



ORDINARY MINUTES

DATE: Tuesday, 3 July 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 B Bell	Councillor
Cr A Budrikis	Councillor
Cr S Etherington	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

There were two members of the public present

Apologies

Cr Skinner

Previously Approved Leave of Absence:

Nil

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 EUGENE HARMA – OWNER LOT 4853

Speaking against part 1a) of the recommendation in Item 9.1.1.

4.2 MR NICK AYTON – AYTON BAESJOU PLANNING

Speaking against part 1a) of the recommendation in Item 9.1.1.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr A Budrikis

Disclosed a Code of Conduct (S5.103 LGA/Regulation 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) – Own property adjacent to area proposed - in Item 9.3.1

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Councillor B Bell requested Leave of Absence for the period 23 - 27 July 2012 inclusive.

Moved Cr J Moir, seconded Cr G Messmer:

That Councillor B Bell be granted leave of absence for the period 23 July to 27 July 2012 inclusive.

CARRIED (8/0)

NO.132/12

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr L Handasyde:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 12 June 2012 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 133/12

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

The Shire President thanked the Shire's Outside staff and Pardelup Prisoners for the work undertaken cleaning up after the recent storm.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 58 - LOT 4853 PORONGURUP ROAD, PORONGURUP

File No:	N23227
Attachments:	Location Plan Existing and Proposed Zonings Subdivision Guide Plan Amendment 58 (separate attachment)
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	3 July 2012
Applicant:	Ayton Baesjou Planning

PURPOSE

The purpose of this report is to consider a proposed Amendment to the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) to rezone north west portion of Lot 4853 Porongurup Road, Porongurup from Rural to Special Site 18 and to rezone the eastern portion of Lot 4853 from Rural, Special Site 18 and Rural Residential Area 10 to Rural Residential Area 9 and to recommend initiation of the Amendment.

BACKGROUND

Shire records show the registered owners of Lot 4853 Porongurup Road, Porongurup are E and M Harma.

A Scheme Amendment Request (SAR) for this subject land was submitted on 3 March 2010 and after referral to three government agencies in accordance with Council Policy TP/SDC/6 the Council at its meeting held on 4 May 2010 resolved:

'THAT:

- (1) The Scheme Amendment Request for Lot 4853 Porongurup Road, Porongurup be advertised to seek public feedback for a period of 42 days.*
- (2) At the conclusion of advertising a further report be prepared for the consideration of the Council at a meeting to be held no later than 27 July 2010.'*

When considering submissions on the SAR the Council at its meeting held on 27 July 2010 resolved:

'That the submissions received on the Scheme Amendment Request for Lot 4853 Porongurup Road, Porongurup be noted and that the proponents be advised that:

1. *The Council will be prepared to consider a formal Amendment to the Shire of Plantagenet Town Planning Scheme No. 3.*
2. *This support is subject to various matters raised in the submissions, including: policy issues, environmental (including creek line and vegetation protection, servicing, fire management plan, design requirements on subsequent development, size and number of properties to be developed and sustainable forms of development) being addressed.*
3. *This support is also subject to:*
 - i) *No more than in the order of eight rural residential lots being provided to prevent significant loss of remnant vegetation, and*
 - ii) *The proposed tourist accommodation area adjacent to Stoney Creek Road to be located eastwards to again minimise the need to clear remnant vegetation.'*

Since that July 2010 decision the consultants have been preparing the necessary Amendment documentation. In April 2012 the consultants submitted a draft document that was incomplete and required corrections.

The documentation now received is in a form suitable to be considered by the Council.

A full copy of Amendment No. 58 is included with this agenda for each Councillor.

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 Environmental Protection Authority (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 Western Australian Planning Commission (WAPC) and the Minister within 28 days.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Special Site 18, Rural and Rural Residential.

EXTERNAL CONSULTATION

If initiated by the Council and authorised by the EPA this Amendment will be advertised for 42 days by way of newspaper notice, letters to neighbours and Government agencies, a notice on the Council's notice board, a notice at the Porongurup Shop and a sign on site.

The SAR was advertised for comment in 2010.

FINANCIAL IMPLICATIONS

The application fee of \$4,840.00 has been paid.

POLICY IMPLICATIONS

Shire of Plantagenet Town Planning Scheme Policy No. 18 - Planning Vision (TPS Policy No. 18) - Lot 4853 is located both within Planning Precincts 3 and 4. Planning Precinct 3 aims to provide for rural residential and rural small holding development. Planning Precinct 4 aims to retain remnant vegetation, extend existing viticulture, and support small scale tourist accommodation and other appropriate agricultural uses.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 3.6 (Sustainable population growth) the following Strategy 3.6.3:

'Encourage variety in land use and housing to promote a diverse population and stronger community.'

OFFICER COMMENT

This Amendment proposes to rationalise the zoning of Lot 4853 to more closely align with the existing land uses and the Precinct boundaries set out in the Planning Vision and 2011 Council adopted Local Planning Strategy. The Amendment allows for the creation of 12 Rural Residential lots, predominantly in the north east and a tourist precinct (Special Site) on the western portion of the lot, incorporating the existing vineyard and cellar sales outlet for Ironwood Estate.

The Rural Residential zoning is to be extended and revised. The Amendment proposes to delete Lot 4853 from the existing Rural Residential Area 10 and include it within the existing Rural Residential Area 9. Rural Residential Area 10 predominantly comprises former Lot 6025 that has been subdivided. The undeveloped western portion of Rural Residential Area 10 is within Lot 4853. The objectives and special provisions for Rural Residential Area 9 (created in 2009 through Amendment 51) are contemporary and more relevant than those in Rural Residential Area 10 (formerly Rural Residential Area 5, created in 2004 through Amendment 29, but re-numbered through Amendment 41 to TPS3). The requirements concerning fire safety, effluent disposal (through the use of ATUs), water supply, creekline protection, implementation of development exclusion areas and foreshore management provide greater development control.

A Subdivision Guide Plan (SGP) has been prepared for the subject land for the new Rural Residential Area 9 (copy attached).

The boundary of the Special Site zone is also proposed to be rationalised. The Special Site zone will be extended to the north to incorporate the balance of Lot 4853 adjoining Porongurup Road and Stoney Creek Road, portion of which is currently zoned Rural. This area is within Planning Precinct 4 of TPS Policy No. 18 (Planning Vision). The remnant vegetation east of the existing vineyard will be deleted from the Special Site and incorporated into the Rural Residential zone for development (proposed rural residential Lot 12).

The Amendment document now submitted includes supporting information including an environmental assessment for on site effluent disposal, a flora assessment and a fire management plan.

The document addresses the issues raised in parts 2 and 3 of the Council's resolution from 27 July 2010 in respect to the SAR except for the number of rural residential lots being provided. Support for the SAR in part 3 of the Council's resolution was amongst other subject to no more than in the order of eight rural residential lots being provided to prevent significant loss of remnant vegetation. The Subdivision Guide Plan prepared for this new addition to Rural Residential Area 9 shows 12 rural residential lots.

The proposed SGP shows six lots on the north eastern side of the creekline. These six lots (Lots 6, 7, 8, 9 10 and 11) are located in a vegetated area with a Bush Fire Hazard Assessment of 'Extreme' in the Fire Management Plan. The creation of six fire safe sites for houses will result in a significant amount of the vegetation being removed. This layout configuration is not supported and the layout should be reconfigured to show only four lots and further, should exclude lots with a battle axe access leg configuration.

The proposed SGP also shows one lot (Lot 12) on the south eastern side of the creekline and east of the existing vineyard. Lot 12 (7.03ha) is located in a vegetated area with a Bush Fire Hazard Assessment of 'Extreme' in the Fire Management Plan. The remnant vegetation in this south eastern portion is considered to be in a very good to excellent condition in the flora assessment contained this Amendment. The creation of a fire safe site for a house will result in quite an amount of the vegetation being removed. This proposed lot is not supported and should be removed from the proposed SGP prior to referral to the EPA. This remnant vegetation should remain within the Special Site zone.

The Amendment report does not include a conceptual plan for the tourism accommodation proposals on the Special Site zone and this should be provided prior to the public advertising.

The proposed SGP shows one access road linking Stoney Creek Road with the existing rural residential development to the east through to Verazzi Court. To ensure road linkage is achieved approximately 70m of road construction will be required and this needs to be made clear in the Amendment that the subdivider of Lot 4853 will provide this.

The existing special provisions for this Rural Residential zone (Area 9) in Schedule 5 of TPS3 will apply to all the rural residential lots once this Amendment is finalised. The proposed Amendment 58, once modified to reconfigure the layout for proposed Lots 6, 7, 8, 9 10 and 11 and to delete proposed Lot 12 from the SGP, is considered suitable to initiate so that it can be referred to the EPA. Once cleared by the EPA, it will then be advertised for public comment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr A Budrikis, seconded Cr S Etherington:

That

1. Amendment No. 58 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements once the Subdivision Guide Plan and appropriate parts of the Amendment are modified to:
 - a) Reconfigure the layout for proposed Lots 6, 7, 8, 9 10 and 11 to be four lots due to the extensive vegetation on these sites.
 - b) Delete proposed Lot 12 and retain it within the Special Site zone due to the extensive vegetation on this site.
 - c) Include reference for the subdivider to extend the constructed east west road to meet the cul de sac head of Verazzi Court to the east.
 - d) Include a plan showing the tourism concept for the development of the Special Site zone.
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 held on 27 November 2012.

AMENDMENT

Moved Cr C Pavlovich, seconded Cr G Messmer:

That part 1a) be deleted and the motion be re-cast accordingly.

LOST (2/6)

COUNCIL DECISION

That

1. Amendment No. 58 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements once the Subdivision Guide Plan and appropriate parts of the Amendment are modified to:
 - a) Reconfigure the layout for proposed Lots 6, 7, 8, 9 10 and 11 to be four lots due to the extensive vegetation on these sites.
 - b) Delete proposed Lot 12 and retain it within the Special Site zone due to the extensive vegetation on this site.
 - c) Include reference for the subdivider to extend the constructed east west road to meet the cul de sac head of Verazzi Court to the east.
 - d) Include a plan showing the tourism concept for the development of the Special Site zone.

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 held on 27 November 2012.

CARRIED (7/1)

NO. 134/12

9.1.2 TOWN PLANNING SCHEME POLICY NO. 20 - PORONGURUP RURAL VILLAGE DESIGN GUIDELINES - SUBMISSIONS RECEIVED

File No: N23109
Attachments: [Summary of Submissions](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 3 July 2012

PURPOSE

The purpose of this report is to consider submissions received on Draft Town Planning Scheme (TPS) Policy No. 20 – Porongurup Rural Village Design Guidelines and to recommend it be adopted without modification.

BACKGROUND

The Porongurup Rural Village Structure Plan was adopted by the Council on 27 September 2011 and endorsed by the Western Australian Planning Commission on 31 October 2011. This followed the finalisation of Amendment No. 49 to the Council's Town Planning Scheme No. 3 which created the Rural Village zone. That Amendment No. 49 was initiated by the Council in March 2008.

The Structure Plan document contains a specific section on design guidelines. The objective of the guidelines is to maintain the rural character of the locality, whilst enabling diversity in building design and sustainability in community development in a manner that respects the natural environment.

The guidelines are designed to provide requirements and guidance on the form of housing to be developed within the Porongurup Rural Village. They will assist landowners in designing homes that meet the sustainability objectives for the Porongurup Rural Village. The guidelines will also assist the Council in assessing planning and building applications.

These guidelines are to be read in conjunction with Town Planning Scheme No. 3 (TPS3) and other relevant local policies and laws.

The Council at its meeting held on 10 April 2012 resolved at Resolution 46/12:

'That:

- 1. Draft Town Planning Scheme Policy No. 20 – Porongurup Rural Village Design Guidelines be advertised in accordance with Clause 7.6.2 (a) of Town Planning Scheme No. 3 for a period of 42 days.*
- 2. At the conclusion of the advertising period a further report be prepared for consideration of the Council no later than its meeting to be held 3 July 2012.'*

Councillors were provided a copy of the full Draft Town Planning Scheme Policy No. 20 with the 10 April 2012 agenda papers.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

‘7.6 POWER TO MAKE POLICIES

- 7.6.1 *In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.*
- 7.6.2 *A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*
- (a) *the Council, having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
 - (b) *the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy;*
 - (c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*
- 7.6.3 *A Town Planning Scheme Policy may only be altered or rescinded by:*
- (a) *preparation and final adoption of a new policy pursuant to this clause, specifically worded to supercede an existing policy;*
 - (b) *publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*
- 7.6.4 *A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.’*

EXTERNAL CONSULTATION

In accordance with TPS3 Clause 7.6.2, the Council is required to advertise a draft policy once a week for two consecutive weeks within a newspaper circulating within the area. The advertisement is required to contain details of where the draft policy may be inspected and in what form submissions can be made during a period of not less than 21 days.

The draft policy was advertised for a period of 42 days with newspaper advertisements, a sign on site, notices in the Porongurup Shop and the Council's notice board and letters to adjoining property owners. At the close of the advertising period on 6 June 2012, one submission had been received (see Summary of Submissions).

FINANCIAL IMPLICATIONS

The cost of advertising was met from the Town Planning Advertising Budget.

POLICY IMPLICATIONS

This is a new Town Planning Scheme Policy.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 3.2 (A Strong and Diverse Economic Base) the following Strategy 3.2.3:

'Develop and review policy to facilitate and support business development and economic growth.'

OFFICER COMMENT

The design guidelines over the Porongurup Rural Village area will perform a dual role:

- To control and guide the built form; and
- Provide useful information intended to educate prospective purchasers and landowners in sustainable development.

Specifically, the guidelines promote:

- Passive solar site specific architecture;
- Energy efficiency;
- Water conservation;
- Liveability;
- Safety and surveillance; and
- Visual attractiveness and variety of design.

The aim of the guidelines is to ensure that houses in the Porongurup Rural Village respect and blend harmoniously with the existing environment and enable all residents to maximise their enjoyment of the setting through appropriate design.

The preparation of this Town Planning Scheme Policy reflects the commitment in the Porongurup Rural Village Structure Plan that the Council would consider this method of promoting the guidelines.

The guidelines were included in the previously advertised Porongurup Rural Village Structure Plan. Although the minimum advertising period is 21 days it was considered by the Council it was appropriate to advertise the draft Town Planning Scheme Policy for a period of 42 days.

The one submissions received is from an adjoining landowner to the east. The concern related to a fire escape route being shown over their land on the Porongurup Rural Village Structure Plan. The Structure Plan was finalised in October 2011 and is not the subject of the advertised Draft Town Planning Scheme Policy No. 20. The Structure Plan provides guidance for the overall development of the village in respect to land use and subdivision. When subdivision proposals are considered, details such as fire escape routes will need to be located in detail. At that stage the subdivider will need to gain all necessary approvals including the consent of affected landowners. If landowners do not support a particular aspect of the design such as a fire escape route over their land, then the route will need to be relocated. The Manager Development Services has spoken with the submitters and explained this requirement.

This advertised draft policy involves design guidelines for housing and building design on individual lots in the Structure Plan area. No changes to the draft policy are necessary resulting from the submission received.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That Town Planning Scheme Policy No. 20 – Porongurup Rural Village Design Guidelines, be adopted without amendment in accordance with Clause 7.6 of the Shire of Plantagenet Town Planning Scheme No. 3.

CARRIED (8/0)

NO. 135/12

9.2 WORKS AND SERVICES REPORTS

9.2.1 TAXI BAY – REMOVAL - LOWOOD ROAD, MOUNT BARKER

File No:	N23226
Attachments:	Parking Bay Plans
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Dominic Le Cerf Manager Works and Services
Proposed Meeting Date:	3 July 2012

PURPOSE

The purpose of this report is to formalise the legislative requirements for the conversion of the taxi parking bay on Lowood Road outside of the Shire administration building to a restricted time parking bay.

BACKGROUND

At the meeting of the Council held on 12 June 2012 Cr Bell's notice of motion as follows was carried:

'That the parking area designated for a taxi opposite the post office be changed to a five minute parking zone for general parking.'

The Council at its meeting held on 27 July 2010 resolved as follows:

'That:

- 1. Pursuant to Part 2, Clause 6 of the Shire of Plantagenet Parking and Facilities Local Law 1998, a disabled parking bay be deleted and be replaced with a dedicated taxi bay as shown on the plan titled 'Lowood Road Parking Restrictions, Marion Street to Langton Road' attached to this report, be applied.*
- 2. An advertisement be placed in the Plantagenet News notifying residents of the change of the disabled parking bay to a taxi bay.'*

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Plantagenet – Parking and Parking Facilities Local Law 2008

EXTERNAL CONSULTATION

Consultation has occurred with the current owner of the taxi who supports the proposal.

FINANCIAL IMPLICATIONS

All costs associated with replacement signage will be the responsibility of the Council. There will also be a cost to remove the pavement markings which regulates

the taxi parking bay. It is estimated that this and the signage will cost approximately \$400.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.4 (Safe and Reliable Transport Infrastructure) the following Strategy 2.4.3:

'Provide appropriate on-road and off-street car parking as well as parking control activities.'

OFFICER COMMENT

Apart from the requirement to ensure that the legislative requirements of the Local Law are complied with, Councillors may wish to consider making the parking bay a 15 minute time restricted bay. A five minute restriction is hard to police and 15 minutes would be in line with other nearby parking bays. Further, five minutes may be insufficient time, especially for those with restricted mobility or children.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr S Etherington, seconded Cr J Moir:

That:

- 1. Pursuant to the Shire of Plantagenet Parking and Parking Facilities Local Law 2008, the taxi parking bay as depicted on plan 'A' be replaced with a 15 minute parking bay as shown on plan 'B' dated 3 July 2012.**
- 2. An advertisement be placed in the Plantagenet News notifying residents of the change referred to in part 1 above.**

AMENDMENT

Moved Cr B Bell,

That in Part 1 the number '15' be deleted and replaced with '5'.

Motion lapsed for want of seconder.

The Motion was put.

**CARRIED (8/0)
NO. 136/12**

9.3 COMMUNITY SERVICES REPORTS

9.3.1 KENDENUP HARD COURT CONSTRUCTION (BASKETBALL / NETBALL)

A Code of Conduct (S5.103 LGA/Regulation 34C Local Government Administration Regulations) Perceived interests (Clause 2.3 Code of Conduct) was disclosed by Cr A Budrikis. Nature of interest – Owner of property nearby but not adjacent to proposal.

File No: N23223
Attachments: [Hard Court Plan](#)
[Kendenup Precinct Development Plan](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 3 July 2012

PURPOSE

The purpose of this report is to seek endorsement to construct a hard court (basketball / netball) recreation area in the Kendenup Rail Corridor.

BACKGROUND

The Kendenup Community Development Association Incorporated (KCDA) has requested the Council consider constructing a hard court area in the Kendenup Rail Corridor for the purposes of playing basketball and netball. The hard court would complement and be adjacent to the existing skate park facilities.

The proposed court space is 15m wide by 24.2m long, providing enough space for half a basketball court and 1/3 netball court with a shared goal area (plan attached). The proposed court space would be located south of the Kendenup Skate Park.

The hard court proposal is identified on the Kendenup Precinct Development Plan, adopted by the Council on 13 October 2009 (copy attached).

The half court proposal complies with the WestNet Rail (now known as Brookfield Rail) 'Licence to Use Rail Corridor Land' which applies to the section of rail corridor land along the length of Hassell Avenue, from the southern rail crossing near the Beverley Road / Hassell Avenue intersection to the northern point at the Red Gum Pass Road crossing.

STATUTORY ENVIRONMENT

Rail Freight System Act 2000

EXTERNAL CONSULTATION

Consultation has taken place with the KCDA.

FINANCIAL IMPLICATIONS

The KCDA has sought indicative quotes for the construction of the hard court area, basketball / netball ring and backboard and court line marking which amounts to \$23,250.00. There is no allocation in the draft 2012 / 2013 Annual Budget for the half court area, however if Council endorsement is provided then grant funding will be sought for the full amount.

The KCDA has been successful in sourcing a \$2,500.00 grant from the Mount Barker Community Bank (Bendigo Bank) to contribute to the half court development.

The Shire pays a fee of \$1.00 per annum for the Licence to Use Rail Corridor Land.

POLICY IMPLICATIONS

There are no policy implications in relation to this report.

ASSET MANAGEMENT IMPLICATIONS

The Shire will be responsible for the ongoing maintenance and replacement of the half court area. The proposal is to construct the court area from concrete which is a durable product. The basketball / netball ring and backboard need to comply with Australian Standards and as such, will require a routine maintenance inspection two times per year and replacement as required. The current cost of a ring and backboard installation is \$2,500.00.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012–2022 provides at Outcome 1.4 (Opportunities for development and participation of our youth) the following Strategy 1.4.2:

‘Provide and promote appropriate and accessible facilities and activities for youth.’

Further, at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) provides the following Strategy 1.5.1:

‘Maintain and improve sporting and recreation facilities in the District based on catchment needs.’

The Kendenup Precinct Development Plan, adopted by the Council on 13 October 2009, also applies.

OFFICER COMMENT

The construction of the Kendenup Skate Park formed the beginning of the Kendenup Precinct Development Plan upgrades for the town recreation area (west of the railway). Other proposals along the railway corridor include a half court, grassed picnic and play areas, interconnecting footpath and landscaping.

The KCDA is enthusiastic about progressing the half court space and have started fundraising for this to occur. The half court would complement the Kendenup skate park and provide more activities for families and youth to participate in.

The skate park is regularly used by bike riders, skaters and scooter riders and the local community has kept the area well maintained.

The proposed site for the half court space is south of the skate park. An exact location would need to be determined in consultation with Brookfield Rail to ensure it

does not impede their access to the railway line and an adequate safety buffer from Hassell Avenue is maintained.

The Council has not allocated any funds in the draft 2012 / 2013 Annual Budget so it is proposed that if supported, grant funding be sought for the total development cost. If necessary, an allocation may be sought from the Council in the 2013 / 2014 Annual Budget process.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The proposal to install a 15m wide by 24.2m long concrete hard court with basketball and netball facilities south of the Kendenup Skate Park, in the Kendenup Rail Corridor, be supported.
2. The Kendenup Community Development Association Incorporated be congratulated for their initiative to extend recreation facilities in Kendenup, but be advised that the Council has not made any financial allocation in the 2012 / 2013 financial year for this project but will assist with the development of external funding applications.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr G Messmer:

That:

1. **The proposal by the Kendenup Community Development Association Incorporated to install a 15m wide by 24.2m long concrete hard court with basketball and netball facilities south of the Kendenup Skate Park, in the Kendenup Rail Corridor, be supported.**
2. **The Kendenup Community Development Association Incorporated be congratulated for their initiative to extend recreation facilities in Kendenup, but be advised that the Council has not made any financial allocation in the 2012 / 2013 financial year for this project but will assist with the development of external funding applications.**
3. **The Association be advised that in the event that total funding was not achieved in the 2012/2013 financial year, the Council will consider, in the 2013/2014 financial year, a financial assistance grant of up to 50% of the shortfall required to complete the project.**

CARRIED (8/0)

NO. 137/12

Reason for change

Councillors believe that this action will provide incentive for fundraising and sourcing of grants by the group.

9.4 CORPORATE SERVICES REPORTS

9.4.1 LIST OF ACCOUNTS - MAY 2012

File No:	N23003
Attachment:	List of Accounts
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Emma Gardner Accounts Officer
Proposed Meeting Date:	3 July 2012

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of May 2012.

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 A Budrikis, seconded Cr L Handasyde:

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 May 2012 be received and recorded in the minutes of the Council, the summary of which is as follows:

- a. Electronic Payments and Direct Debits totalling \$663,822.21; and
- b. Municipal Cheques 42820 and 42876 -42961 totalling \$104,336.52.

CARRIED (8/0)

NO. 138/12

9.4.2 FINANCIAL STATEMENTS – MAY 2012

File No:	N23042
Attachment:	Financial Statements (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	3 July 2012

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 May 2012.

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 J Moir, seconded Cr B Bell:

That the Financial Statements for the month ending 31 May 2012 be received.

CARRIED (8/0)

NO. 139/12

9.4.3 ADOPTION OF THE 2012/2013 BUDGET

File No:	N23175
Attachment:	2012/2013 Budget (Separate Attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant
Proposed Meeting Date:	3 July 2012

PURPOSE

The purpose of this report is to adopt the annual budget and fees and charges for the 2012/2013 financial year.

BACKGROUND

The 2012/2013 budget has been prepared as a balanced budget with significant input from staff, elected members and the community. The Council considered the list of fees and charges for the 2012/2013 financial year as part of its budget workshop process.

STATUTORY ENVIRONMENT

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

EXTERNAL CONSULTATION

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 4.6 (Effective and Efficient Corporate and Administrative Services) the following Strategy 4.6.1:

'Provide a full range of financial services to support Shire's operations and to meet planning, reporting and accountability requirements.'

VOTING REQUIREMENTS

See individual recommendations.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr L Handasyde:

PART A – MUNICIPAL FUND BUDGET FOR 2012/2013

That pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Municipal Fund Budget as attached for the 2012/2013 financial year which includes the following:

- a) Statement of Comprehensive Income by Nature and Type on page 1;
- b) Statement of Comprehensive Income by Program on page 2;
- c) Statement of Cash Flows on page 3;
- d) Rate Setting Statement on page 4;
- e) Detailed Capital Programs on pages 5 to 20;
- f) Notes to and forming part of the Budget, including Transfers to and from Reserve Accounts, on pages to 21 to 49;
- g) Budget Program Schedules as detailed in pages to 50 to 78;

be adopted.

CARRIED (8/0)

NO. 140/12

Absolute Majority

Moved Cr J Moir, seconded Cr L Handasyde:

PART B – GENERAL FEES AND CHARGES FOR 2012/2013

That pursuant to section 6.16 of the Local Government Act 1995, the Fees and Charges included at pages 79 to 106 inclusive of the attached 2012/2013 Budget be adopted.

CARRIED (8/0)

NO. 141/12

Absolute Majority

Moved Cr J Moir, seconded Cr L Handasyde:

PART C – OTHER STATUTORY FEES FOR 2012/2013

That pursuant to:

- 1. Section 53 of the Cemeteries Act 1986, the fees and charges for Shire of Plantagenet cemeteries shown on pages 89 to 92 of the attached 2012/2013 Budget;**
- 2. Section 245A(8) of the Local Government (Miscellaneous Provisions) Act 1960, a swimming pool inspection fee of \$55.00 (including GST); and**
- 3. Section 67 of the Waste Avoidance and Resources Recovery Act 2007, the charges for the removal of domestic and commercial waste included at page 83 of the attached 2012/2013 Budget;**

be adopted.

CARRIED (8/0)

NO. 142/12

Moved Cr J Moir, seconded Cr L Handasyde:

That pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 the charges for the deposit of domestic and commercial waste included at pages 83 to 85 inclusive of the attached 2012/2013 Budget be adopted.

CARRIED (8/0)

NO. 143/12

Absolute Majority

9.4.4 PROPERTY RATES – 2012/2013

File No: N23174
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Brendan Webb
Accountant
Proposed Meeting Date: 3 July 2012

PURPOSE

The purpose of this report is to set the property rates, establish the early payment discount, early payment incentive, payment instalment options and fees, and set the interest rates for overdue and late payments in readiness for the adoption of the 2012/2013 budget.

BACKGROUNDLevel of Rates

As part of the 2012/2013 budget workshop process, the Council established that property rates should be set at a 6% increase on total rate revenue raised in 2011/2012. The 2012/2013 budget and the respective property rates have been determined on that basis. The minimum rate has been increased from \$695.00 to \$730.00.

Discount

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

Incentive

The Council has previously offered incentive prizes to encourage the early payment of rates. Only ratepayers who have paid their rates in full and by 15 August 2012 will be entered into the draw.

For the 2012/2013 year, the following prizes are on offer:

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

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

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

Instalments

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

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

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

Instalment Fee

It is recommended that an instalment fee of \$7.50 be charged for each instalment reminder issued after the first instalment is paid. This is the same as that charged in 2011/2012. A new special payment arrangement administration charge of \$25.00 (excluding pensioners) is proposed, for those people who wish to pay rates through an instalment plan, but do not qualify for a standard instalment plan, due to late payment or other circumstances.

Interest on Instalments

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

Late Payment Penalty Interest

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

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS

The property rates proposed have been established on the basis of delivering a balanced budget with a 6% increase on the 2011/2012 rate revenue.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 4.6 (Effective and efficient corporate and administrative services) the following Strategy 4.6.3:

'Maintain, develop and monitor rating and property strategies.'

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr S Etherington:

That:

1. For the purpose of yielding the deficiency disclosed by the 2012/2013 Municipal Fund Budget, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 the following general and minimum rates be imposed on Gross Rental and Unimproved Values.

1.1 General Rates

a) Rural Townsites (GRV)	10.92213 cents in the dollar
b) Rural (GRV)	10.92213 cents in the dollar
c) Mount Barker Townsite (GRV)	10.92213 cents in the dollar
d) Strata Titles (GRV)	10.92213 cents in the dollar
e) Rural (UV)	0.61984 cents in the dollar
f) Mining (UV)	0.61984 cents in the dollar

1.2 Minimum Rates

a) Rural Townsites (GRV)	\$730.00
b) Rural (GRV)	\$730.00
c) Mount Barker Townsite (GRV)	\$730.00
d) Strata Titles (GRV)	\$730.00
e) Rural (UV)	\$730.00
f) Mining (UV)	\$730.00

2. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, the Council nominates the following due dates for the payment in full by instalments:
 - a) Full payment and 1st instalment due date 15 August 2012;
 - b) 2nd half instalment due date 2 January 2013;
 - c) 2nd quarterly instalment due date 17 October 2012;
 - d) 3rd quarterly instalment due date 2 January 2013;
 - e) 4th and final quarterly instalment due date 6 March 2013.
3. No discount be offered for the early payment of property rates.
4. Incentive prizes for the payment of property rates in full by the due date be offered as follows:
 - a) First prize – Bank Account to the value of \$500.00, donated by the Bendigo Community Bank;
 - b) Second prize – One night accommodation and breakfast for two at the Esplanade River Suites in Perth valued at \$300.00; and
 - c) Third prize – one carton of wine with a retail value of in excess of \$200.00 donated by the Mount Barker Wine Producers Association.

5. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, an instalment administration charge of \$7.50 be adopted where the owner has elected to pay rates through an instalment option for each instalment after the initial instalment is paid.
6. Pursuant to section 6.16(2) of the Local Government Act 1995, a special payment arrangement administration charge of \$25.00 be adopted (excluding pensioners) where the owner wishes to pay rates through an instalment plan, but does not qualify for a standard instalment plan, as detailed in Clause 5 above.
7. Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, an interest rate of 5.5% be adopted where the owner has elected to pay rates through an instalment option.
8. Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, an interest rate of 11% be adopted for rates and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

CARRIED (8/0)

NO. 144/12

Absolute Majority

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**10.1 DEVELOPMENT OFFICER**

Moved Cr C Pavlovich, seconded Cr L Handasyde:

That the CEO be requested to bring to the Council a report on the implications of employing a Development Officer, such report to include conditions of employment (eg salary or contract), area to be developed and expected outcomes.

CARRIED (8/0)

NO. 145/12

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

Moved Cr G Messmer, seconded Cr S Etherington:

That new business of an urgent nature, namely:
Dehydration/Fruit Packing Shed – Mount Barker
be introduced to the meeting.

CARRIED (8/0)

NO. 146/12

11.1 DEHYDRATION/FRUIT PACKING SHED – MOUNT BARKER**COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr G Messmer:

That the CEO be requested to prepare a report for the consideration of the Council at its meeting to be held on 24 July 2012 regarding the Dehydration/Fruit Packing Shed in Mount Barker, such report to address:

1. Progress regarding any identified adaptive re-use proposals;
 2. Progress relating to the structure's status for inclusion on the State Heritage Register;
 3. Any issues relating to the site being classified as a contaminated site pursuant to the Contaminated Sites Act 2003 due to the presence of asbestos;
 4. The likelihood of the owner of the structure (Public Transport Authority) undertaking a refurbishment program to remove all
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asbestos and to make the structure safe and in a fit state for ongoing use;

5. The ability to demolish the structure in the event that there are either insufficient funds or commitment to make safe, refurbish and identify suitable re-use;
6. Progress relating to the identification or location of suitable historical rolling stock for the vicinity of the shed.

CARRIED (8/0)

NO. 147/12

12 CONFIDENTIAL

13 CLOSURE OF MEETING

4:22pm The Presiding Member declared the meeting closed.

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