdrew from the meeting.

File No: N20022

Attachments: [Adopted Frost and Sounness Parks – Precinct Development Plan](#)
[Proposed Sounness Park Site Plan Layout](#)
[Proposed Frost Park Site Plan Layout](#)
[Frost Park Training Track Survey Plan](#)

Responsible Officer: John Fathers
Acting Chief Executive Officer

Author: Nicole Selesnew
Manager Community Services

Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to recommend amendments to the adopted Frost and Sounness Parks Precinct Development Plan.

BACKGROUND

The preparation of the Sport and Recreation Precinct Development Plans started in 2008 and was guided by the Council's Recreation Advisory Committee (RAC). The Committee engaged Gerard Healy and Associates to prepare Precinct Development Plans for both Frost and Sounness Parks and Kendenup.

The planning process involved a review of existing sport and recreation planning documents such as the Plantagenet Sport and Recreation Needs Assessment (2008), Review of Regional Plan for Sport and Recreation (2005) and Frost and Sounness Parks discussion paper (2003). Workshops were also held at Frost and Sounness Parks with existing and possible future user groups to outline the different site advantages and consider future developments and/or refurbishments based on co-location and infrastructure rationalisation principles.

Draft copies of plans were made available for public comment.

At the Ordinary Meeting held on 13 October 2009, the Council resolved:

'That:

- 1. The Sport and Recreation Precinct Development Plans for Frost and Sounness Parks in Mount Barker and Kendenup, as provided in Attachment One, be endorsed.*

2. *The Recreation Advisory Committee be requested to prepare an implementation timeline and schedule of funding sources for the Precinct Development Plans.*
3. *The Recreation Advisory Committee be requested to present the implementation timeline and schedule of funding sources to the Council for consideration during the 2010/2011 budget preparation process.'*

A copy of the adopted Sport and Recreation Precinct Development Plans for Frost and Sounness Parks is attached.

The RAC determined a timeline for developments with Sounness Park listed as the first priority.

The Council engaged MCG Architects Pty Ltd on 16 August 2011 to provide detailed design plans and documentation for construction tenders for the Sounness Park precinct.

The detailed design planning process has included consultation with future user groups, the RAC and the Council. Several amendments to the adopted Precinct Development Plan have been suggested.

Concurrently, the Mount Barker Turf Club Inc has been progressing plans for the construction of a training track and stable block as identified on the Precinct Development Plan, with the aim of starting construction in October / November 2011. Following a survey of the site and consultation with Racing and Wagering Western Australia (RWWA), the Turf Club is also recommending amendments to the adopted Plan.

STATUTORY ENVIRONMENT

The Shire of Plantagenet Property Local Law 2008 empowers the Shire to determine the various uses of local government property, including recreational uses.

EXTERNAL CONSULTATION

Consultation has occurred with the community and sport and recreation groups in the preparation of the Precinct Development Plans.

Further consultation has occurred with representatives from the:

- Mount Barker Football Club (Junior and Senior leagues);
- Auskick;
- Mount Barker United Soccer Club;
- Mount Barker Hockey Club;
- Mount Barker Cricket Club (Junior and Senior leagues); and
- The Recreation Advisory Committee

to assist with the preparation of the Sounness Park Detailed Design Plans. The proposed site layout amendments are a result of this consultation.

The Mount Barker Turf Club has consulted with RWWA regarding the training track requirements.

FINANCIAL IMPLICATIONS

Amendments to the Sounness Park Precinct Plan do not tie the Council to expenditure on the proposed facility. However, there will be an expectation from sport and recreation groups and the public that the Council moves forward with the proposed developments.

The Mount Barker Turf Club is funding the construction of the training track and the on-course stables.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's 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.'

In order to achieve this, we will:

'Evaluate different options for providing community services and facilities.'

OFFICER COMMENT

Sounness Park Precinct Development Plan Amendments

The proposed amendments to the Sounness Park Precinct Development Plan are attached. A summary of the amendments follows:

1. Move the Site Entry to an existing entry adjacent to the tennis courts. This will provide a better flow of traffic throughout the site and will result in the playing fields positioned closer to the club room / changeroom area. The roadway will continue throughout the site with a second entry / exit point provided on the western side of the cricket oval;
2. Swap the location of the hockey pitch and the buildings / carparking area. This will provide better visibility over all the playing surfaces from the club room / changeroom area, improved passive solar design with a north facing aspect for the buildings and achieve a better presentation on arrival to the building. The southern end of the site is also the higher point of the site, therefore people will be arriving at ground level and moving down throughout the site, rather than arriving at a lower point and having to walk up steps or ramps to access the buildings or playing fields;
3. Realign the soccer pitch within the cricket oval to ensure the pitch is positioned with a north / south orientation;
4. Move the cricket oval south in order to minimise the amount of fill required on the northern end of the oval to keep the playing surface level;
5. Move the cricket training nets closer to the cricket oval;
6. Remove the 'junior cricket oval' from the adopted plan; and
7. Alterations to on-site water storage ponds to improve the water capture opportunities.

The club room/changeroom building plans are still in draft form and will be presented to the Council at a later date for adoption.

Frost Park Precinct Development Plan Amendments

The proposed amendments to the Frost Park Precinct Development Plan are attached. All amendments relate to Lot 81 McDonald Avenue (the site located west of the racing track and Frost Pavilion area).

A summary of the amendments follows:

1. Realign the training track area to meet RWWA safety standards which includes an extension in length and gentler curves on the corners;
2. Move the on-course stables to a higher, dryer portion of the site and realign the building so that the rear of the stable block faces the prevailing southerly weather. This will also bring the stable block closer to the power source (on McDonald Avenue) for future power connections;
3. Install some key drainage lines across the site to capture water and direct it into dams;
4. Construct a dam on the northern end of the site; and
5. Relocate the overflow carparking bays shown on the southern end of Lot 81 into the centre of the training track, closer to the Frost Pavilion buildings. Vehicles will need to cross the training track to access the carparking areas however the Turf Club has indicated this will be readily available and the training track will only be used during the early morning.

The proposed amendments may require a realignment of the proposed Frost Park entry as shown on the adopted Development Plan.

The amendments do not impact on the future proposed archery range located within the training track area.

Shire Officers and Mount Barker Turf Club Committee members discussed the possibility of the Turf Club leasing Lot 81 McDonald Avenue in January 2011. A leasing arrangement was encouraged to clarify who was responsible for the maintenance of the training track and stable facilities and to place the responsibility for the hiring of the on-course stables with the Turf Club. A draft lease was provided to the Turf Club which they considered favourably. This document will need to be amended to address public access into the site to use a public carparking area and access to a future archery site.

It should be noted that a leasing arrangement will limit the Council's ability to develop areas of Lot 81 McDonald Avenue for initiatives such as residential / stable developments and the like.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The amended Site Plan Layout for Sounness Park, Mount Barker (dated 3 October 2011, 'Revision B') be endorsed.
2. The amended Site Plan Layout for Frost Park, Mount Barker (dated 5 October 2011) be endorsed.
3. The Chief Executive Officer be authorised to negotiate a lease for Lot 81 McDonald Avenue, Mount Barker, with the Mount Barker Turf Club Incorporated.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr A Budrikis:

That:

1. **The amended Site Plan Layout for Sounness Park, Mount Barker (dated 3 October 2011, 'Revision B') be endorsed subject to consideration being given to:**
 - a) **spectator carparking around the northern side of the football oval;**
 - b) **appropriate fencing around the site;**
 - c) **acknowledging that the exact location of structures may need to be slightly adjusted to improve spectator viewing; and**
 - d) **to accommodate a) above, dimensions of the oval may need to be reduced to 160m x 130m on the condition that this does not preclude Sounness park being utilised for State and National fixtures.**
2. **The amended Site Plan Layout for Frost Park, Mount Barker (dated 5 October 2011) be endorsed.**
3. **The Chief Executive Officer be authorised to negotiate a lease for Lot 81 McDonald Avenue, Mount Barker, with the Mount Barker Turf Club Incorporated.**

CARRIED (7/0)

NO. 281/11

Reason for Change

Councillors required further consideration be given to components of the site layout plan such as spectator parking, spectator viewing and fencing.

10.3.8 COMMUNITY SPORT AND RECREATION FACILITIES FUND (CSRFF) GRANT APPLICATION AND PRIORITISATION - SOUNNESS PARK

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr C Pavlovich. Nature of interest – Chair the Committee of the Mt Barker Football Club.

File No: N20035
Attachments: [Construction Cost Schedule](#)
[Potential Income Schedule](#)
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to seek the Council's support for the submission of an application to the Department of Sport and Recreation's 2012 / 2013 Community Sport and Recreation Facilities Fund (CSRFF).

BACKGROUND

The CSRFF grant scheme is advertised annually by the Department of Sport and Recreation (DSR) and provides grant funding for facility and infrastructure provision/upgrades to incorporated community sport and recreation clubs and local governments.

The CSRFF grant scheme generally funds projects on a basis of one third of the total project cost. Applications are required to be submitted to the local government by 30 September annually. All applications are then assessed by the local government, identified as being supported or otherwise and ranked in priority order. Applications are forwarded to the DSR Regional Office by the end of October for regional input. The applications and regional priorities are then submitted to the DSR central office for final determination.

This year one application has been prepared by the Shire of Plantagenet for the development of Sounness Park, in accordance with the Frost and Sounness Parks Precinct Development Plan and if appropriate, the amended Sounness Park Site Plan Layout.

The Frost and Sounness Parks Precinct Development Plan was endorsed by the Council at its Ordinary Meeting held on 13 October 2009. The Recreation Advisory Committee (RAC) was requested to prepare an implementation timeline and schedule of funding sources for the Precinct Development Plan.

The RAC identified Sounness Park as the first priority for development. A Sounness Park Working Group (SPWG) was formed comprising members of each of the four sporting codes which are planned to be co-located at the site including cricket, football, hockey and soccer. Stages of development were identified based on the

recommendations from the Precinct Development Plans and in consultation with both the RAC and the SPWG. The stages are:

Stage One: Construct the clubrooms / changeroom building, refurbish Sounness Oval including improved drainage, reticulation and lighting, upgrade power and install road ways, carparks and associated drainage.

Stage Two: Construct the cricket and soccer ovals, cricket training nets and install water sources.

Stage Three: Construct the hockey pitch including lighting.

A schedule of funding sources was also prepared which identified the Department of Sport and Recreation's CSRFF program, the Shire of Plantagenet's Country Local Government Fund (CLGF) allocations (provided through the Royalties for Regions program), potential contributions from the Southern Link VROC's combined CLGF allocation, the Regional Grant Scheme administered by the Great Southern Development Commission, Regional Development Australia and Lotterywest.

Draft plans were prepared for the clubroom / changeroom development to submit a CSRFF application in the 2010 / 2011 round. The Council, at its meeting held on 10 November 2009, resolved:

'That:

- 1. The application for the Sounness Park club room and changeroom development be endorsed and submitted to the 2010/2011 Community Sport and Recreation Facilities Fund.*
- 2. The Council's contribution of \$498,150.01 (including GST) be considered from future Royalties for Regions allocations.*
- 3. The Manager Community Services be requested to identify further funding opportunities to assist with the Sounness Park club room and changeroom development.'*

The application was not submitted as the Department advised that advanced planning was required over the whole of the project, rather than component parts.

The Council engaged MCG Architects Pty Ltd on 16 August 2011 to provide detailed design plans and documentation for construction tenders for the Sounness Park precinct. In the preparation of these plans, several amendments have been suggested to the Sounness Park site layout. The adoption of these amendments is the subject of another report for the Council meeting to be held on 18 October 2011.

The detailed design plans and costings will be finished in time to meet the deadline for the CSRFF 2012/2013 round.

In the interim, an application was made to the Department of Regional Development and Lands Royalties for Regions, Action Agenda funding round. This is a new fund established to build social and economic development in regional areas. The application sought \$1.9 million towards the cost of constructing the Sounness Park clubrooms/changerooms building. The application was submitted on Thursday 21 July 2011 and feedback will not be received until November, at the earliest.

STATUTORY ENVIRONMENT

Local Government Act 1995. Section 6.20 deals with the power to borrow money. Section 6.20 (2) states:

- '(2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) and details of that proposal have not been included in the annual budget for that financial year -*
- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
 - (b) the resolution to exercise that power is to be by absolute majority.'*

The Shire of Plantagenet Property Local Law 2008 empowers the Shire to determine the various uses of local government property, including recreational uses.

EXTERNAL CONSULTATION

Consultation has occurred with the community and sport and recreation groups in the preparation of the Precinct Development Plans.

Further consultation has occurred with the RAC and members of the SPWG when focussing on the Sounness Park Precinct. Representation at the SPWG meetings has included the following people:

- Tristan King, Brad Hook, Chris Pavlovich and Grant Lubcke from the Mount Barker Football Club;
- Greg Sounness from Auskick and the Mount Barker Junior Cricket Club;
- Michael Gaffney and Mel Greeney from the Mount Barker United Soccer Club;
- Rachel Wright and Trevor MacMahon from the Mount Barker Hockey Club;
- Geoff Richardson and Graeme Wright from the Mount Barker Cricket Association and the Mount Barker Junior and Senior Cricket Clubs; and
- Bindi Wallinger from the Mount Barker Netball Club.

Michel Greenhalgh from MCG Architects has attended meetings with both the RAC and SPWG members.

Consultation has also occurred with Chris Thompson (Regional Manager, Department of Sport and Recreation [DSR]), Steve Humfrey (Capital Infrastructure, DSR) and Sam Stevens (Acting Regional Manager, DSR).

FINANCIAL IMPLICATIONS

A draft budget for the Sounness Park development was prepared for the funding application to the Action Agenda program based on estimations and basic quotes. The total project cost (with a time escalation allowance) was \$4,819,096.29.

This figure should not be relied on until the detailed design plans that MCG Architects are preparing are complete and accurate costings can be obtained.

The CSRFF Guidelines stipulate that areas such as roads, carparks and road drainage cannot be funded through the grant.

After discussing the Sounness Park project with DSR Regional staff they have also advised that:

- sporting field lighting beyond a training standard would be considered as a low priority (although lighting up to training standard could be funded); and

- a synthetic hockey field would also be given a low priority unless a feasibility study clearly showed that the facility was sustainable and necessary. A grass hockey field would be given greater consideration.

Following the CSRFF guidelines and advice from DSR, a possible funding breakdown for the project was prepared for the Action Agenda application (copy attached). The breakdown highlights a \$1,915,008.70 contribution from the Council which could comprise CLGF funds and the remainder either drawn from the Regional CLGF pool or through other means such as other grants or a Council loan.

The Shire's Forward Capital Works Plan assumes that the Shire's remaining own fund components of CLGF funds will be available as follows:

- 2010/2011 Allocation \$675,499.00 (2011/2012 financial year);
- 2011/2012 Allocation \$537,705.00 (2012/2013 financial year); and
- 2012/2013 Allocation \$537,705.00 (2013/2014 financial year).
- **Total Allocation \$1,750,909.00**

The matter of borrowings has had to be considered as the CSRFF grant requires the Council to have all of its other funding sources identified. Preliminary advice from the Western Australian Treasury Corporation (WATC) has indicated that, if required, the Council should meet the criteria for as much as a \$3.0 million loan, although it would require the Board's approval in terms of the Debt Service Coverage Ratio. This amount would also be slightly higher than the Council's Borrowing Program and Asset Financing Policy provides for. The amount of borrowings required would depend on a range of factors to be discussed further.

POLICY IMPLICATIONS

The Council's Borrowing Program and Asset Financing Policy applies. Section 4 states:

- '4. *The Council may consider borrowing proposals on their merits from time to time and give favourable consideration to borrowing money for the acquisition or construction of an asset under the following circumstances:*
- a) *Where the asset to be acquired is a new addition to Council's asset base and the project contributes to the achievement of an identified strategic objective; or*
 - b) *Where the asset replaces an existing asset and has an useful life of greater than 10 years; or*
 - c) *Where the asset is required urgently and unexpectedly or a significant community need for the asset has been identified; and*
 - d) *One of the following funding conditions exists:*
 - i) *The project will reduce operating costs to an extent sufficient to cover the cost of the project and generate further savings to the Shire;*
 - ii) *The borrowing cost could be supported by additional revenue over the effective life of the project;*

- iii) *All alternative options for undertaking the project without borrowing have been investigated and proven less advantageous to the Council;*
- iv) *The income stream from the asset to be acquired or constructed exceeds the cost of borrowing over the life of that asset;*
- v) *Repayments will be met by a third party such as self supporting loans and the financial stability of that party meets the criteria as set out in the Self Supporting Loans Policy;*
- vi) *To save for the acquisition or construction will result in the actual cost being greater than the cost of borrowing the money and acquiring it today; or*
- vii) *To delay a project would jeopardise it due to grant funding restrictions or opportunities.'*

It is considered that the proposal would meet the general funding criteria under Sections 4(a) and 4(d)(viii) of the policy.

Section 6 of the Policy states:

'6. The Council will, with regard to setting its annual budget and making decisions on borrowings from external agencies, aim to maintain the following financial ratios within the limits stated:

- a) *Debt Service Ratio A – Less than 10%*

This ratio means:

$$\frac{\text{Debt Service Cost}}{\text{Available Operating Revenue}}$$

- b) *Debt Service Ratio B – Less than 30%*

This ratio means:

$$\frac{\text{Debt Service Cost}}{\text{Total Rate Revenue}}$$

- c) *Gross Debt to Revenue Ratio – Less than 60%*

This ratio means:

$$\frac{\text{Gross Debt}}{\text{Total Revenue}}$$

The proposal to borrow a sum of \$2.0 million, for example, would meet the financial criteria of the policy. The Debt Service Ratio A would be 6.2% with a loan over 10 years and 5.2% for a loan over 20 years and the Debt Service Ratio B would be 12.3% with a loan over 10 years and 10.3% for a loan over 20 years. The Gross Debt to Revenue Ratio would be 49.1% in either case.

In the worst case scenario, where no grant funding is received, the shortfall of \$2.99 million would be required if the Council wanted to proceed with Stages One, Two and Three (Total project cost of \$4,819,096.29 less CLGF \$1,750,909.00 less \$74,000.00 from the sporting groups).

However, a proposal to borrow this sum would not meet the financial criteria of the policy, albeit only marginally. The Debt Service Ratio A would be 8.8% with a loan

over 10 years and 7.2% for a loan over 20 years and the Debt Service Ratio B would be 17.5% with a loan over 10 years and 14.4% for a loan over 20 years. The Gross Debt to Revenue Ratio would be 61.3% in either case, which is higher than required.

The highest value loan that should be approved by the WATC and which also meets the Council's policy is \$2,875,000.00. The Council should consider whether it would be prepared to borrow under these circumstances and to what extent (and therefore what elements of the project it would progress with). While the Long Term Financial Plan acknowledges the development of sport and recreation facilities at Sounness Park as a priority, it was anticipated that this project could be progressed using a combination of future Royalties for Regions Funding, CSRFF and other grants rather than loan funds.

ASSET MANAGEMENT IMPLICATIONS

The construction of the Sounness Park precinct will result in a number of new assets for the Shire including roadways, carparks, playing fields and a building / changeroom area. It is proposed that an incorporated association would lease the buildings and grounds from the Council and that this association would be responsible for the management and routine maintenance of the site. The Council will still be responsible for asset renewal and replacement as the facilities age.

Through the efforts of co-locating four existing sporting groups and potentially new sporting groups into one site, rather than sporting activities spread across two sites, the ongoing obligations will become rationalised. However, it should also be noted that the plans include new facilities such as a hockey pitch which is not currently provided in Plantagenet.

STRATEGIC IMPLICATIONS

The Council commissioned a Strategic Sport and Recreation Needs Analysis in July 2008 which produced a series of recommendations for upgrades, new developments and rationalisation of sport and recreation facilities throughout the Shire.

The Needs Analysis recommendations in relation to Sounness Park were:

'That the proposal for Sounness Park to become the primary outdoor ball sport precinct for the Shire of Plantagenet be endorsed.

'That a Masterplan for the Sounness Park precinct, incorporating boundary lines and associated infrastructure requirements for existing Shire outdoor field sports, such as Football, Cricket, Soccer, Hockey and Rugby be developed with an appropriate implementation timeline.

'That the change room and toilet facilities, at Sounness Park, be demolished.'

Following the Needs Analysis a Sport and Recreation Precinct Plan was prepared which provided the master planning for the Sounness Park precinct (amongst other facilities). The Sounness Park precinct plan was endorsed by the Council at its meeting held on 13 October 2009.

The Shire of Plantagenet Long Term Financial Plan also acknowledges the development of sport and recreation facilities at Sounness Park, Frost Park and Kendenup with an emphasis on sourcing a majority of the money required to achieve the developments through state and federal government sources.

OFFICER COMMENTFinancial Considerations:

The CSRFF application is seeking funding for Stages One and Two of the Sounness Park development which can be drawn down over a three year period. If the grant is successful, it will effectively commit the Council to financing and completing Stages One and Two within three years.

A cost estimate and income budget for the Action Agenda Funding round is attached (costs are based on basic quotations and estimates. Until the detailed design planning is complete, accurate costs will not be available). This shows expenditure over the Development Priority Years which correlate with the Stages, ie Development Priority Year 1 reflects the activities to occur in Stage One etc.

The potential capital funding sources have also been identified. Of the funding sources, the breakdown for each of the Stages is:

Funding Source	Stage One (\$)	Stage Two (\$)	Stage Three (\$)	Total (\$)
Shire of Plantagenet (CLGF and Municipal/Borrowings)	599,302.89	275,197.83	1,040,507.98	1,915,008.70
Royalties for Regions Action Agenda (Application made, outcome due Nov/Dec 2011)	1,900,000.00	-	-	1,900,000.00
Department of Sport and Recreation (CSRFF) (Application to be submitted Oct 2011)	272,320.94	545,766.65	-	818,087.59
Lotterywest (No application made)	112,000.00	-	-	112,000.00
Sporting Groups (\$18,500 each group) (In principal committal)	18,500.00	37,000.00	18,500.00	74,000.00
Total (\$)	2,902,123.83	857,964.48	1,059,007.98	

The Shire's allocation may include CLGF allocations of \$1,750,909.00, potential funding from other agencies such as the Regional Grants Scheme and Regional Development Australia, and the remainder will need to comprise Council funds or borrowings.

Any application to the CSRFF program will need to confirm the other funding contributors. If the \$1.9 million request for Action Agenda funds for the construction of the buildings is not forthcoming then the Shire will need to identify where this capital will come from (ie own funds or borrowings).

Further, the Shire will also need to commit to spending the funds necessary to achieve Stages One and Two even if the intention is to apply to other programs for financial assistance. Given the CSRFF program is not announced until March 2012, there is an opportunity to apply for other funding assistance, however it is highly

unlikely that any decisions will have been made prior to March 2012. If funding was sourced from other areas, DSR would need to be advised.

Funding for up to one third of the cost to construct changerooms and clubrooms is eligible under the CSRFF program. One issue of submitting an application to the current CSRFF round is that if the Action Agenda funding application is unsuccessful and the Shire has to fund the gap (\$1.9 million), the Shire can not approach DSR to fund up to one third of the building retrospectively.

The Council also needs to be committed to completing the first two Stages within a three year timeframe. This is a difficult decision when accurate budget figures will not be available until the end of October, the same deadline for the submission of the CSRFF grant.

If the Council is unsure about the level of financial commitment and the timeframe for the commitment, then the project construction stages may need to be reviewed. For example, it may be possible to co-locate cricket and football to the one oval provided allowances were made for 'drop-in' turf cricket wickets. An opportunity may exist to co-locate hockey and soccer, although there will be issues with the playing surface. This will result in a Stage One development capable of accommodating all users.

There is no contractual commitment from the Lower Great Southern Hockey Association to fixture matches in Mount Barker at the time of writing this report. If this commitment is not forthcoming, the sustainability of a synthetic hockey pitch will be questionable. It should also be noted that the construction of the hockey pitch forms Stage Three of the development therefore there is time to review the hockey area.

If a review of project Stages One and Two is going to occur, a formal decision will need to be made so the detailed design plans and CSRFF application reflect the changes.

Management Considerations:

The future management of the facility has been reviewed over the past four months with the future sporting group tenants. While some positive progress has been made towards a community organisation taking over the management of the site, further work has to be done to ensure the working model is sustainable. The different sporting groups have different requirements and therefore a typical model of governance will not suit the Sounness Park project.

Opportunities such as expanding the role of the Club Development Officer to incorporate the management of the facility (to be funded by the facility users) or entering into an agreement with the Community Resource Centre to engage a joint trainee or to help resource part of their staff base to manage the facility also need to be investigated.

Summary:

There are two broad options in regard to this report, being either make the application or not. The risk-averse option would tend towards delaying an application to the CSRFF program for another 12 months. Within 12 months the detailed design plans and accurate costings will be complete. More thought and consideration can be given to the building components. Further work can occur with the sporting groups to identify how the future management of the facility will work. Other financial partners in the project will have been identified and possibly confirmed. The Council

will not be placed in a position where it needs to borrow \$1.9 million (or more) if the Action Agenda funding application is not successful.

However, the concerns with delaying the application for another 12 months are that funding (if successful), will not be available until 2013/2014. Given the heavy reliance on grant funding in the funding strategies considered to date, there may never be a satisfactory time to firmly commit to a strategy that does not involve borrowing.

Also, if the Action Agenda funding is successful, then work will begin on the clubrooms and changerooms in 2011/2012 and the remaining components of Stage One will not occur until further funds are available. This may result in a completed building on a site at which there is no activity which can lead to vandalism issues.

As stated in the Financial Considerations section, in the event that the Council is successful in its application for CSRFF funding and the Action Agenda funding is not successful, the Council will need to commit to borrow \$1.9 million as no further funds are directly available from the 2011/2012 budget or Reserve Funds. If the Council advises the DSR that it would support such a loan and afterwards reneges on this, this could jeopardise future CSRFF applications. However, it would be possible to withdraw the application before it reaches the Department of Sport and Recreation's head office without causing undue problems.

The recommendation below has been made on the basis of the Council's commitment to this important recreation development project so far. This particular application to the CSRFF requires the Council to proceed in a direction which it has not formally considered to date, namely the possibility of returning to a relatively high debt level. Nevertheless, it may well be worthwhile to secure this particular grant and enable the project to be progressed as soon as possible.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr J Moir:

That:

- 1. An application for funding of the construction of Sounness Park Stages One and Two be endorsed as priority one of one and submitted to the 2012/2013 Community Sport and Recreation Facilities Fund, comprising:**
 - a) Stage One: Construct the clubrooms / changeroom building, refurbish Sounness Oval including improved drainage, reticulation and lighting, power upgrade and install road ways, carparks and associated drainage.**
 - b) Stage Two: Construct the cricket and soccer ovals, cricket training nets and install water sources.**
- 2. The Council acknowledges that the application to the CSRFF program in Part 1 above will need to confirm the other funding contributors. If the \$1.9 million application to the Royalties for Regions Action Agenda funding round for the construction of the buildings is not successful, then the Shire will identify an alternative source of funding, in order to**

comply with the CSRFF funding rules, which will likely include an intention to borrow.

3. The Manager of Community Services be requested to identify further funding opportunities to assist with the Sounness Park development.
4. A feasibility study for Stage Three of the construction comprising the installation of a hockey pitch including lighting, be prepared for consideration.

AMENDMENT

Moved Cr A Budrikis, seconded Cr G Messmer:

That a part 5 be added to the motion as follows:

‘A formal commitment be sought from clubs and associations proposing to utilise Sounness Park facilities relating to financial contribution and use.’

CARRIED (7/0)

NO. 282/11

COUNCIL DECISION

That:

1. An application for funding of the construction of Sounness Park Stages One and Two be endorsed as priority one of one and submitted to the 2012/2013 Community Sport and Recreation Facilities Fund, comprising:
 - a) Stage One: Construct the clubrooms / changeroom building, refurbish Sounness Oval including improved drainage, reticulation and lighting, power upgrade and install road ways, carparks and associated drainage.
 - b) Stage Two: Construct the cricket and soccer ovals, cricket training nets and install water sources.
2. The Council acknowledges that the application to the CSRFF program in Part 1 above will need to confirm the other funding contributors. If the \$1.9 million application to the Royalties for Regions Action Agenda funding round for the construction of the buildings is not successful, then the Shire will identify an alternative source of funding, in order to comply with the CSRFF funding rules, which will likely include an intention to borrow.
3. The Manager of Community Services be requested to identify further funding opportunities to assist with the Sounness Park development.
4. A feasibility study for Stage Three of the construction comprising the installation of a hockey pitch including lighting, be prepared for consideration.
5. A formal commitment be sought from clubs and associations proposing to utilise Sounness Park facilities relating to financial contribution and use.

CARRIED (7/0)

NO. 283/11

3:51pm Cr C Pavlovich returned to the meeting.

10.4 CORPORATE SERVICES REPORTS

10.4.1 BUDGET REVIEW – SEPTEMBER 2011

File No: N20061
Responsible Officer: John Fathers
Acting Chief Executive Officer
Author: Brendan Webb
Accountant/Office Manager
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to review and where appropriate, adjust the adopted 2011/2012 Annual Budget to recognise variations in actual income and expenditure. This is necessary to facilitate appropriate financial control and ensure that the Council's financial resources are allocated in the most effective manner.

BACKGROUND

The 2011/2012 annual budget was adopted by the Council at its meeting on 5 July 2011.

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

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Operating income is currently 5% above budget and operating expenditure is 99% of (year to date) budget which is acceptable. Nevertheless, a number of issues are worthy of a budget amendment and the following action is recommended:

- Confirmation has now been received on the Local Road (Main Roads) Tied Grant and Commonwealth Grants Commission grants. This has resulted in additional income of \$29,759.00.
- As an election is not required, there will be savings of approximately \$20,000.00 on this budget item.
- A large television has been purchased and installed for the Council Chambers at a cost of \$1,850.00. This has resulted in a saving of \$3,150.00.
- The Council has received a \$45,000.00 grant from the Department of Local Government to conduct the processes necessary to implement a Strategic Community Plan in line with amendments to the Local Government (Administration) Regulations. This will result in a new income account and increased expenditure in the Strategic Plan budget item. This has a nil dollar impact.
- The budget items relating to the new Denbarker fire truck need to be adjusted to recognise the value of the vehicle at \$258,996, rather than the budgeted \$242,000.00. This has a nil dollar impact.
- Three depreciation accounts were under estimated in the budget. These relate to new library fittings, skate parks, new community centre and fire trucks. Additional non-cash values are sought.
- The Pre-School Building Operating account was excluded from the budget. This account requires \$1,000.00 for insurance and the like.
- The Waste Disposal Sites – Ground maintenance budget item requires an additional \$20,000.00 due to additional works required by DEC to the boundary buffer.
- Estimates have now been received in regard to the purchase of a new vehicle for the Manager Development Services. Changes to the purchase and trade-in values are necessary, the net effect being an additional \$4,500.00.
- Replacement of down lights along the eastern walkway in the Recreation Centre was required as they were continually burning out. The Education Department has reimbursed the Shire for this work, which cost \$3,800.00. Amendments to the Recreation Centre Building Maintenance and Reimbursement Income budget items will be required to recognise this, which has a nil dollar impact.
- At its meeting held on 16 August 2001, the Council resolved that:
 - ‘1. *The tender submitted by MCG Architects Pty Ltd for C01-1112 – Provision of Design and Documentation Services for the Sounness Park Sport and Recreation Precinct Development, for \$310,505.00 (GST exclusive) be accepted.*
 2. *The Chief Executive Officer be authorised to negotiate a suitable contract.*

3. *The Council's contribution be noted and the expenditure be addressed at the next Budget Review.'*

In August 2011, it was advised that *'In order to address the \$115,612.00 shortfall it is recommended that money be drawn from the Shire Development and Building Improvements Reserve. The balance of un-spent funds from the Reserve account is \$112,147.00. The remaining \$3,465.00 funds can be identified from other budget savings.'*

The end of year balance in the Shire Development and Building Improvements Reserve was \$295,899.00. A sum of \$10,000.00 has now been transferred to the reserve in accordance with the 2011/2012 budget and therefore the current balance is \$305,899.00. There is a 2011/2012 budget commitment of \$197,500.00 from that reserve for the initial payment for the purchase of part of the site known as Demon Downs from the Mount Barker Football Club. This leaves a balance of \$108,400.00 for allocation, if needed. It is recommended that a sum of \$98,203.00 be allocated from that reserve, with the remaining funds of \$17,409.00 being allocated from other savings identified in this review.

- In 2010/2011, the Council received a grant of \$35,000.00 to develop a Forward Capital Works Plan. A sum of \$16,862.00 was spent on that project and the Shire has been liaising with the Department of Local Government in regard to a reallocation of the unspent funds (\$18,138.00). The Department has advised that any remaining funds of the can be spent on other local government infrastructure planning initiatives, including but not limited to, developing business cases for planned, future infrastructure projects.

The Department's approval has now been given to reallocate these funds to the waste water re-use investigations for the Sounness Park Development. The Council will be aware that irrigation of Frost and Sounness Parks with up to 25ML of treated waste water from the Water Corporation treatment plant is being considered and the results of this investigation will be required to determine the capability of the site to receive this waste water. The funds can be used to appoint a consultant, the objectives of which are:

- To determine the minimum vertical separation between winter groundwater levels and the current ground levels;
- To determine the physical and chemical properties of the soil with regards to permeability and nutrient holding capacity; and
- To understand the water quality of the treated wastewater and identify appropriate irrigation rates that will allow onsite use without detrimental environmental or social impacts.
- Depending on site suitability, prepare an appropriate Nutrient Irrigation Management Plan. This will determine, how much waste water we can apply and whether that be enough water to maintain proper levels of service.
- Following this, a system needs to be designed for treatment of waste water, suitable for irrigation onto public open spaces to meet public health requirements.
- Finally, the consultant needs to prepare a submission to the Department of Health, Department of Water and Department of Conservation and Environment seeking relevant approvals.

Adjustments to the Forward Capital Works Plan and Frost / Sounness Parks Water Re-Use Study budget items will be required to recognise this, which has a nil dollar impact.

- A grant of \$2,500.00 was received from the Department for Communities for the Wiggle, Giggle and Grow program held at the library. Adjustments to the Library – Programs and Library – Contributions budget items will be required to recognise this, which has a nil dollar impact.
- The Council allocated income and expenditure of 150,000.00 in the 2011/2012 budget, which related to the management of a Department of Sport and Recreation (DSR) grant on behalf of the Kendenup Country Club. The Club has recently received an additional Royalties for Regions grant for the development of the Country Club. The Club is confident that it can manage the DSR grant, the Royalties for Regions grant and their own funds without the need for the Shire to manage the funds on their behalf. The income and expenditure accounts can both be adjusted to zero, which has a nil dollar impact.
- The 2011/2012 budget included a sum of \$30,000.00 for the Visitor Information Board, which was previously reallocated from Royalties for Regions (CLGF) funds. This project has exceeded budget by \$5,137.00, due to the need to strengthen the roof supports. An increase is sought for this project from another largely unspent Royalties for Region Project, namely budget item Implement Signage Policy.
- The TIRES Group has recently confirmed the Shire's view that its total 2011/2012 allocation of \$300,000.00 should have been directed to Spencer Road (SLK 0.0 to 4.5), rather than being split with Yellanup Road. The adjustments correct this, which have a nil dollar impact.
- A sum of \$4,000.00 was provided in the 2011/2012 budget for the installation of a controller on the non-potable water standpipe in Mitchell Street. A firm quote has now been received from the supplier and local plumber for the work, which come to \$7,000.00. Even at this increased cost, it is considered that the Council will save money from due to the prevention of water theft. An additional \$3,000.00 is sought from other savings identified in this review.
- Special works were performed for completing transition of gardener equipment from Sounness Park to the Shire depot, which has overspent the 2011/2012 budget allocation for budget item Depot Maintenance. An additional \$7,000.00 is sought from other savings identified in this review, for normal depot maintenance costs for the remainder of the year.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr J Moir, seconded Cr L Handasyde:****That the adopted 2011/2012 Annual Budget be amended as follows:**

Account	Description	Original / Amended Budget (\$)	New Budget (\$)	Net Cash Amount (\$)
10007.0212	Grants Commission Grant - Equalisation - Untied	352,869	357,316	4,447
10008.0212	Local Road Grant - Main Roads Tied Grant	126,664	134,363	7,699
10008.0211	Grants Commission Grant - Road Maintenance - Untied	591,243	608,856	17,613
20025.0030	Other Expenses - Elections - Professional Services	(25,000)	(5,000)	20,000
50422.0006	Large TV / Monitor - Council Chambers	(5,000)	(1,850)	3,150
10014.0289	Grant Income - Strategic Community Plan	0	45,000	45,000
20049.0289	Other Expenses - Strategic Plan	(10,000)	(55,000)	(45,000)
50514.0006	Fire Truck - New - Denbarker BFB (Non Cash)	(242,000)	(258,996)	(16,996)
10511.0505	Grant Income (Non Cash) - Denbarker BFB Fire Truck	242,000	258,996	16,996
20076.0036	Depreciation - Fire Control - Plant, Machinery & Equip	(181,285)	(201,604)	0
20131.0011	Pre-School- Building Operating	0	(1,000)	(1,000)
20165.0052	Waste Disposal Sites - Grounds Maintenance	(425,000)	(445,000)	(20,000)
51012.0006	Purchase Vehicle - Mgr Development Services	(39,200)	(45,000)	(5,800)
41011.0105	Trade In Vehicle - Mgr Development Services	21,700	23,000	1,300
21104.0010	Recreation Centre - Building Maintenance	(22,000)	(25,800)	(3,800)
11102.0227	Reimbursements - Education Dep't	42,819	46,619	3,800
51142.0251	Frost / Souness Parks Improvement Plans	(194,893)	(310,505)	(115,612)
41127.0486	Transfers from Reserve Funds	172,500	270,703	98,203
20033.0030	Other Expenses - Professional Services (FCWP)	(18,138)	0	18,138
20208.0371	Other Expenses - Frost / Souness Parks Water Re-Use Study	0	(18,138)	(18,138)
10123.0200	Library - Other Contributions	0	2,500	2,500
20215.0298	Other Expenses - Library Programs	(4,888)	(7,388)	(2,500)
20217.0034	Library Depreciation - Furniture & Fittings	(1,555)	(7,480)	0
51480.0252	Kendenup Country Club - Stage 1	(150,000)	0	150,000
41148.0402	Grants & Contributions - Kendenup Country Club	150,000	0	(150,000)
20223.0035	Other Recreation and Culture - Depreciation - Land & Buildings	(4,772)	(41,840)	0
20225.0396	Implement Signage Policy (R for R)	(16,571)	(11,434)	5,137
51455.0252	Visitor Information Signage (R for R)	(30,000)	(35,137)	(5,137)
51287.0250	Yellanup Road - SLK 4.0 to 6.6	(100,000)	0	100,000
51275.0250	Spencer Road - SLK 0.0 to 4.5	(200,000)	(300,000)	(100,000)
51340.0358	Standpipe Controller - Mitchell Street	(4,000)	(7,000)	(3,000)
20265.0052	Depot - Grounds Maintenance	(6,000)	(13,000)	(7,000)
TOTAL		19,493	(43,819)	0

CARRIED (8/0)**NO. 284/11****Absolute Majority**

10.4.2 FINANCIAL STATEMENTS – SEPTEMBER 2011

File No:	N20050
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	18 October 2011

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 30 September 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 G Messmer:

That the Financial Statements for the month ending 30 September 2011 be received.

CARRIED (8/0)

NO. 285/11

10.4.3 LIST OF ACCOUNTS - SEPTEMBER 2011

File No: N20020
Attachments: [List of Accounts](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of September 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 M Skinner, seconded Cr G Messmer:

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 30 September 2011 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a) Electronic Payments and Direct Debits totalling \$507,969.22;**
- b) Municipal Cheques 42281 - 42338 totalling \$96,133.63; and**
- c) Trust Cheques 318 and 319 totalling \$16,000.00.**

CARRIED (8/0)

NO. 286/11

10.5 EXECUTIVE SERVICES REPORTS

10.5.1 LEASE - MITCHELL HOUSE - PLANTAGENET ARTS COUNCIL

File No:	N19785
Attachment:	Draft Lease
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	18 October 2011

PURPOSE

The purpose of this report is to recommend entering into a Lease for Mitchell House, situated on Albany Highway, with the Plantagenet Arts Council.

BACKGROUND

The Plantagenet Arts Council occupies a Council owned building at Lot 10 Albany Highway Mount Barker known as Mitchell House

There is no lease between the Arts Council and the Shire. A search of the Council's records has uncovered a letter from the then Shire Clerk to the Secretary of the Arts Council in November 1986. This advised that the Arts Council could occupy the building at payment of an annual rental of \$500.00 for the first two years and increasing to \$1,000.00 after two years, subject to the Arts Council being responsible for payment of all outgoing expenses related to water and electricity and that the Arts Council be responsible for building maintenance.

This agreement through exchange of letters has been continuing ever since.

At its meeting held on 24 February 2009 the Council resolved:

'That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease of Lot 10 Albany Highway Mount Barker to the Plantagenet Arts Council with the following provisions:

- a) *Rental to be set at \$1,215.00 per annum;*
- b) *The term of the lease be five (5) years;*
- c) *The Lessee be permitted to hire the building for community purposes; and*
- d) *The lessee be responsible for public liability insurance, contents insurance, minor building maintenance, garden maintenance, water usage and electricity charges.'*

Although a draft lease at that time was sent to the Arts Council, disagreements occurred regarding the content of the lease and maintenance items that the Arts Council should take up.

STATUTORY ENVIRONMENT

The leasing of Council owned or vested property is classified as a disposition of property pursuant to section 3.58 of the Local Government Act 1995.

EXTERNAL CONSULTATION

A meeting was held with Arts Council representatives Trish Powell and Linda Morrison on 19 September 2011 to progress this matter. Those representatives indicated agreement for the lease to be entered into.

FINANCIAL IMPLICATIONS

Rental received from the Arts Council is \$1,215.00 per annum. The lease proposes that this amount stay the same.

The Council made a \$1,500.00 financial assistance grant in the current budget.

The Arts Council covers utility costs. The Arts Council also seeks grants for capital works for the building. The group was recently successful with an application for \$7,000.00 from Royalties for Regions to refurbish the Mitchell House kitchen. The Council's contribution will be \$7,720.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan in Key Result Area 3 (Community Services) notes the Council's aim to:

'Deliver or facilitate the delivery of a range of services which respond to and reflect the physical, social and cultural wellbeing of the community.'

The Strategic Plan also notes in Initiative 2:

'Sponsor and display local art works.'

OFFICER COMMENT

No objections are raised to the continuing occupation by the Arts Council of Mitchell House and therefore the lease is necessary.

Although minimal rent is received by the Council and maintenance of the building of a structural nature is ongoing, the organisation provides a valuable community service and generally gets on with its business efficiently and effectively.

It is also proper for the structure to be in the ownership of the Council. It is listed as place No. 27 in the Council's Municipal Heritage Inventory being the former Post Office and quarters for Post Masters and their families. It was constructed in 1892/3. It was used as the Post Master's residence and telephone exchange until 1958.

The matter is brought before the Council for re-authorisation due to the effluxion of time. No other matters have changed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr S Etherington:

That authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the lease of Lot 10 Albany Highway Mount Barker to the Plantagenet Arts Council with the following provisions:

- a) Rental to be set at \$1,215.00 per annum;
- b) The term of the lease be five years with a further option of five years;
- c) The Lessee be permitted to hire the building for community purposes;
and
- d) The lessee be responsible for public liability insurance, contents insurance, minor building maintenance, garden maintenance, water usage and electricity charges.

CARRIED (8/0)

NO. 287/11

10.5.2 OFFICE CLOSURE - CHRISTMAS CELEBRATION 2011

File No: N19956
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to seek the consent of the Council to close the Mount Barker Office of the Council to allow staff to attend a Christmas celebration. Also, donations to each social club are sought.

BACKGROUND

The Council's indoor staff Social Club has sought permission for the Mount Barker office to be closed on Friday 16 December 2011 from 2:00pm to allow staff to attend a Christmas lunch.

The Christmas lunch held last year proved a success with the majority of staff attending and the Social Club is keen to hold the function along similar lines. A decision has been made to include staff partners, and they will be required to pay for their meal.

FINANCIAL IMPLICATIONS

A donation of \$500.00 for the inside and outside staff social club was approved in the previous year. A general donation to a social club does not attract Fringe Benefit Tax.

Permission will be granted to the outside staff social club members to cease work early to hold their Christmas function at a date to be decided prior to Christmas.

POLICY IMPLICATIONS

There are no policy implications for this report.

OFFICER COMMENT

It is suggested that the office in Mount Barker be closed from 2:00pm on Friday 16 December 2011 to enable all office staff to attend a Christmas party being organised by the inside staff social club.

Advertising for the proposed closure will need to occur also.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr S Etherington:

That:

- 1. Authority be granted for the Shire of Plantagenet Mount Barker Administration Office to be closed on Friday 16 December 2011 from 2:00pm.**
- 2. A \$500.00 donation be made to each of the inside and outside staff social clubs, such expenditure being charged to budget line 20030.0083 Refreshments and Receptions.**
- 3. The closure of the office be advertised locally.**

CARRIED (8/0)

NO. 288/11

10.5.3 CHRISTMAS CLOSURE 2011/2012

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr J Moir. Nature of interest– Cattle farmer.

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr M Skinner. Nature of interest - Farming 400 head of cattle.

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 10 December 2010 giving permission for Cr M Skinner and Cr J Moir to participate in matters relating to the Great Southern Regional Cattle Saleyards from 7 December 2010 to 31 December 2011.

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

File No: N19957
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 18 October 2011

PURPOSE

The purpose of this report is to seek approval to close the Shire's facilities that are open to the public between Christmas and New Year – December 2011/January 2012.

The specific facilities are:

- Shire Administration Office
- Mount Barker Library
- Rocky Gully Library
- Mount Barker Swimming Pool
- Mount Barker Community Recreation Centre
- Great Southern Regional Cattle Saleyards
- Waste Management Facilities

BACKGROUND

The Council has authorised the closure of its facilities for the period between Christmas and New Year for a number of years and this has not caused any community disquiet or inconvenience.

STATUTORY ENVIRONMENT

There are no strategic implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

OFFICER COMMENT

The closure of the administration office is an opportunity for all members of the staff to utilise the former holidays enjoyed by officers in Local Government being Easter Tuesday and 2 January. Although these holidays were repealed some years ago, at arbitration they were retained to be taken at mutually convenient times and have been recognised in the negotiated Collective Agreement. The Chief Executive Officer has informed staff members that he would prefer these holidays to be taken between Christmas and New Year wherever possible to minimise disruption to office routine.

This year Christmas Day falls on a Sunday. The Council will be asked to close the Council's facilities from the close of business on Thursday 22 December 2011.

Friday 23 December 2011 is a Rostered Day Off (RDO) for most of the administration staff. If open, the office would only be partially staffed for the end of calendar year 'rush'. Closing the office on Thursday 22 December 2011 would ensure that a full contingent of staff will be available to assist with the end of calendar year business.

Closing on the 22 December 2011 will require all staff to take their RDO on the Friday 23 December 2011. Staff will take Friday 30 December 2011 from approved leave and the CEO will be encouraging such approved leave to be an accumulated RDO.

Normal service would resume on Tuesday 3 January 2012.

Closure days for the Administration office and Libraries would be:

- Friday 23 December 2011 (Rostered Day Off for applicable staff)
- Monday 26 December 2011 Public Holiday (Christmas Day)
- Tuesday 27 December 2011 Public Holiday (Boxing Day)
- Wednesday 28 December 2011 (LGA - Public Holiday formerly Easter Tuesday)
- Thursday 29 December 2011(LGA - Public Holiday day after New Years Day)
- Friday 30 December 2011(Approved Annual leave Day or accumulated RDO)
- Monday 2 January 2012 Public Holiday (New Years Day)

Closure days for Waste Management Facilities would be:

- Mount Barker Landfill Site – Sunday 25 December 2011
- Kendenup Transfer Station – Sunday 25 December 2011
- Porongurup Transfer Station – Sunday 25 December 2011

Closure days for the Swimming Pool would be:

- Sunday 25 December 2011

Open/Closure days for the Community Recreation Centre would be:

- Thursday 22 December 2011 to Monday 2 January 2012 (inclusive)
- Tuesday 3 January 2012 – Friday 6 January 2012 – open for evening hours only (3pm – 8pm)

The closure period for the Great Southern Regional Cattle Saleyards would be:

- No sales in the week ending 30 December 2011

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr G Messmer, seconded Cr M Skinner:

That:

- 1. The Shire of Plantagenet's Administration Office, Mount Barker Public Library and the Rocky Gully Library be closed from close of business on Thursday 22 December 2011 with the resumption of normal services Tuesday 3 January 2012.**
- 2. The Mount Barker Community Recreation Centre be closed from close of business on Thursday 22 December 2011 with the commencement of interim services from Tuesday 3 January 2012 and normal services being resumed from Monday 9 January 2012.**
- 3. The Waste Management Facilities at Mount Barker, Kendenup and Porongurup be closed on Sunday 25 December 2011.**
- 4. The Mount Barker Swimming Pool be closed on Sunday 25 December 2011.**
- 5. The Great Southern Regional Cattle Saleyards have no sale days in the week ending 30 December 2011.**
- 6. The closures inclusive of public holidays be advertised locally.**

AMENDMENT

Moved Cr A Budrikis, seconded Cr C Pavlovich:

That the words 'Thursday 22 December 2011' be deleted and replaced with the words 'Friday 23 December 2011' in part 1 and part 2.

CARRIED (8/0)

NO. 289/11

COUNCIL DECISION

Moved Cr G Messmer, seconded Cr M Skinner:

That:

1. The Shire of Plantagenet's Administration Office, Mount Barker Public Library and the Rocky Gully Library be closed from close of business on Friday 23 December 2011 with the resumption of normal services Tuesday 3 January 2012.
2. The Mount Barker Community Recreation Centre be closed from close of business on Friday 23 December 2011 with the commencement of interim services from Tuesday 3 January 2012 and normal services being resumed from Monday 9 January 2012.
3. The Waste Management Facilities at Mount Barker, Kendenup and Porongurup be closed on Sunday 25 December 2011.
4. The Mount Barker Swimming Pool be closed on Sunday 25 December 2011.
5. The Great Southern Regional Cattle Saleyards have no sale days in the week ending 30 December 2011.
6. The closures inclusive of public holidays be advertised locally.

CARRIED (8/0)

NO. 290/11

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 SHIRE OF PLANTAGENET STRUCTURAL REFORM PROPOSAL

Cr Andrus Budrikis has given notice pursuant to Clause 3.7 of Standing Orders that he intends to move:

Moved Cr A Budrikis, seconded Cr G Messmer:

That:

- 1. The Shire of Plantagenet invites the Shire of Cranbrook to merge with the Shire of Plantagenet as the localities of Cranbrook and Frankland.**
- 2. The Shire of Plantagenet seeks State Government compensation for any loss of rates in resolving an equitable rate to apply in the new entity.**
- 3. The rates for current Shire of Plantagenet ratepayers does not increase by more than five percent as a result of the merger.**
- 4. a) The Shire of Plantagenet recognises that a merger between the Shire of Plantagenet and the Shire of Cranbrook should be seen as a component of the Shire of Plantagenet pursuing suitable local government groupings through the creation of Regional Councils to reform the provision of the following two services, in the first instance, in the Shire of Plantagenet:**
 - i) Waste Management,**
 - ii) Road Construction and Maintenance.**
- b) The reform of these two services should be seen as the minimum of business services to be reformed. The groupings for each of these two service reforms will be formed on the basis of models that suit the business enterprise. For instance, it is envisaged that the grouping for waste management will most likely be limited to those neighbouring local governments that are seeking new waste management models and can economically partake in a waste management model based around Plantagenet's proposed new waste site.**
- c) The grouping for road construction and maintenance reform would most likely seek to include enough local governments to create a business unit with a suitable turnover to sustain a professional management model for this business enterprise (this may well be a turnover of \$20m or more).**

CARRIED (8/0)

NO. 291/11

Comment

The reform “process” to search for a new model of Local Government in Western Australia has been underway for a number of years. Two documents produced in the last few years include:

The Journey: Sustainability into the Future, Shaping the Future of Local Government in Western Australia. Prepared by WALGA 2008

Structural Reform Submission, Shire of Plantagenet 2009

These documents suggest that the most effective way to reform local government in Regional Western Australia, and specifically for the Shire of Plantagenet, is for Shires to amalgamate into larger units. The Plantagenet submission suggested a larger unit that comprised of the Shires of Plantagenet, Cranbrook, Kojonup and Broomehill/ Tambellup. The WALGA document suggested a Regional model built around WALGA zone groupings.

The State Government then entered the issue and sought to force amalgamations without any true guidelines as to what would be appropriate groupings or even sustainable models of local government groupings.

In response to these initiatives the Shire’s of Plantagenet, Cranbrook, Kojonup and Broomehill/Tambellup formed the Southern Link VROC. As a result of the formation of this body there has been no significant reform in the local government business model of the Shire of Plantagenet to date.

Functional Reform

I believe that both of the suggested “structural reform” models indicated above are not true reform models but rather models built around the idea that “bigger is better”. Essentially after amalgamation the new local government entity would then work out better ways of doing business. This is a flawed approach to reform and does not allow flexibility for differing functional requirements.

Local government reform should be based around the reform of the business model that drives local government practice. It is also my belief that differing functions will require different reform mechanisms to make them more effective, economic and sustainable.

The Shire of Plantagenet has already taken steps in this direction with the move to engage neighbouring local governments in a dialogue to form Regional Council(s) to create new business models for strategic local government service provision. In particular the Shire of Plantagenet is seeking to form a Regional Council for a regional waste business model utilising the proposed new waste site in the Shire of Plantagenet. This regional grouping will be attractive to local governments that both require a new strategic waste management plan and can economically partake in a regional plan where the waste site is based in the Shire of Plantagenet.

The regional grouping that forms to participate in this Regional Council will not necessarily be the same regional grouping that could form to reform other business models for Council services.

Road Maintenance and Construction

The major economic expenditure of the Shire of Plantagenet is the maintenance and re-construction of roads. This is not surprising given that local government evolved from Road Boards. The reform of this business function should be undertaken on a different basis to that of waste or say recreation facilities.

It is not hard to envisage a business model to deliver the road construction and maintenance services that incorporates a large number of existing local governments. Such a model would quite possibly be totally inappropriate for the delivery of other services.

Some business services (eg payroll) may well be best delivered on a state wide basis.

In other words reform of local government needs to be more responsive than simply calling for amalgamations of a set number of existing local government entities.

Governance

The issue of governance needs to be addressed at a different level to that of business services reform. It is my belief that local amalgamations of Shires should take place to rationalise governance, but maintain adequate local representation, and create larger local governments that can fruitfully participate in business services reform, creating appropriate Regional Councils. The law governing Regional Councils has to be adequate to allow unequal partners to participate on a similar basis to that in company law.

Sustainability and Community

Local government is also about sustainable community. In some cases this requirement will come in conflict with business economic rationalisation plans. For instance it may well be that a larger business unit responsible for road maintenance and construction would seek to contract work to larger (global) corporations at the expense of local employment. This question is pertinent especially in today's climate where there is debate on the appropriateness of the fly-in fly-out model for sustainable communities in the mining districts.

This is an important reason that such business model rationalisation plans do not become divorced from the other requirements of participating Councils.

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

Nil

13 CONFIDENTIAL

Nil

14 CLOSURE OF MEETING

4:37pm The Presiding Member declared the meeting closed.

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