



ORDINARY MINUTES

DATE: Tuesday, 7 February 2012

TIME: 2:45pm

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

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Membership:

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

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

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

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

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

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Mrs Linda Sounness	Executive Secretary
Mr Vincent Jenkins	Planning Officer

There were 15 members of the public present.

Apologies:

Cr S Etherington

Previously Approved Leave of Absence:

Cr G Messmer – 1 May 2012 to 22 May 2012 inclusive.

Emergency Evacuation Procedures/Disclaimer:

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

Mr Stewart then read aloud the following disclaimer:

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

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council /

Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

4.1 BEVAN LANG, PLANTAGENET MEN'S SHED

Bevan Lang, Chairman Plantagenet Men's Shed (Inc) spoke in support of the Officer's Recommendation in Item 9.4.2, giving an outline of the current and proposed activities of the Men's Shed group and seeking an additional five years to the five years with option of five to renew on the proposed lease of the former Guide's Hall corner Booth Street and Albany Highway.

4.2 GLEN PUTTICK, LOT 555, ALBANY HIGHWAY MOUNT BARKER

Glen Puttick spoke in support of the Officer's Recommendation in Item 9.1.2 regarding Lot 555 Albany Highway.

4.3 STEVEN PALMER, LOT 555, ALBANY HIGHWAY MOUNT BARKER

Steven Palmer spoke against the Officer's Recommendation in Item 9.1.2 regarding Lot 555 Albany Highway.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

7 CONFIRMATION OF MINUTES

Moved Cr L Handasyde, seconded Cr B Bell:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 20 December 2011 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 1/12

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

CONDOLENCE MOTION

VALE: Cody Woolhouse

Cody was 20 years of age, a member of the Mount Barker Fire and Rescue and was awarded the Fire and Emergency Services Authority of Western Australia Youth Achievement Award in 2011.

Moved Cr B Bell, seconded Cr L Handasyde:

That the passing of Cody Woolhouse be formally noted and that condolences be sent to his parents Paul and Terri and sister Kabie.

CARRIED (8/0)

NO. 2/12

9 REPORTS OF COMMITTEES AND OFFICERS

Moved Cr G Messmer, seconded Cr J Moir:
That item 9.4.2 be considered immediately.

CARRIED (8/0)

NO. 3/12

(Refer to Report Item 9.4.2 page 36 of these Minutes)

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 131 ORMOND ROAD, MOUNT BARKER - OUTBUILDINGS EXCEEDING MAXIMUM CUMULATIVE FLOOR AREA REQUIREMENT

File No: N21197

Attachments: [Location Plan](#)
[Site Plan](#)
[Studio Outbuilding Plans](#)
[Machinery Outbuilding Plans](#)
[Subdivision Guide Plan](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 7 February 2012

Applicant: George and Sue Corke

PURPOSE

The purpose of this report is to consider a proposal for two additional outbuildings at Lot 131 Ormond Road, Mount Barker.

BACKGROUND

Council Records show the registered owners of Lot 131 are G and S Corke.

The proposal is for an outbuilding (studio) of 40.955m² with a wall height of 2.7m and a 74.4m² extension with a wall height of 3.2m to the existing machinery outbuilding. Combined with the existing 63m² garage, 42m² storage outbuilding and 216m² machinery outbuilding, the cumulative area (of 436.35m²) exceeds the 150m² area set by the policy.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Rural Residential (Area 3). Copy of subdivision guide plan attached.

Special Provision 5.1 for this Rural Residential zone reads as follows:

'5.1 Houses and outbuildings shall be designed and constructed of materials that allow them to blend into the surrounding landscape. Council may refuse to approve walls and roofs constructed of reflective material such as zincalume and off-white colours.'

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 16.1(Outbuildings) limits outbuildings to a maximum wall height of 3.5m and a maximum cumulative floor area of 150m² for Rural Residential zones. The cumulative floor area of all outbuildings currently on site totals 321m² excluding the proposed new studio and machinery outbuildings of 115.35m². The cumulative floor area of all outbuildings on site including the new outbuildings (115.35m²) will then total 436.35m². The wall heights of the proposed outbuildings are 2.7m and 3.2m.

The total area of outbuildings is considered acceptable in this instance. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Lot 131 is 2.63ha in area and is located in a Rural Residential zone. The current development on the lot consists of a house and three outbuildings (garage, storage and machinery) with a cumulative floor area of 321m². The remainder of the lot has been cleared with a few scattered trees.

The proposed studio outbuilding will be 40.95m² (6.3m x 6.5m) in area with a 2.7m wall height. The studio outbuilding area includes a wet area of 2.7m² (1.0m x 2.7m) and an 11.7m² deck area (1.8m x 6.5m). This outbuilding will be finished in Colorbond® and will match the existing house. The outbuilding will be located in close proximity to the existing house and will be used for the purposes of hobbies such as art and craft work.

The proposed extension to the existing machinery outbuilding will be 74.4m² (8.0m x 9.3m) in area with a 3.2m wall height. Development provisions for this Rural Residential zone require outbuildings be constructed of materials that allow them to blend into the surrounding landscape. The Council may further refuse to approve walls and roof constructed of reflective materials such as zincalume. Two of the extension walls to the machinery outbuilding will be constructed in jarrah weatherboard and the remaining wall will be finished in weathered galvanised corrugated iron. The proposed finish will match the existing machinery outbuilding.

Galvanised corrugated iron was selected as the construction material as it reflects less than zincalume finished sheeting.

The outbuilding extension will be located 19m from the street boundary and 28m from the shared property boundary with Lot 130 to the east. This adjoining property (Lot 130) is also owned by the applicants meaning adjoining owner support is not required. The extension to the machinery outbuilding will be used for the storage of timber.

The proposal meets the boundary setback requirements for the Rural Residential zone and the development exclusion area applicable does not impact on this proposal.

The proposed construction materials for this proposal blend in with the surrounding landscape and will also match the existing development at Lot 131. No difficulties are seen with the cumulative outbuilding area of outbuildings being 436.35m² given the size of the lot.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr M Skinner, seconded Cr A Budrikis:

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the proposed outbuildings at Lot 131 Ormond Road, Mount Barker be approved which will mean a cumulative area of all outbuildings being 436.35m² which is in excess of the 150m² stated in Town Planning Scheme Policy No. 16.1 (Outbuildings).

AMENDMENT

Moved Cr J Moir, seconded Cr B Bell:

That the words 'subject to the studio not being used for residential purposes' be added immediately after the word '(Outbuildings)' in the last line of the motion.

CARRIED (8/0)

NO. 6/12

COUNCIL DECISION

That in accordance with clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the proposed outbuildings at Lot 131 Ormond Road, Mount Barker be approved which will mean a cumulative area of all outbuildings being 436.35m² which is in excess of the 150m² stated in Town Planning Scheme Policy No. 16.1 (Outbuildings) subject to the studio not being used for residential purposes.

CARRIED (8/0)

NO. 7/12

9.1.2 LOT 555 ALBANY HIGHWAY, MOUNT BARKER - NOTICE TO REMOVE UNAUTHORISED SEA CONTAINERS AND UNLICENCED VEHICLES

File No: N21195
Attachments: [Location Plan](#)
[Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 7 February 2012
Owner: Bruce Ranger

PURPOSE

The purpose of this report is to recommend a Notice, pursuant to the Shire of Plantagenet Town Planning Scheme No. 3 to remove unauthorised sea containers and unlicensed vehicles currently located at Lot 555 Albany Highway, Mount Barker.

BACKGROUND

Council records show the registered owner of Lot 555 Albany Highway is BP Ranger.

On 18 December 2009, Mr Glen Puttick residing at Lot 552 Albany Highway registered a written complaint regarding sea containers and unlicensed vehicles being stored at Lot 555 Albany Highway, Mount Barker.

A site inspection conducted at the property on 4 January 2010 by the Council's Planning Officer, Mr Vincent Jenkins, revealed 26 vehicles and three sea containers were being stored at the lot. At the time of the inspection Mr Ranger advised that he collected and restored vehicles and ultimately intended to conduct a private museum.

By letter dated 19 January 2010 Mr Ranger was advised the Council had received a complaint concerning a large number of unlicensed vehicles being kept at his property. Mr Ranger was further advised an application for Planning Consent (PC) was required to be lodged as a matter of priority to obtain approval for the museum as a 'private recreation' use and the location of sea containers at Lot 555 Albany Highway.

By letter dated 21 May 2010 Mr Ranger was reminded he was required to submit the necessary applications within 28 days or remove the unauthorised sea containers and unlicensed vehicles. Mr Ranger was also advised if no applications were received or the items removed from the property the Council may issue a notice to have the items removed.

Following the Council's letter of 21 May 2010, Mr Ranger made contact with staff on several occasions confirming his intention to improve his property's adverse visual impact on Albany Highway and surrounding properties. During this time the

complainant (Mr Puttick) continued to notify staff of other sea containers and unlicensed vehicles being delivered to Lot 555 Albany Highway.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

- Zoned Rural;
- Private Recreation is a discretionary 'AA' use meaning the Council may at its discretion, permit the use;
- Any Notice issued for a breach of the Scheme must be a minimum of 28 days;
- Notice issued under TPS3 to ensure compliance with TPS3 may generate a right for the proponent to apply to the State Administrative Tribunal for a review of the Council decision; and
- TPS3 contains provision for the Council to consider the proper and orderly planning and amenity of the area.

Health Act 1911 (as Amended)

Health Local Law 2008

Lot 555 Albany Highway complies with health requirements set in health legislation.

EXTERNAL CONSULTATION

The Council's Planning Officer had various discussions with Mr Ranger in an attempt to resolve matters surrounding unauthorised sea containers and unlicensed vehicles at Lot 555 Albany Highway. The Council's Planning Officer on several occasions visited the property to monitor its condition.

POLICY IMPLICATIONS

TPS Policy No. 17.1 (Sea Containers) regulates the use of sea containers within the Shire of Plantagenet. TPS Policy No. 17.1 requires applications for planning consent to be lodged and approved prior to locating a sea container on a rural property.

STRATEGIC IMPLICATIONS

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

'Encourage and guide local development in accordance with the Strategic Plan and Town Planning Scheme No. 3 (as amended) and protect existing rural land from inappropriate land uses.'

Impact on the quality of life of nearby landowners and residents is an important strategic consideration.

OFFICER COMMENT

Lot 555 Albany Highway is 6.87ha in area and existing development at the lot consists of a house, a 420m² outbuilding and three farm dams. The house and

outbuilding are located approximately 150m and 180m respectively from Albany Highway and 20m from the property side boundary to the north. Some unlicensed vehicles are located within the strip of land between the house and outbuilding and the northern side property boundary. The bulk of unlicensed vehicles and sea containers are located next to and at the rear of the outbuilding.

The Council's Planning Officer conducted five site inspections in the past 24 months and has had various discussions with Mr Ranger concerning circumstances at Lot 555. Mr Ranger presented a range of solutions such as removing several of the vehicles from the property, storing vehicles in the existing outbuilding and sea containers, constructing additional outbuildings or relocating vehicles to minimise their visual impact on Albany Highway, through to selling the property.

None of these proposed solutions has been implemented.

A site inspection on 16 January 2012 by the Council's Planning Officer revealed there are currently 34 unlicensed vehicles, three trailers (car, car carrier and truck), five sea containers, three caravans, one road-roller, 12 truck bodies and in the order of 60 car and truck wheels being kept at the lot.

With this number of items being kept on site there is also the added problem of fire risk as some amount of fuels and oils likely remain in these vehicles.

Council records show no applications for planning consent were lodged for the unauthorised uses at Lot 555 Albany Highway. In addition, the number of unlicensed vehicles and sea containers being kept at the lot is increasing.

Notwithstanding extensive consultation with the landowner and taking into account the increase in unlicensed vehicles, sea containers and vehicle parts being kept at Lot 555 Albany Highway and no applications for planning consent being lodged, the Council should now require all unlicensed vehicles, vehicle parts and sea containers to be removed within a specified time frame such as 90 days.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr G Messmer:

That the owner of Lot 555 Albany Highway, Mount Barker be provided Notice under the Shire of Plantagenet Town Planning Scheme No. 3 for the removal of all unlicensed vehicles, vehicle parts and sea containers from this property to the Council's satisfaction within a period of 90 days.

CARRIED (7/1)

NO. 8/12

9.1.3 LOT 9000 CROFTS RISE, PORONGURUP - SIX LOT SUBDIVISION

File No: N21196

Attachments: [Location Plan](#)
[Precinct Structure Plan](#)
[Revised Subdivision Guide Plan](#)
[Plan of Subdivision](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 7 February 2012

PURPOSE

The purpose of this report is to consider a proposal for a six lot subdivision of Lot 9000 Crofts Rise, Porongurup and respond to the Western Australian Planning Commission (WAPC).

BACKGROUND

Shire records indicate the current owner is Westcress Pty Ltd.

The Porongurups Rural Strategy 1997 showed the subject land as a part of Precinct G1. A precinct Structure Plan for Precinct G1 was prepared following the adoption of that Strategy. The Porongurups Rural Strategy 1997 was superseded by the Shire of Plantagenet Town Planning Scheme Policy No. 18 (Planning Vision) (TPS Policy No.18). TPS Policy No.18 included the original precinct Structure Plan for Precinct G1 as prepared for the Porongurups Rural Strategy 1997 (copy attached).

A subdivision (WAPC 136087) for a boundary realignment of Lot 2150 with adjoining Lot 10 to the south created Lot 830 Spring Road. This subdivision was finalised with the approved Deposited Plan 60519 issued on 27 August 2008.

The subdivision (WAPC 137389) of Lot 830 into 17 Rural Residential lots including Lot 9000 was finalised with approved Deposited Plan 62018 issued on 5 October 2010.

Lot 9000 is 19.63ha in area consisting of two lot parcels. One lot parcel is located within the western part of the subdivision and is 9.14ha in area. This lot parcel will be subdivided into four lots of 1.21ha, 1.31ha, 1.43ha and 4.76ha. The other lot parcel is located within the north-eastern part of the subdivision and is 10.49ha in area. This lot parcel will be subdivided into two lots of 4.98ha and 5.51ha (see copy of plan of subdivision).

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

Council Delegation LG035 – as the subdivision involves more than five lots the matter needs to be determined by the Council.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Town Planning Scheme Policy No. 18 (Planning Vision) shows the subject land as a part of Precinct G1 capable of Rural Residential development.

OFFICER COMMENT

This proposal for six Rural Residential lots is in accordance with the Shire of Plantagenet Town Planning Scheme Policy No. 18 (Planning Vision) and the precinct structure plan for Precinct G1 in the policy.

When this land and the adjoining Lot 2150 (now Lot 6045) were rezoned from Rural to Rural Residential originally as part of Amendment No. 39 to TPS3, mention was made of Spring Road. There was the need for a reduced pavement width and special attention being given in the road design to ensure the tree lined character of Spring Road is maintained. This has been raised specifically with the planning and engineering consultants for the adjoining Lot 830 and Lot 6045 and will be addressed when Lot 6045 is subdivided in the future.

The six lots in this subdivision proposal range from 1.2ha to 5.5ha and the form of the subdivision reflects the revised subdivision guide plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr B Bell:

That:

- 1. The Western Australian Planning Commission be advised that the proposed six lot subdivision of Lot 9000 Crofts Rise, Porongurup (WAPC 145419) is supported subject to:**
 - a) All lots being provided with frontage to a public road designed, drained and constructed to a sealed standard in accordance with the Council's Engineering Development Guidelines/Standards to the satisfaction of the Manager Works and Services.**
 - b) Subdivision works not commencing until the Manager Works and Services has approved detailed engineering plans and specifications of the works, including earthworks, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction.**

- c) Spring Road being upgraded as a demonstration road including traffic calming with single lane and passing areas by the developer to the satisfaction of the Manager Works and Services from the northern boundary of lot 6045 to Porongurup Road.
- d) A nutrient stripping sediment retention drainage management plan for road pavement storm water being prepared to the satisfaction of the Manager Works and Services.
- e) A Creek/Waterway Foreshore Management Plan being prepared which will address matters such as: remnant vegetation protection, fencing of foreshore and buffer areas, no fencing through the foreshore area, weed removal and revegetation where necessary and the ongoing management of the foreshore to the satisfaction of the Manager Works and Services.
- f) Construction of Strategic Fire Breaks to full gravel standards by the developer to the satisfaction of Fire and Emergency Services Authority (FESA) and the Manager Works and Services.
- g) Construction of crossovers by the developer to the satisfaction of the Manager Works and Services.
- h) Truncations being provided at all intersections of public roads.
- i) No boundary fencing being permitted in areas of remnant vegetation.
- j) All remnant vegetation and creek foreshore areas being fenced.
- k) No boundary fencing being constructed of fibre cement, metal sheeting, or wooden picket. All boundary fencing being installed to the satisfaction of the Manager Development Services.
- l) Revegetation being undertaken and maintained for a period of three years, from the date of subdivision approval to the satisfaction of the Manager Works and Services.
- m) Subdivision and development being in accordance with the Fire Management Plan for the land and shall require implementation and maintenance of the developer's and property owner's responsibilities detailed in that plan. A hazard reduction program to be implemented as a part of the Fire Management Plan to the satisfaction of the Manager Community Services.
- n) Notification to all prospective land purchasers of the relevant Town Planning Scheme provisions including:
 - i) the requirement for water tanks with a minimum capacity of 92,000 litres;
 - ii) effluent disposal is the responsibility of individual landowners and Council approval to construct or install sewage treatment

- and the use of Aerobic Treatment Unit (ATU) systems is required;
- iii) provision of a copy of the Fire Management Plan and the Bush Fire Survival Manual; and
 - iv) section 70A notification on the Titles of AS 3959 (Construction of Buildings in Bushfire Prone Areas).
- o) The preparation and distribution to all prospective purchasers of an information sheet:
- i) which discourages the keeping of cats and dogs on lots adjacent to areas of remnant vegetation and the creek/foreshore zone and promotes measures that should be taken to minimise the impact pets have on native fauna (e.g. night curfews for cats, keeping dogs on leashes or in fences); and
 - ii) regarding weed and dieback control.
2. If required as a result of a Western Australian Planning Commission condition of approval, authority be granted to the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to a Notification under Section 70A of the Transfer of Land Act 1893 (as amended) and/or Section 165 of the Planning and Development Act 2005 (as amended).

CARRIED (8/0)

NO. 9/12

9.1.4 RESERVE 17849 TRANSFER OF CROWN LAND

File No: N21092

Attachments: [Transfer of Crown Land - Aerial](#)
[Transfer of Crown Land - Location Plan](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Donna Jo McDonald
Senior Administration/Human Resources
Officer

Proposed Meeting Date: 7 February 2012

PURPOSE

The purpose of this report is to seek the Council's consent to apply to the Department of Regional Development and Lands (State Land Services) to transfer the portion of Crown land adjacent to Reserve 17849 (Lot 51 Albany Highway, Narrikup).

BACKGROUND

Reserve 17849 located at Lot 51 Albany Highway, Narrikup has been vested with the Council for the purposes of recreation and show ground since May 1932.

Various infrastructure located at the 'Narrikup Sportsground' including the old north tennis courts built up to fifty years ago, the newer south located tennis and hardball courts and the clubrooms, built in 1991, have been constructed on 1.5ha of unallocated Crown land which adjoin Reserve 17849.

The locations of the buildings and infrastructure are shown on the attached plan.

Note from the aerial photo that the majority of the oval and the cricket nets have been located on the reserve, however all other infrastructure is located on Crown land.

Further, in seeking transfer of the portion of land to the reserve, it would be advantageous to seek the Power to Lease. Currently the Narrikup Combined Sporting Association Inc which incorporates the Narrikup Cricket, Tennis and Netball Clubs is in negotiations with the Shire for the lease of the recreation area. Without the Power to Lease being granted to the Council any future lease would be 'ultra vires' or without power.

STATUTORY ENVIRONMENT

Land Administration Act
Planning and Development Act 2005
Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Recreation

CONSULTATION

This matter has been discussed with a representative of the Department of Regional Development and Lands.

FINANCIAL IMPLICATIONS

The Department of Regional Development and Lands is unlikely to incur any charges for the transfer of the land to Reserve 17849.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Shire of Plantagenet Strategic Plan 2003, Key Result Area 3 Community Services aims to:

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

OFFICER COMMENT

The transfer of the portion of unallocated Crown land to the reserve is required to allow the Council to legally utilise the land for the Narrikup recreation area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr L Handasyde:

That:

- 1. The Department of Regional Development and Lands be requested to transfer the 1.5ha portion of unallocated Crown land adjacent to Reserve 17849 as shown on the attached plan dated 31 January 2012 for inclusion into Reserve 17849.**
- 2. The Department be further requested to include Power to Lease in the Management Order.**

CARRIED (8/0)

NO. 10/12

9.2 WORKS AND SERVICES REPORTS

9.2.1 POLICY REVIEW - GRAVEL AND SAND ACQUISITION

File No: N20681
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Megan Beech
Senior Administration/Project Officer Works
and Services
Proposed Meeting Date: 7 February 2012

PURPOSE

The purpose of this report is to review Council Policy No NRM/EI/1 – Gravel and Sand Acquisition.

BACKGROUND

This policy was last reviewed by the Council on 15 December 2009.

Council Policy NRM/EI/1 – Gravel and Sand Acquisition, reads as follows:

‘OBJECTIVE:

To provide clear guidelines for the acquisition of gravel and sand for construction and maintenance purposes.

POLICY:

1. *That wherever possible the Council obtain materials for construction and maintenance purposes from private property by consultation with the landowner or his/her authorised representative, in accordance with Schedule 3.2 of the Local Government Act 1995, with the Council responsible for:
 - 1.1 *Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction.*
 - 1.2 *Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures.*
 - 1.3 *Negotiated compensation to the landowner for materials extracted and associated justifiable imposts.*
 - 1.4 *The value of gravel and sand is to be at a rate of \$1.00/m³. A higher value may be negotiated by the Manager Works and Services in circumstances where materials are already stock piled and no reinstatement is required.**
2. *Where landowners contribute to road works in providing without claim for compensation gravel materials (for road construction or maintenance) or sand (for road construction, maintenance or general use), the Manager Works and Services be authorised to carry out private works at the request of the landowner, to the valuation of the landowner’s contribution to the road works as assessed by the Manager Works and Services.*

3. *The private works in part 2 above may only be carried out on the property which materials have been extracted from, and subject to plant availability.*
4. *Prior to taking materials from private property, permission shall be obtained from the landowner or his/her authorised representative, in the form of a signed agreement.'*

STATUTORY ENVIRONMENT

Local Government Act 1995

Schedule 3.2 (Particular things local governments can do on land even though it is not local government property) provides the power for a local government to take from land (among other things) gravel that is required for making or repairing a thoroughfare.

FINANCIAL IMPLICATIONS

The current policy provides a value for gravel and sand at a rate of \$1.00/m³. A higher value may be negotiated by the Manager Works and Services where deemed necessary.

The policy also provides an option for landowners to choose private works to the value, in lieu of cash payment for gravel or sand provided.

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 2003, Key Result Area 1 Infrastructure, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisations to be undertaken.

To achieve this we will:

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence; and*
- *Promote and provide access to policies, standards and legislation.'*

OFFICER COMMENT

This policy received extensive changes as a result of its previous review by the Council on 15 December 2009. Those changes resulted in a policy that is now clear and informative for Council Officers and landowners. Signed agreements, according to the policy, are now completed for every instance where gravel or sand is acquired for use by the Council.

One change is recommended to the current policy, to clarify the GST obligations for the rate noted under clause 1.4 (currently \$1.00/m³). It is considered that the rate in the policy be amended to read \$1.00/m³ (ex GST). This clarification will ensure that

all landowners receive the cash component of \$1.00/m³ regardless of whether or not they hold an Australian Business Number.

It is also worth noting that an external consultant has been engaged to assist with the development of a gravel strategy for the Shire of Plantagenet. This strategy, once finalised will be presented to the Council with a view to its adoption. The purpose of the strategy is to identify future gravel sources (strategic pits) and is being developed in conjunction with the Indicative Five Year Road Program. The strategy will calculate the volume of gravel required and the amount of funds required in the budget to enable payment for the gravel to landowners. This will provide a strategic approach to enable future construction works to be carried out with sufficient gravel resources. This strategy will require extensive consultation with landowners to access the gravel.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That amended Council Policy No NRM/EI/1 – Gravel and Sand Acquisition as follows:

OBJECTIVE:

To provide clear guidelines for the acquisition of gravel and sand for construction and maintenance purposes.

POLICY:

- 1. That wherever possible the Council obtain materials for construction and maintenance purposes from private property by consultation with the landowner or his/her authorised representative, in accordance with Schedule 3.2 of the Local Government Act 1995, with the Council responsible for:
 - 1.1 Satisfactory rehabilitation of the pit area, including drainage, upon completion of extraction.**
 - 1.2 Construction where necessary and satisfactory repair of affected haul roads, gates, fences or other structures.**
 - 1.3 Negotiated compensation to the landowner for materials extracted and associated justifiable imposts.**
 - 1.4 The value of gravel and sand is to be at a rate of \$1.00/m³ (ex GST). A higher value may be negotiated by the Manager Works and Services in circumstances where materials are already stock piled and no reinstatement is required.****
- 2. Where landowners contribute to road works in providing without claim for compensation gravel materials (for road construction or maintenance) or sand (for road construction, maintenance or general use), the Manager Works and Services be authorised to carry out private works at the request of the landowner, to the valuation of the**

landowner's contribution to the road works as assessed by the Manager Works and Services.

3. The private works in part 2 above may only be carried out on the property which materials have been extracted from, and subject to plant availability.
4. Prior to taking materials from private property, permission shall be obtained from the landowner or his/her authorised representative, in the form of a signed agreement.'

be endorsed.

CARRIED (8/0)

NO. 11/12

9.3 CORPORATE SERVICES REPORTS

9.3.1 BUDGET REVIEW – DECEMBER 2011

File No:	N20762
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	7 February 2012

PURPOSE

The purpose of this report is to review and adjust the adopted 2011/2012 Annual Budget to recognise variations in actual income and expenditure.

BACKGROUND

The 2011/2012 annual budget was adopted by the Council at its meeting on 5 July 2011. This is the second quarterly review of the 2011/2012 Annual Budget. The Local Government (Financial Management) Regulations 1996 require that local governments conduct a budget review between 1 January and 31 March in each financial year.

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.

Local Government (Financial Management) Regulations 1996. Regulation 33A states:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must -*
- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government's financial position as at the date of the review; and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.'*

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

This is the main budget review of the year. In terms of operating result, operating income is currently 3% under (year to date) budget and operating expenditure is 3.4% below (year to date) budget which is a good result. The capital works program is currently 45% under (year to date) budget, which is discussed below.

The actual surplus carried forward at 30 June 2011, as detailed in the audited 2010/2011 annual financial report, was \$1,824,389.00. The budgeted surplus carried forward was \$1,815,805.00. This provides a sum of \$8,584.00 available for reallocation.

A number of issues are having an impact on budget variances, which need to be noted, but are not subject to a budget amendment:

- As discussed in a recent Council workshop, the Shire has held off on some of its capital roadworks due to the probability of a reduction in capital income next year and thereafter. Recent wet weather has also impacted on the ability to undertake works. As a result of this, higher plant and overhead rates have been applied to the maintenance activities. Due to fewer hours being undertaken, the fixed costs that need to be applied to jobs via plant and overhead allocations have been applied to fewer jobs, hence resulting in some major year to date budget overspends. This is particularly the case for Budget Items Waste Disposal Sites Maintenance, Cemeteries Maintenance, Parks and Reserves Facilities Maintenance, Road Maintenance – General and Road Maintenance - Excavator Work.

It is recommended that this matter be noted for now but that no formal action be taken to reallocate funds, as such a reallocation would necessarily require a transfer from capital projects which would not be desirable. This situation will largely correct itself by the end of the financial year as capital works are undertaken.

- The Bush Fire Brigades program is subject to some large over-expenditures, particularly insurances. FESA is aware of this and additional funds will be forthcoming from FESA if the total program exceeds budget by the end of the year. At this stage it is recommended that this situation be monitored but that no budget amendments be done.

- In regard to the Saleyards, overall year to date operating expenditure is \$270,972.00, which is \$70,744.00 below year to date budget. Operating income is \$200,384.00, which is \$73,666.00 below year to date budget. Operating Income remains significantly below year to date budget, although this is on par with the under expenditure referred to above and therefore no amendments are sought at this stage.

A number of issues are worthy of a budget amendment and the following action is recommended:

- Audit fees which relate to the 2010/2011 interim audit and the 2011/2012 final audit have exceeded the budget by \$4,500.00, which can be reallocated from savings in the Additional Audit Costs budget item.
- The Administration – Salaries budget item is currently below year to date budget and a sum of \$4,125.00 may be reallocated to other projects identified in this review.
- It is proposed to install light sensors into all internal offices and meeting rooms within the administration building. The sensors will turn off lights in those rooms when there is no movement after 15 minutes, in an effort to conserve power and reduce costs. Funds can be transferred from Budget Item ‘District Hall - Repaint Internal Walls & Repair Ceiling’, which is unable to be carried out in-house at the moment.
- Budget Item ‘Employee Costs - CESM - Reimbursable Salaries’ is approximately \$9,570.00 over year to date budget due to staff overtime. This is fully recoverable from FESA. Adjustments to the expenditure and income accounts are recommended.
- A road safety grant of \$8,100.00 has been received from WALGA for the provision of two large road safety signs to be placed on Albany Highway. Expenditure and income accounts have been adjusted accordingly.
- The Rezoning Fees budget item was established with a budget figure of \$15,000.00, although currently no income has been received due to limited rezoning activity to date. It is recommended that the budget item be halved at this stage.
- The Cemeteries Maintenance budget item has consistently exceeded year to date budget in this financial year, due primarily to the maintenance requirements for the additional grassed area at new cemetery. It is estimated that an additional \$15,000.00 will be required.
- The Swimming Pool budget Items ‘uPVC Pre Pump Strainer’, ‘Emergency Chemical Washdown Shower’ and ‘Repairs to Plant Room Building Structure’ have all now been completed. While there was minor overspends on the first two projects, the Plant Room Building repairs cost significantly less than predicted, resulting in overall savings of \$10,364.00.
- At its meeting held on 16 August 2011, the Council resolved that its contribution of \$1,200.00 towards the installation of new starting blocks be noted and if the application for CSRFF funding is successful, the expenditure be addressed at the next Budget Review. This funding application was successful. Appropriate income and expenditure accounts have therefore been recommended, with a contribution of \$1,200.00 from the Shire funded from other savings within this review.

The Mount Barker Swimming Club will be contributing to the cost of the new starting blocks so their members are able to train on the same blocks that are used at competition level and so the Mount Barker Swimming Pool will become eligible to host the Regional Swimming Championships (held every February).

- The current budget includes a sum of \$9,900.00 for the installation of an entry gate at the Recreation Centre. The actual cost has now been quoted at \$10,485.00 and it is recommended that the budget be increased by \$585.00 to be funded from other savings within this review.
- The Recreation Centre has received \$800.00 from year six students at the Community College for equipment. Budget Items 'Minor Furniture and Equipment Purchases' and 'Other Income' will be adjusted accordingly to accommodate this. The 'Other Income' budget item can actually be increased to \$10,000.00 as a result of additional income from things such as crèche fees and program initiatives.
- The budgeted grant of \$60,000.00 for the demolition and replacement of the Kendenup public toilets has been unsuccessful. The full cost of the project was budgeted at \$105,500.00. It is recommended that this project not proceed at this stage and that the unspent Council funding be retained in the Shire Development and Building Improvements Reserve, until further funding can be secured or allocated.
- A grant application of \$40,000.00 to the Department of Conservation and Environment has been approved for the Mount Barker Wetland project. This matter has been discussed in a recent Council workshop. It is recommended that the relevant capital income and expenditure accounts be established.
- A grant of \$29,000.00 has been received from the Department of Sport and Recreation for a KidSport Program. A total of \$24,000.00 will be allocated to Sporting Groups (from the Community Programs Account) and the remaining \$5,000.00 may be retained in-house for co-ordination costs. The Club Development Officer - Salaries account will be adjusted accordingly.
- A grant of \$2,924.00 has been received from the Great Southern Development Commission for Mount Barker main street banners. The income account has been amended, and the Council has already approved the relevant expenditure in the budget.
- Two contributions to roadworks have been received. An amount of \$5,000.00 has been received towards the Martagallup Road - Grain Pull-in Bay project. This sum was expected but not budgeted. There is no need for an amendment to expenditure budget item. A sum of \$48,436.00 has also been received from Westcross Pty Ltd as a contribution towards an upgrade of Spring Road. This was a condition of subdivision. It has been agreed that the Shire will carry out this construction work once the subsequent subdivision is approved and further contributions received. An appropriate expenditure account has been created.
- The Royalties for Regions account for the implementation of the signage policy has been completed and underspent by \$9,138.00. It is recommended that approval be granted to reallocate these funds to the Wilson/Centenary Park (R for R) project, in order to complete the tractor and reticulation.

- The Street Lighting budget item has consistently exceeded year to date budget in this financial year, due to increased Synergy costs. It is estimated that an additional \$12,000.00 will be required.

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The Council adopted a 10% and a \$5,000.00 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION**Moved Cr G Messmer, seconded Cr B Bell:****That the budget review for the period 1 July 2011 to 31 December 2011 be adopted and the 2010/2011 Annual Budget be amended as follows:**

Account	Description	Original / Amended Budget (\$)	New Budget (\$)	Net Cash Amount (\$)
N/A	Difference in budgeted surplus carried forward	0	8,584	8,584
20033.0260	Other Expenses - Additional Audit Costs	(10,000)	(5,500)	4,500
20033.0259	Audit fees	(12,000)	(16,500)	(4,500)
20047.0130	Administration - Salaries	(876,422)	(872,297)	4,125
New	Administration Building - Light Sensors	0	(10,000)	(10,000)
51440.0252	District Hall - Repaint Internal Walls & Repair Ceiling	(10,000)	0	10,000
20072.0296	Employee Costs - CESM - Reimbursable Salaries	(63,799)	(73,369)	(9,570)
10043.0219	Other Revenue - CESM Reimbursable Salary & Oncost	42,925	52,495	9,570
10052.0374	Grant Revenue - Road Safety Grants	0	8,100	8,100
51488.0006	Road Safety Signs	0	(8,100)	(8,100)
10105.0234	Other Revenue - Rezoning Fees	15,000	7,500	(7,500)
20181.0052	Cemeteries Maintenance	(35,000)	(50,000)	(15,000)
51467.0006	uPVC Pre Pump Strainer	(3,300)	(3,585)	(285)
51468.0006	Emergency Chemical Washdown Shower	(1,500)	(2,221)	(721)
51469.0252	Repairs To Plant Room Building Structure	(15,000)	(3,630)	11,370
51487.0006	Pool Diving Blocks	0	(9,815)	(9,815)
41040.0450	Grants & Contributions - Swimming Pool	0	8,615	8,615
51111.0006	Gym & Other Equipment	(11,600)	(10,012)	1,588
51471.0252	Install Entry Gate - Rec Centre Entry	(9,900)	(10,485)	(585)
21102.0085	Other Expenses - Minor Furniture & Equipment Purchases	(10,400)	(11,200)	(800)
11101.0232	Other Income - Other Operating Income	500	10,000	9,500
51474.0251	Kendenup Ag Grounds - Demolish & Replace Public Toilets	(105,500)	0	105,500
51142.0251	Frost / Sounness Parks Improvement Plans	(310,505)	(315,505)	(5,000)
41120.0401	Royalties for Regions - Grant for Kendenup Public Toilets	60,000	0	(60,000)
41127.0486	Transfers from Reserve Funds	270,703	225,203	(45,500)
51486.0251	Wilson / Centenary Parks Wetlands Development	0	(40,000)	(40,000)
41120.0438	Wetlands Development Grants	0	40,000	40,000
20220.0130	Employee Costs - Salaries - Club Development	(32,435)	(37,435)	(5,000)
20221.0356	Other Expenses - Community Programs	(5,000)	(29,000)	(24,000)
10126.0272	Grant Income - Dept of Sport & Recreation	25,000	54,000	29,000
10127.0200	Other Recreation and Culture - Contributions	0	2,924	2,924
51250.0250	Spring Road, Porongurup	0	(48,436)	(48,436)
41205.0197	Contributions to Roadworks	0	53,436	53,436
20225.0396	Road Maintenance - Implement Signage Policy (R for R)	(11,434)	(2,296)	9,138
51124.0252	Wilson/Centenary Park	0	(9,138)	(9,138)
20227.0312	Street Lighting	(58,000)	(70,000)	(12,000)
	TOTAL	(1,167,667)	(1,167,667)	0

AMENDMENT

Moved Cr J Moir, seconded Cr B Bell:

That:

1. Line item 5 and line item 6 being 'Administration Building – Light Sensors' and 'District Hall – Repaint Internal Walls & Repair Ceiling' be removed from the budget review.
2. A part (2) be added to the motion as follows:
 'Should the allocated funds of \$10,000.00 in the 2010/2011 Annual Budget for 'Repaint Internal Walls & Repair Ceiling' not be expended in the financial year, the allocation be transferred to the Shire Development and Buildings Improvements Reserve' and the motion be re-cast accordingly.

CARRIED (7/1)

NO. 12/12

COUNCIL DECISION

That

1. The budget review for the period 1 July 2011 to 31 December 2011 be adopted and the 2010/2011 Annual Budget be amended as follows:

Account	Description	Original / Amended Budget (\$)	New Budget (\$)	Net Cash Amount (\$)
N/A	Difference in budgeted surplus carried forward	0	8,584	8,584
20033.0260	Other Expenses - Additional Audit Costs	(10,000)	(5,500)	4,500
20033.0259	Audit fees	(12,000)	(16,500)	(4,500)
20047.0130	Administration - Salaries	(876,422)	(872,297)	4,125
20072.0296	Employee Costs - CESM - Reimbursable Salaries	(63,799)	(73,369)	(9,570)
10043.0219	Other Revenue - CESM Reimbursable Salary & Oncost	42,925	52,495	9,570
10052.0374	Grant Revenue - Road Safety Grants	0	8,100	8,100
51488.0006	Road Safety Signs	0	(8,100)	(8,100)
10105.0234	Other Revenue - Rezoning Fees	15,000	7,500	(7,500)
20181.0052	Cemeteries Maintenance	(35,000)	(50,000)	(15,000)
51467.0006	uPVC Pre Pump Strainer	(3,300)	(3,585)	(285)
51468.0006	Emergency Chemical Washdown Shower	(1,500)	(2,221)	(721)
51469.0252	Repairs To Plant Room Building Structure	(15,000)	(3,630)	11,370
51487.0006	Pool Diving Blocks	0	(9,815)	(9,815)
41040.0450	Grants & Contributions - Swimming Pool	0	8,615	8,615
51111.0006	Gym & Other Equipment	(11,600)	(10,012)	1,588
51471.0252	Install Entry Gate - Rec Centre Entry	(9,900)	(10,485)	(585)
21102.0085	Other Expenses - Minor Furniture & Equipment Purchases	(10,400)	(11,200)	(800)
11101.0232	Other Income - Other Operating Income	500	10,000	9,500
51474.0251	Kendenup Ag Grounds - Demolish & Replace Public Toilets	(105,500)	0	105,500
51142.0251	Frost / Sounness Parks Improvement Plans	(310,505)	(315,505)	(5,000)
41120.0401	Royalties for Regions - Grant for Kendenup Public	60,000	0	(60,000)

	Toilets			
41127.0486	Transfers from Reserve Funds	270,703	225,203	(45,500)
51486.0251	Wilson / Centenary Parks Wetlands Development	0	(40,000)	(40,000)
41120.0438	Wetlands Development Grants	0	40,000	40,000
20220.0130	Employee Costs - Salaries - Club Development	(32,435)	(37,435)	(5,000)
20221.0356	Other Expenses - Community Programs	(5,000)	(29,000)	(24,000)
10126.0272	Grant Income - Dept of Sport & Recreation	25,000	54,000	29,000
10127.0200	Other Recreation and Culture - Contributions	0	2,924	2,924
51250.0250	Spring Road, Porongurup	0	(48,436)	(48,436)
41205.0197	Contributions to Roadworks	0	53,436	53,436
20225.0396	Road Maintenance - Implement Signage Policy (R for R)	(11,434)	(2,296)	9,138
51124.0252	Wilson/Centenary Park	0	(9,138)	(9,138)
20227.0312	Street Lighting	(58,000)	(70,000)	(12,000)
	TOTAL	(1,167,667)	(1,167,667)	0

2. **Should the allocated funds of \$10,000.00 in the 2010/2011 Annual Budget for 'Repaint Internal Walls & Repair Ceiling' not be expended in the financial year, the allocation be transferred to the Shire Development and Buildings Improvements Reserve.**

CARRIED (8/0)

NO. 13/12

Absolute Majority

9.3.2 FINANCIAL STATEMENTS – DECEMBER 2011

File No:	N21187
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	7 February 2012

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 December 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 L Handasyde, seconded Cr C Pavlovich:

That the Financial Statements for the month ending 31 December 2011 be received.

CARRIED (8/0)

NO. 14/12

9.3.3 LIST OF ACCOUNTS - DECEMBER 2011

File No: N21170
Attachment: [List of Accounts](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 7 February 2012

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of December 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 December 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 \$804,479.60;
- b. Municipal Cheques 42481 - 42580 totalling \$71, 847.15; and
- c. Trust Cheques 324 – 325 totalling \$10,063.10.

CARRIED (8/0)

NO. 15/12

9.4 EXECUTIVE SERVICES REPORTS

9.4.1 GENERAL MEETING OF ELECTORS - MINUTES – 2010/2011

File No:	N21052
Attachments:	General Meeting of Electors Minutes
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Cobie MacLean Administration Officer (Planning)
Proposed Meeting Date:	7 February 2012

PURPOSE

The purpose of this report is to receive the Minutes of the General Meeting of Electors held on 20 December 2011.

BACKGROUND

The General Meeting of Electors for the Shire of Plantagenet was held on 20 December 2011 for the purpose of receiving the Shire's 2010/2011 Annual Report and to consider any general business.

STATUTORY ENVIRONMENT

Pursuant to Section 5.27 of the Local Government Act (1995), a General Meeting of the Electors of the district is to be held once every financial year.

Further, pursuant to Section 5.32 of the Act, copies of the Minutes are to be made available for inspection by members of the public before the Council Meeting at which decisions made at the General Meeting of Electors are first considered.

Pursuant to Section 5.33 of the Act all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of the Council where practicable.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

There were no decisions made at the Electors Meeting needing consideration by the Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr G Messmer:

That the Minutes of the General Meeting of Electors of the Shire of Plantagenet held on 20 December 2011 be received.

CARRIED (8/0)

NO. 16/12

**9.4.2 PLANTAGENET MEN'S SHED INC - LEASE OF FORMER GUIDES HALL
CORNER BOOTH STREET AND ALBANY HIGHWAY MOUNT BARKER
(RESERVE 23870)**

File No: N21206
Attachments: [Draft Lease - Plantagenet Men's Shed](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 7 February 2012

Note: This matter was considered immediately before consideration of Item 9.1.1.

PURPOSE

The purpose of this report is to seek the Council's consideration relating to a request from the Plantagenet Men's Shed (Inc) to lease the former Guides Hall at the corner of Booth Street and Albany Highway Mount Barker (Mount Barker Lot 363, Reserve 23870).

BACKGROUND

The former Guides Hall is vested in the Council for the purpose of 'Youth Centre', with no power to lease.

A letter was sent to the Department of Regional Development and Lands on 13 December 2011 requesting an amendment to the Management Order to allow the 'Power to Lease' and a change to the purpose for the Reserve from 'Youth Centre' to 'Hall' or similar.

Subject to the amendments to the Management Order being made, the Council will then have the Power to Lease.

The Plantagenet Men's Shed is an Incorporated Body with the following objectives:

- a) Provide a safe place where men can develop friendships, belong and be accepted.
 - b) Improve the physical, emotional, psychological and spiritual health and well-being of men.
 - c) Reduce the feeling of isolation, particularly for men who have been through major life changes.
 - d) Build on the existing skills of men and develop new learning, to help men achieve their goals.
 - e) Create a supportive, socially interactive environment where men can openly discuss issues.
 - f) Provide the opportunity and resources for a range of relevant activities, projects and programs to meet the diverse interests of men.
 - g) Seek funding where necessary to meet the objectives of the organisation.
-

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 relates to the disposition of property by a Local Government. The Section provides that leasing is defined as disposition.

Pursuant to Section 3.58 a Local Government can dispose of property (which includes leasing) to the highest bidder at public auction or the person who at public tender makes what is, in the opinion of the Local Government, the most acceptable tender.

The Section provides that these provisions will not apply under certain conditions provided for by the regulations.

Section 30 of the Local Government (Functions and General) Regulations 1996 provides that a disposition of land is an exempt disposition if the land is disposed of to a body, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and where the members of that body are not entitled or permitted to receive any pecuniary benefit from the body's transactions. The Plantagenet Men's Shed falls into this category and therefore the normal application of Section 3.58 does not apply.

EXTERNAL CONSULTATION

No external consultation has taken place with regard to this report, except with the proposed lessees.

FINANCIAL IMPLICATIONS

The Plantagenet Men's Shed is seeking a 'Peppercorn' lease. When offering a peppercorn lease the Council will generally expect the lessee to undertake basic maintenance (other than structural) and pay outgoings such as utilities. In their request to lease (letter dated 25.2.2012) Chairman of the group, Mr Bevan Lang has agreed the body would be responsible for maintenance and payment of utilities. However, see 'Asset Management Implications' below.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

A decision to lease this structure will have the effect of preserving on the Council's Asset Register a building which would possibly be demolished in the near future.

A Draft Asset Management Plan dated January 2012 (not yet seen by the Council) notes the 'Old Scouts & Guide Hall' as having a renewal value of \$500,000.00, a structure life of 'N' meaning it is due for demolition and all other scores relating to structure, roof, mechanical services and fit out at between 6 and 7 where 0 is good and 10 is poor.

Given the above, any proposal to extend the life of the structure must be examined in the context of utility to ratepayers as a trade-off between cost and community benefit. The proposal by the group appears to address these concerns. It should also be noted that the Draft Asset Management Plan identifies the difference between asset renewal for all buildings and current renewal expenditure at \$1,400,000.00, this being the shortfall as compared to actual expenditure. These figures are preliminary and hence the 'draft' status of the report.

STRATEGIC IMPLICATIONS

The Council's Strategic Plan at Key Result Area 3 (Community Services) provides that

'an aim of the Council is 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 provision of a facility for the Plantagenet Men's Shed falls within the scope of this aim of the Council.

OFFICER COMMENT

The Plantagenet Men's Shed was Incorporated in August 2011 and has been seeking suitable premises. Premises investigated thus far include the Dehydration Shed and portion of the site leased by the Council to the Historical Society. Neither of these sites would appear to be practicable.

The Plantagenet Men's Shed is seeking a 21 year lease however given that it is a new body in the district it is suggested that a five year lease with a five year lessee option to renew may better protect the Council's interests.

A suitable lease is attached for the Council's consideration.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr G Messmer:

That subject to the Management Order of the subject land being amended to allow both the required use and giving the Council the power to lease, the Shire President and the Chief Executive Officer be authorised to attach the Common Seal of the Council to the lease of Mount Barker Lot 363 (Reserve 23870) to the Plantagenet Men's Shed Inc. with the following provisions:

- a) Rental to be set at \$10.00 per annum.**
- b) The term of the lease be set at five years with a Lessee's option to renew for a further five years.**
- c) the Lessee being responsible for public risk insurance, contents insurance, building maintenance not of a structural nature, garden maintenance, water usage and electricity charges.**

AMENDMENT

Moved Cr A Budrikis, seconded Cr C Pavlovich:

That Part b) be deleted and replaced with the following:

‘The term of the lease be set at five years with a Lessee’s option to renew for two further terms of five years.’

CARRIED (8/0)

NO. 4/12

COUNCIL DECISION

That subject to the Management Order of the subject land being amended to allow both the required use and giving the Council the power to lease, the Shire President and the Chief Executive Officer be authorised to attach the Common Seal of the Council to the lease of Mount Barker Lot 363 (Reserve 23870) to the Plantagenet Men’s Shed Inc. with the following provisions:

- a) Rental to be set at \$10.00 per annum.
- b) The term of the lease be set at five years with a Lessee’s option to renew for two further terms of five years.
- c) The Lessee being responsible for public risk insurance, contents insurance, building maintenance not of a structural nature, garden maintenance, water usage and electricity charges.

CARRIED (8/0)

NO. 5/12

9.4.3 SOUTHERN LINK VOLUNTARY REGIONAL ORGANISATION OF COUNCILS - REVIEW OF STRATEGIC PLAN

File No:	N21065
Attachments:	<u>VROC Strategic Plan Final - April 2010</u> <u>VROC Draft Strategic Plan – December 2011</u>
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Rob Stewart Chief Executive Officer
Proposed Meeting Date:	7 February 2012

PURPOSE

The purpose of this report is to present to the Council the reviewed Southern Link Voluntary Regional Organisation of Councils (VROC) Strategic Plan.

BACKGROUND

The inaugural meeting of the VROC was held on 27 November 2008. A partnering agreement was developed between the four member Councils (Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet) and the Minister for Local Government the Hon John Castrilli attended that signing ceremony.

Subsequently the VROC's first strategic plan was developed and adopted by the Shire of Plantagenet at its meeting held on 25 May 2010.

That Strategic Plan has now been reviewed by the Chief Executive Officers and needs endorsement by each individual Council so that it can be presented to a full meeting of the VROC.

STATUTORY ENVIRONMENT

A VROC, as its name suggests, is a voluntary co-operative grouping of like minded Councils. Therefore it is not recognised in the Local Government Act the way regional local governments are recognised pursuant Section 3.61 of the Local Government Act.

Nevertheless, the regional grouping has been recognised for funding purposes regarding the regional component of Royalties for Regions.

EXTERNAL CONSULTATION

The CEOs were requested to review the Strategic Plan at a full meeting of the VROC. This has occurred. No external consultation has taken place.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

Future regional funding pursuant to Royalties for Regions is dependent upon an acceptable regional grouping. The Council Strategic Plan at Key Result Area 5 (Strategic Planning) acknowledges the development of strategic partnerships and the fostering of regional co-operation.

The formation and continued support of the VROC meets this strategic intention.

OFFICER COMMENT

The first strategic plan and the revised strategic plan are attached. Both documents are very similar as wholesale changes were not necessary. Importantly, the strategic plan now recognises the redevelopment of Sounness Park, opening up that project for potential funding avenues.

In the current Strategic Plan two major projects have been undertaken relating to regional waste and recycling and to the regional records archive. Both projects are well advanced and a project co-ordinator has been appointed for the regional waste and recycling project. It is hoped that an architect will be appointed for the regional records archiving repository within the next few weeks with a site meeting in Broomehill scheduled for CEOs on 25 January 2012.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That the revised Strategic Plan of the Southern Link Voluntary Regional Organisation of Councils be endorsed.

CARRIED (8/0)

NO. 17/12

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL

12.1.1 PLANTAGENET MEDICAL CENTRE - CONSENT FOR SUB-LEASE

File No: N21018
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 7 February 2012

PURPOSE

The purpose of this report is to seek the Council's consent for the Seal of the Council to be placed on a sub-lease between the Shire of Plantagenet, Plantagenet Medical Pty Ltd and Specialist Diagnostic Services Pty Ltd for a portion of the Medical Centre situated at Reserve 49690 (40 Marmion Street) Mount Barker.

OFFICER RECOMMENDATION/COUNCIL DECISION

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr M Skinner:

4:24pm That the meeting be closed to members of the public pursuant to Section 5.23 (2) c of the Local Government Act 1995 as the matter to be considered relates to a contract entered into, or which may be entered into.

CARRIED (8/0)

NO. 18/12

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr M Skinner:

4:30 pm That the meeting proceed in public.

CARRIED (8/0)

NO. 19/12

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr A Budrikis, seconded Cr M Skinner:

That authority be granted for the Shire President and the Chief Executive Officer to affix the Common Seal of the Council to the sub-lease between the Shire of Plantagenet (head landlord), Plantagenet Medical Group Pty Ltd (sub landlord) and Specialist Diagnostic Services Pty Ltd (sub tenant) for the purpose of approved pathology collection centre at Part of Lot 530, Reserve 49690 Marmion Street, Mount Barker.

CARRIED (8/0)

NO. 20/12

CLOSURE OF MEETING

4:32pm The Presiding Member declared the meeting closed.

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