



ORDINARY MINUTES

DATE: Tuesday, 4 September 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 (Left Chambers at 3:41pm, returned 3:47pm)
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr G Messmer	Councillor
Cr J Moir	Councillor
Cr C Pavlovich	Councillor (Left Chambers at 2:58pm, returned 3:04pm)

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 eight members of the public present

Previously Approved Leave of Absence:

Cr M Skinner – 1 to 10 September 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 GRANT GRAHAM - G & T RESTORATIONS

Mr Graham spoke in support of the Officer's recommendation in Item 9.1.1, Lot 11 Marion Street, Mount Barker – Automotive Panel Beating and Repairs in Service Industrial Zone.

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr C Pavlovich

Disclosed a Closely Associated Person (Section 5.62 LGA) Interest in Item 9.1.2 – Member of the Mount Barker Football Club Executive.

Cr A Budrikis

Disclosed a Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest in Item 9.5.2 – Relative and business partner of owner of land adjacent to current site of chicken structure.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

Nil

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 14 August 2012 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 176/12

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes previously.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 11 MARION STREET, MOUNT BARKER - AUTOMOTIVE PANEL BEATING AND REPAIRS IN SERVICE INDUSTRIAL ZONE

File No:	N23856
Attachments:	Location Plan Site Plan Summary of Submissions
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	4 September 2012
Applicant:	G & T Restorations

PURPOSE

The purpose of this report is to consider an application for automotive panel beating and automotive repairs at Lot 11 Marion Street, Mount Barker.

BACKGROUND

Council Records show the registered owners of Lot 11 are GP Graham and DA Inglis.

The proponent undertakes the restoration of high value collectable motor vehicles. He specialises in Australian and American 'muscle cars' such as Ford Falcon GTs and Mustangs, Holden Monaros and Toranas and other similar vehicles.

The proposal is for automotive panel beating and automotive repairs for a boutique automotive restoration workshop involving rust and body panel repairs. The automotive workshop will be carried out in the existing 659m² building consisting of an office, parts and vehicle storage areas and the workshop.

This proposal was advertised for public comment from 2 - 24 August 2012 and four submissions had been received.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Service Industrial.

Schedule 1 – Interpretations reads:

'Automotive Panel Beating/Spray Painting - means chassis reshaping, minor or major body repairs and the painting of motor vehicles by a spray process.'

The restoration of rust and vehicle body panels falls within the definition of Automotive Panel Beating/Spray Painting which is a discretionary 'SA' use under TPS3 meaning that the Council may, at its discretion, permit the use after the proposal has been advertised for comment in accordance with Clause 6.2 (advertising of applications).

The proposal is limited to automotive panel beating only and does not include the painting of motor vehicles by a spray process.

'Automotive Repairs - means the mechanical repair and overhaul of motor vehicles'

The reassembling of mechanical vehicle components falls within the definition of a Automotive Repairs which is a discretionary 'AA' use under TPS3 meaning that the Council may, at its discretion, permit the use.

'Non-Conforming Use - means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.'

The proposed Automotive Panel Beating and Automotive Repair uses do not fall within the definition of Non-Conforming use as the proposed uses are discretionary uses 'SA' and 'AA' in the Service Industrial zone under TPS3.

Clause 5.2 of TPS3 states:

'If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) the non-compliance will not have any adverse affect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) the spirit and purpose of the requirement or standard will not be departed thereby.'*

Clause 6.3.2 of TPS3 states:

'The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of

the locality may refuse to approve any application for planning consent or may grant its' approval unconditionally or subject to such conditions as it thinks fit.'

EXTERNAL CONSULTATION

The proposal has been advertised for comment for a 21 day period closing on 24 August 2012. Advertising included letters to 11 adjoining and nearby property owners, notices were placed in the Albany Advertiser, Plantagenet News, the Council's noticeboard and a sign placed on site.

At the close of the advertising period four submissions (three objections) had been received and these are contained in the attached Summary of Submissions.

FINANCIAL IMPLICATIONS

The application fee of \$139.00 and a bond of \$500.00 for advertising costs have been paid.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 18 (Planning Vision) – shows Lot 11 and adjoining Lot 12 to the west as possible Commercial. TPS Policy No.18 further notes that once rezoned, the existing service industrial uses could remain subject to the normal non-conforming use Scheme requirements.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.2 (Appropriate development which is diverse in nature and protects local heritage) the following Strategy 2.2.5:

'Encourage industry, business and residential development that is consistent with the individual character of towns.'

OFFICER COMMENT

Lot 11 is 994m² in area and is located in the Service Industrial Zone. Existing development at Lot 11 consists of one building that was previously used for the purposes of a motor repair station. The building is 659m² in area and is currently being upgraded to improve its appearance, functionality and security. All panel beating and repair operations including the storage of vehicle parts and vehicles will occur within the existing building.

The building is setback zero metres to the south street boundary abutting Marion Street and zero metres to the west side boundary abutting Lot 12 Marion Street. The building is also setback zero metres to the east side boundary abutting the Right of Way and 11m to the north rear boundary abutting Lot 13 Mount Barker Road. An area of 259.6m² at the rear of the building will be used for access, parking and landscaping purposes.

The nature of restoration work to be carried out includes the cutting, welding, grinding and sanding associated with metal repair and body panel finishing. Further work may include the reassembly of mechanical and interior trim components. All mechanical manufacturing, upholstery work, sandblast cleaning, primer coat applications and final paint applications will be carried out off site. Once the metal

repair and body panel finishing work is complete, a primer coat will be applied to remaining bare metal areas by roller to prevent surface rust developing.

There are two houses approximately 32m and 90m from the proposed restoration workshop. The houses are located on nearby Lot 3 Marion Street to the south and nearby Lot 37 Mount Barker Road to the west. The Mount Barker Police Station is located approximately 70m to the south west of the proposed restoration workshop. As part of the advertising process, letters were sent to these nearby landowners. At the close of the advertising period, no submissions were received from these neighbours raising concerns to the proposed restoration workshop. However, three submissions have been received from members of the public objecting to the proposal. All restoration operations will occur within the workshop, which will limit potential noise impacts. In addition, the roof and walls of the workshop will be insulated to reduce noise and it should be a requirement of the planning consent that the business is only to operate Monday to Saturday between the hours of 8:00am and 6:00pm. The proposed workshop is not likely to adversely affect the amenity of the locality.

Lot 11 is 994m² in area with the existing building covering 659m² (66.3% of the lot area) of the lot meaning an area of only 335m² remains for further development. The development provisions in TPS3 for Industrial Zones (including Service Industrial) require the provision of seven car parking bays (one car parking bay per 100m² gross floor area) in this instance. Development provisions further require a minimum area of 199m² (minimum 20% area of the site) for landscaping. The size and placement of the existing building at Lot 11 will only allow for the provision of six car parking bays and an area of 63m² (6.3% of the lot area) for landscaping. The restricted area for development on this lot due to the effect of the existing building is a relevant consideration in supporting a reduction in the provision car parking bays and landscaping in this instance.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr A Budrikis:

That in accordance with clauses 5.2 and 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for Automotive Panel Beating and Automotive Repairs with reduced car parking and reduced landscaping at Lot 11 Marion Street, Mount Barker be approved subject to:

- 1. Development being in accordance with the plans dated 6 July 2012.**
- 2. All automotive panel beating and automotive repair operations including the storage of vehicle parts and vehicles occurring within the existing building only.**
- 3. All automotive panel beating and automotive repair operations being operated Monday to Saturday between 8:00am and 6:00pm.**
- 4. No spray painting operations being permitted.**

5. A minimum of six on site car parking bays being provided to the satisfaction of the Manager Works and Services.
6. All car bays being a minimum of 2.7m x 5.5m with a 6.0m manoeuvring space and being constructed and drained to the satisfaction of the Manager Works and Services.
7. The carparking layout being approved by the Manager Works and Services prior to commencement of any parking site works.
8. Stormwater shall be contained on site, however, overflow can be directed to the district drainage system to the satisfaction of the Manager Works and Services.
9. Landscaping being installed and maintained to the satisfaction of the Manager Works and Services.

CARRIED (7/1)

NO. 177/12

9.1.2 LOT 149 AND PART OF LOT 148 MCDONALD AVENUE, MOUNT BARKER - SOUNNESS PARK REDEVELOPMENT

A Closely Associated Person (Section 5.62 LGA) Interest was disclosed by Cr C Pavlovich. Nature and extent of interest – Member of the Mount Barker Football Club Executive.

2:58pm Cr C Pavlovich withdrew from the meeting.

File No: N23752
Attachments: [Site Location Plan](#)
[Site and Paving Plan](#)
[Floor Plans](#)
[Elevations](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 4 September 2012

PURPOSE

The purpose of this report is to determine whether the Sounness Park recreation development is in accordance with the ultimate purpose intended for the Town Planning Scheme Reserve and to grant Planning Consent to the development.

BACKGROUND

Lot 149 McDonald Avenue is owned by the Shire of Plantagenet. Lot 148 McDonald Avenue is owned by the Mount Barker Football Club Inc and the land is in the process of being subdivided with the aim of the Council purchasing the eastern 5.73ha.

As the Council is aware, the overall Sounness Park Redevelopment has been the subject of discussion for some time now with the Council in agreement and funding from the Council and external sources being provided.

The Council has obligations under its Town Planning Scheme which are now required to be addressed.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

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

- Lot 149 (Sounness Park) is within a Public Purpose 'C' (Club) Scheme Reserve.
 - Where land is within a Scheme Reserve, Clause 2.2 of the Scheme is relevant.
- 2.2 MATTERS TO BE CONSIDERED BY COUNCIL*
-

Where an application for planning consent is made with respect to land within a Reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.'

- Clause 5.1.1 reads:
'Subject to Clause 5.1.2 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the planning consent of the Council under the Scheme.'
- Lot 148 (Demon Downs) is zoned Rural and both 'public recreation' and 'private recreation' are uses which are permissible at the discretion of the Council (AA).

Schedule 4 – Zone Development Table – does not provide site specific development standards such as boundary setbacks, carparking and landscaping for proposals such as this under consideration.

Building Act 2011

Building permits will be required for all structures on site. As these are part of a Shire of Plantagenet development, the permits will need to be certified by a building practitioner not associated with the Council. The project Architects for the development will be providing the necessary certified plans which will address the statutory requirements.

FINANCIAL IMPLICATIONS

The application fee of \$7,024.75 has been paid.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 1.5 (Recreation, sporting and leisure facilities that support the wellbeing of the community) the following strategy 1.5.3:

'Develop Sounness Park as the primary ball sports facility in the District.'

OFFICER COMMENT

In accordance with Clause 2.2 of TPS3 the Council needs to have regard to the ultimate purpose intended for this Scheme Reserve when making its decision on this Planning Consent application.

As stated earlier, this overall redevelopment of Sounness Park as a major recreation complex has been the subject of discussion for some time. The Council has initiated the planning and design of the complex and will be providing a substantial amount of funding. The step required now is to consider the formal application for Planning Consent.

The major part of the complex consists of the club rooms, the change rooms and the carpark which are all located on Lot 149 McDonald Avenue. Lot 149 is a Public Purpose (Club) Scheme Reserve and as such a recreational complex which will

include the cricket, football, soccer and hockey grounds on Lot 149 is in accordance with the ultimate purpose intended for the Scheme Reserve.

Lot 149 McDonald Avenue is zoned Rural under TPS3 and recreational activities such as the cricket pitch, soccer pitch and cricket nets are permissible at the discretion of the Council.

Public advertising is not required for either of the above two components for the Public Purpose (Club) Scheme Reserve or the Rural zone.

The club rooms are setback 120m from McDonald Avenue and 28m from the western side boundary and the change rooms are setback 50m from the southern boundary and these setbacks are considered adequate.

In respect to carparking provision, TPS3 does not set any standards for such facilities. The major high traffic generating building will be the club rooms when functions are being held. A carparking requirement for this kind of facility and activities such as restaurants is one car bay for every four seats provided. The capacity of the clubrooms is 150 people and at the rate of one bay per four seats, this would require 38 spaces. The plans now under consideration show 77 spaces including disabled bays. The spaces are 2.7m x 5.5m with a 6.4m manoeuvring aisle and these dimensions satisfy the Council's recommended parking area dimensions. Trees are also to be provided in landscaped areas and this also satisfies the Council's standards for car parking areas such as this. There will of course be the ability to park spectators' cars around specific parts of the oval during football matches. The remaining portion of Lot 148 McDonald Avenue will remain zoned Rural until such a time as the football club requests a rezoning be initiated.

In respect to the Public Purpose Scheme Reserve it may be that in the future the Scheme Reserve and the 5.73ha portion of Lot 148 McDonald Avenue are changed to Recreation through a Scheme Amendment. This Recreation Reserve status would then match the Recreation Reserve status of the tennis courts to the east. The Recreation Reserve status would not have any bearing on this overall recreation redevelopment.

The plans attached show the form of the development, but it should be noted the elevations to the two main buildings may be altered to incorporate revised verandah designs.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That in accordance with Clauses 2.2 and 5.1.1 of the Shire of Plantagenet Town Planning Scheme No. 3, the application for the Sounness Park Redevelopment on Lot 149 and Part of Lot 148 McDonald Avenue, Mount Barker be approved subject to:

1. The development being in accordance with plans dated 13 August 2012.
2. The carparking areas and roadway being paved, drained and linemarked to the satisfaction of the Manager Works and Services.
3. Drainage of the site being to the satisfaction of the Manager Works and Services.
4. Landscaping being to the satisfaction of the Manager Works and Services.

CARRIED (7/0)

NO. 178/12

3:04pm Cr C Pavlovich returned to the meeting.

9.1.3 LOT 555 ALBANY HIGHWAY, MOUNT BARKER – SCREEN FENCE AND RETROSPECTIVE CONSENT FOR SEA CONTAINERS

File No: N23782

Attachments: [Location Plan](#)
[Site Plan](#)
[Plan of Revised Proposal](#)
[Letter of Objection](#)

Responsible Officer: Peter Duncan
Manager Development Services

Author: Vincent Jenkins
Planning Officer

Proposed Meeting Date: 4 September 2012

Applicant: Bruce Ranger

PURPOSE

The purpose of this report is to consider a proposal for retrospective Planning Consent for four unauthorised sea containers and a screen fence for unlicensed vehicles 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.

The Council at its meeting held on 7 February 2012 resolved at Resolution 8/12:

'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.'

On 20 April 2012, Mr Ranger submitted an application for retrospective PC for four unauthorised sea containers and a screen fence for the unlicensed vehicles at Lot 555 Albany Highway. As the PC application was incomplete, further information was sought. The 90-day period for the removal of all unlicensed vehicles, vehicle parts and sea containers from Lot 555 Albany Highway expired on 29 April 2012.

Mr Ranger on 25 May 2012 submitted new information on the retrospective PC application. The new information advised that Mr Ranger no longer wished to establish a private museum but that he intends to store unlicensed vehicles within a defined screened storage area at Lot 555 Albany Highway. Mr Ranger also advised he intends making a presentation to the Council on his proposal and on matters surrounding ongoing complaints concerning him keeping unlicensed vehicles at his property. Mr Ranger further advised he is working in the mining industry in Karratha and requested the planning application be presented to the Council at its meeting on 4 September 2012 which he will be able to attend.

A site inspection conducted at the property on 14 August 2012 by the Council's Planning Officer revealed the number unlicensed vehicle has not increased. The inspection further revealed a 1.8m high fence was installed along the property boundary with Lot 554 to the north and approximately 40m to the east of the house parallel to Albany Highway. The fence along the property boundary with Lot 554 is approximately 160m in length and the fence to the east of the house is approximately 50m in length. The installed fence locations correlate with the proposed 'screening fence' locations shown on the submitted site plan. The proposal also involves attaching shade net to the 1.8m fence for screening. No shade net is currently attached to the installed 1.8m fence.

Letters were sent to the seven adjoining landowners and the complainant (Mr Puttick) asking for comments on Mr Ranger's current proposal.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

Clause 5.2 of TPS3 states:

'If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that

non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) the non-compliance will not have any adverse affect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) the spirit and purpose of the requirement or standard will not be departed thereby.'*

Clause 6.3.2 of TPS3 states:

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

Local Government (Miscellaneous Provisions) Act 1960 – A building permit is required to be issued for the four sea container footings by the Principal Building Surveyor under delegated authority.

Health Act 1911 (as Amended)

Health Local Law 2008

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

EXTERNAL CONSULTATION

Letters were sent to the seven adjoining landowners and the complainant, Mr Puttick.

A letter of objection (copy attached) was received from Mr Puttick. Mr Puttick is concerned about the adverse visual impact of shade net screening on the location and surrounding area. He is further concerned with increased fuel load and fire risk associated with the storage of unlicensed vehicles and the proposed screen of vegetation. His is also concerned about contamination from leaking fuel, oil and other fluids associated with storage of unlicensed vehicles.

FINANCIAL IMPLICATIONS

The retrospective application fee of \$278.00 has been paid.

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 PC to be lodged and approved prior to locating a sea container on a rural property.

TPS Policy No. 19 - Kendenup Surrounds, Lot 555 Albany Highway is located within the 'Future Rural Small Holding Areas'. A key objective of 'Future Rural Small Holding Areas' is the conservation and enhancement of the landscape quality by ensuring development is sensitively designed and integrated with the landscape.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides an Outcome 1.9 (A safe Plantagenet) the following Strategy 1.9.4:

'Promote and support planning and activities that encourage a safe and responsible community.'

OFFICER COMMENT

Lot 555 Albany Highway is 6.87ha in area and is located in the Rural Zone. 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 proposal involves the installation of a 1.8m high screen fence creating a compound in the area surrounding the house and the outbuilding. The proposed compound area is approximately 9,600m² that includes the existing house, outbuilding and the area where unlicensed vehicles and sea containers are currently being kept.

The proposed screen fence will consist of 1.8m high timber posts, 1.2m high woven wire (ringlock) and three additional wire strands. Screening will consist of shade net (90%) attached to the fence and the installation of native vegetation (shrubs and trees) along the inside of the screen fence. The shade net will assist in screening unlicensed vehicles and sea containers and provide protection for the planted vegetation. The vegetation, once advanced, will provide the final screen to reduce the visual impact of unlicensed vehicles and sea containers on the surrounding area.

The proposed total area to be screened is approximately 9,600m² (14% of the lot area) and the total area currently being used for the storage unlicensed vehicles and sea containers is approximately 2,800m². This proposed screened storage area is significantly larger than the current storage area and may result in additional unlicensed vehicles, vehicle parts and sea containers being delivered to the property.

With this in mind, it would be preferable to reduce the 9,600m² screened storage area proposed by the proponent to approximately 5,100m² in an area surrounding the existing outbuilding (see plan showing revised proposal attached prepared by

Council officers). This reduction in screened storage area will reduce the adverse impacts of unlicensed vehicles and sea containers being stored at the property. This 5,100m² screened storage area is seen as adequate for the storage and management of unlicensed vehicles, vehicle parts and sea containers currently at the property. In addition, all unlicensed vehicles, vehicle parts and sea containers are to be located within this defined screened storage area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That in accordance with Clause 5.2 and Clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, a screen fence, request for retrospective approval for four sea containers and the storage of unlicensed vehicles at Lot 555 Albany Highway, Mount Barker be approved subject to:

1. Development being in accordance with the plan dated 25 May 2012.
2. The site for the storage of unlicensed vehicles, vehicle parts and four sea containers being located in the area shown on the Plan of Revised Proposal dated 22 August 2012.
3. The site for the storage of unlicensed vehicles, vehicle parts and four sea containers being screened by a 1.8m high perimeter fence, fully covered with 90% black or green shade net.
4. All unlicensed vehicles, vehicle parts and the four sea containers being located within the area marked on the revised plan dated 22 August 2012.
5. A screen of vegetation being planted along the inside of the perimeter fence as marked on the revised plan dated 22 August 2012. The vegetation being installed and maintained to the satisfaction of the Manager Development Services.
6. The screen fence and vegetation being installed to the satisfaction of the Manager Development Services within a period of 12 months and if not then all unlicensed vehicles, vehicle parts and the four sea containers will be required to be removed from this property.

COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That in accordance with Clause 5.2 and Clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, a screen fence, request for retrospective approval for four sea containers and the storage of unlicensed vehicles at Lot 555 Albany Highway, Mount Barker be approved subject to:

1. **Development being in accordance with the plan dated 25 May 2012.**
 2. **The site for the storage of unlicensed vehicles, vehicle parts and four sea containers being located in the area shown on the Plan of Revised Proposal dated 22 August 2012.**
-

3. The site for the storage of unlicensed vehicles, vehicle parts and four sea containers being screened by a 1.8m high perimeter fence, fully covered with 90% black or green shade net.
4. All unlicensed vehicles, vehicle parts and the four sea containers being located within the area marked on the revised plan dated 22 August 2012.
5. A screen of vegetation being planted along the inside of the perimeter fence as marked on the revised plan dated 22 August 2012. The vegetation being installed and maintained to the satisfaction of the Manager Development Services.
6. The screen fence and vegetation being installed to the satisfaction of the Manager Development Services within a period of 12 months and if not then all unlicensed vehicles, vehicle parts and the four sea containers will be required to be removed from this property.
7. A three metre firebreak clear of all flammable materials shall be installed adjacent to, but within five metres of, the boundary to this proposed screened area. This firebreak is in addition to the requirements of the Annual Firebreak Notice.

CARRIED (8/0)

NO. 179/12

Reason for change

Councillors believed there was a need for enhanced fire safety precautions.

9.2 WORKS AND SERVICES REPORTS

9.2.1 LOT 300 ENRIGHT WAY, PORONGURUP - PROPOSED PERMANENT CLOSURE OF PEDESTRIAN ACCESS WAY

File No:	N23669
Attachments:	Location Plan 4 September 2012
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	4 September 2012

PURPOSE

The purpose of this report is to consider the proposed permanent closure of the Pedestrian Access Way (PAW) at Lot 300 (part Reserve 49819) Enright Way, Porongurup and for it to be amalgamated into the adjacent road reserve.

BACKGROUND

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

'That:

- 1. A request be made to the Department of Regional Development and Lands to dedicate Lots 300 and 302 as roads under Section 56(1) of the Land Administration Act 1997 as shown on the attached plan dated 16 July 2010.*
- 2. The Minister for Lands be indemnified against any costs, including preparation of suitable graphics and any claim for compensation for the dedication of Lots 300 and 302 as road under Section 56(4) of the Land Administration Act 1997.'*

This resolution was forwarded to the Department of Regional Development and Lands (DRDL) on 6 August 2010. Further procedures to close the PAW (Lot 300) are now required to be completed before this lot can be dedicated as road.

The DRDL has advised that it is proceeding with the dedication of Lot 302 and will notify the Council when this has been completed. It will await the procedures of the Council for closure of the PAW (Lot 300).

STATUTORY ENVIRONMENT

Land Administration Act 1997

Section 52 refers to 'Local government may request acquisition as Crown land of certain land no longer required'.

Planning and Development Act 2005

Local Government Act 1995

Section 3.53 provides that Local Governments are responsible for controlling and managing Pedestrian Access Ways.

EXTERNAL CONSULTATION

Consultation has occurred with the DRDL to determine the correct procedures required to be followed in order to enable the PAW (Lot 300) to be dedicated as road. Advice received indicated that the PAW (Lot 300) is required to be formally closed with a view to it being amalgamated into the adjacent road reserve in order for it to be dedicated as road.

Consultation has occurred with the Department of Planning (Albany) regarding comments on the proposal to amalgamate the PAW (Lot 300) in the adjacent road reserve. The Department advised it had no objection to this proposal however advised normal procedures for the closure of a PAW would need to be followed to enable this to happen.

S.52(3) of the Land Administration Act 1997 requires letters to notify public utilities and adjoining landowners to be sent once the Council supports this proposed closure.

FINANCIAL IMPLICATIONS

The Council will be required to meet the costs of advertising the proposal. It is estimated that this will be approximately \$500.00 and can be charged to account 20261.0312.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Community Strategic Plan 2012-2022, provides at Outcome 2.4 (Safe and reliable transport infrastructure) Strategy 2.4.1 as follows:

'Maintain and further develop roads and pathways at appropriate standards.'

OFFICER COMMENT

Permanent closure of the PAW (Lot 300) and its amalgamation into the adjacent road reserve will enable the DRDL to dedicate this lot as road. This will also reflect the as constructed situation and as such is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Moved Cr L Handasyde, seconded Cr S Etherington:****That:**

- 1. Pursuant to Section 52 of the Land Administration Act 1997 notice be given of the proposal to permanently close the Pedestrian Access Way known as Lot 300 (part Reserve 49819) Enright Way, Porongurup (as shown on the attached Location Plan dated 4 September 2012) for its amalgamation into the adjacent road reserve.**
- 2. A further report be prepared for the Council's consideration at the conclusion of advertising on or before the ordinary meeting of the Council to be held on 6 November 2012.**

CARRIED (8/0)**NO. 180/12**

9.2.2 POLICY REVIEW - NATIVE FLORA COLLECTION

File No:	N23584
Attachments:	<u>Policy NRM/C/2 - Native Flora Collection (existing)</u> <u>Policy NRM/C/2 - Native Flora Collection (with proposed amendments)</u>
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Megan Beech Senior Administration/Project Officer Works and Services
Proposed Meeting Date:	4 September 2012

PURPOSE

The purpose of this report is to review Council Policy No. NRM/C/2 – Native Flora Collection.

BACKGROUND

This policy was last reviewed by the Council at its meeting held 12 April 2011 (as attached).

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008 – Division 8

Wildlife Conservation Act 1950

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

EXTERNAL CONSULTATION

Consultation has occurred with officers from the Department of Environment and Conservation (DEC) (South Coast Region and Warren Region) to obtain advice regarding the content of the policy and statutory implications.

A copy of the policy with proposed amendments was forwarded to the DEC for comment. Advice from the DEC noted the proposed policy to be 'reasonable and effective'.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

The review of this policy is presented to the Council as part of the ongoing Council Policy review cycle. This policy is not due for review until April 2013. Given recent

enquiries from prospective licence holders and clarification from the DEC it is considered appropriate to expedite the review of the policy.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022, provides at Outcome 2.7 (Protection of natural environment), the following Strategy 2.7.1:

'Provide effective management and maintenance of the Council's land and reserves.'

OFFICER COMMENT

The current policy allows up to four seed collectors to obtain a permit from the Shire to collect native flora from road and other reserves within the Shire of Plantagenet. Officers have received an increased number of requests for permits (over the four allowed by the policy) for seed collection.

Advice from the DEC has indicated there is no limit on the amount of seed collectors permitted for a particular Shire. This is something for the Council to consider and determine. The DEC suggested setting a limit of four collectors per reserve, requiring prospective collectors to specifically identify the areas/reserves in which they wish to collect native flora. In the past collectors have noted 'reserves throughout the Shire of Plantagenet', restricting the total number of collectors permitted according to the current policy. The policy has therefore been amended to reflect this suggestion from the DEC.

Other changes have been made to paragraph one and paragraph three as required by the DEC in order to comply with statutory requirements.

In the past there has been some confusion regarding what is deemed 'seed collection' when applicants request a permit for other reasons such as wildflower specimen collection or native flora collection. Advice from the DEC has clarified this confusion and part ii of paragraph four has therefore been amended.

Part iii of paragraph one has been removed as it is considered irrelevant given the requirement for applicants to be more specific regarding the location of collection in their applications. Further, renewal of the permit is already required on a yearly basis.

A copy of the proposed policy with amendments is attached. For assistance, deleted words are struck through and additional words are italicised.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That amended Council Policy No. NRM/C/2 – Native Flora Collection, as follows:

OBJECTIVE

To set standards for persons seeking to collect flora from roads and other reserves controlled by the Council.

POLICY

1. The Council will permit the collection of flora (within the meaning of the *Wildlife Conservation Act 1950*) including seed from road and other reserves controlled by the Council for commercial purposes by licensed operators conditional upon:
 - i) The obtaining of a permit from the Council on an annual basis;
 - ii) Collection being restricted to areas subject to clearing for road works, fence lines, service authorities or other activities as specifically approved by the Council; and
 - iii) Agreement by the licensed collector that where the Council requires materials collected they will be available for purchase by the Council at an agreed price as a first option.
2. The Council may seek expressions of interest from licensed collectors for the commercial harvesting from reserves vested in the Council of:
 - i) Timber for fence posts, saw logs and firewood;
 - ii) Native seed; and
 - iii) Mulch and chippings.
3. The collection of flora not be permitted within reserves controlled by the Council unless for scientific purposes or any prescribed purpose licensed by the Department of Environment and Conservation.
4. The number of licensed collectors approved by the Council to operate on the Council managed reserves is limited to the following number of collectors per reserve. Additional collectors may be approved subject to provision of evidence that the reserve and/or species they wish to collect can be sustainably harvested:
 - i) Flora collection (including seeds and wildflower specimens) – four;
 - ii) Mulch and woodchips – four; and
 - iii) Sawlogs, fence posts and firewood – four.'

be endorsed.

**CARRIED (8/0)
NO. 181/12**

9.3 COMMUNITY SERVICES REPORTS

Nil

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – JULY 2012

File No:	N23879
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	4 September 2012

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 31 July 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 B Bell, seconded Cr G Messmer:

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

CARRIED (8/0)

NO. 182/12

9.4.2 LIST OF ACCOUNTS - JULY 2012

File No: N23871
Attachment [List of Accounts](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 4 September 2012

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of July 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 C Pavlovich, 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 July 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 \$802,251.58;
- b. Municipal Cheques 43053- 43071 and 43073 - 43117 totalling \$245,264.48; and
- c. Cancelled cheque 43072.

CARRIED (8/0)

NO. 183/12

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 ELECTED MEMBER TRAINING WORKSHOPS AND CONFERENCE ATTENDANCE

File No:	N23930
Attachments:	WALGA Workshops - Attachments
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Linda Sounness Executive Secretary
Proposed Meeting Date:	4 September 2012

PURPOSE

The purpose of this report is to recommend the attendance by Cr Chris Pavlovich at workshops being conducted by Western Australian Local Government Association (WALGA) titled Change Management and Policy Development on 13 and 14 September 2012.

This report will also recommend the attendance by Cr Len Handasyde at the Waste and Recycle Conference 2012 to be held from 11 to 14 September 2012 in Fremantle.

BACKGROUND

At its meeting held on the 24 July 2012 the Council resolved:

'That authority be granted for two Councillors to attend the Waste and Recycle Conference 2012 to be held at the Esplanade Hotel in Fremantle from 11 to 14 September 2012 inclusive, and accommodation, transport and meal costs be met from account 'Councillor Conferences Training and Accommodation' pursuant to Council Policy CE/CS/1'

and further

'That Cr Messmer and Cr Pavlovich be nominated to attend the Conference detailed in Council decision No. 156/12.'

Cr Pavlovich has now advised of his interest in attending the WALGA workshops titled Change Management and Policy Development which coincide with the dates for the Waste and Recycle Conference. Cr Pavlovich believes that the WALGA workshops would be beneficial as he is new to Local Government and therefore seeks to withdraw his registration to the Waste and Recycle Conference in order to attend.

Cr Handasyde has previously advised of his interest in attending the Waste and Recycle Conference.

FINANCIAL IMPLICATIONS

The WALGA Full day workshops are being held in Perth. The cost of each workshop is \$395.00 and Cr Pavlovich has indicated that transport and accommodation would be at no cost to the Council.

Registration Fees to the Waste and Recycle 2012 Conference for Cr Pavlovich total \$1,496.00. Under the Conference Cancellation Policy/terms and Conditions cancellations received in writing after 24 August 2012 will incur a fee equal to the cost of the registration and social functions selected. A registration can be changed into another name up to two weeks prior to the event.

Council Governance Budget Item 20026.0029 (Conferences, Training and Accommodation) allocation is \$25,000.00 for 2012/2013, with the balance at the time of writing this report of \$24,841.19.

POLICY IMPLICATIONS

Council Policy CE/CS/1 applies. This policy notes that elected members shall receive reimbursement of expenses while attending 'Conferences and Training Sessions specifically authorised by the Council.'

STRATEGIC IMPLICATIONS

The proposal put forward in the report is in line with the Council's Strategic intent.

The Council's Strategic Community Plan (2012-2022) provides at Outcome 4.1 (Effective Governance and Leadership) the following Strategy 4.1.1:

'Provide leadership for the community in sustainability issue and local government reform matters'

and Strategy 4.1.5:

'Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.'

OFFICER COMMENT

The 'Change Management' workshop includes planning for and initiating organisation change. It stresses the leadership role of the Council in sponsoring change and recognises that there is a need for the Council and CEO to work together to achieve significant change. The 'Policy Development' workshop outlines the process for effective policy development needed by elected Members to perform their role in local government.

It is agreed that both of these workshops would be of benefit to Cr Pavlovich.

The workshops would count towards the achievement of the Diploma of Local Government (Elected Member).

Given that Cr Handasyde has registered his interest in attending the Waste and Recycle Conference, it would be a good outcome if Cr Pavlovich's registration could be transferred to Cr Handasyde.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That:

1. Cr Pavlovich be authorised to attend the WA Local Government Association 'Change Management' and 'Policy Development workshops to be held on 13 and 14 September 2012;
2. Cr Handasyde be authorised to attend the Waste and Recycle Conference to be held at the Esplanade Hotel in Fremantle from 11 to 14 September 2012 inclusive; and
3. Expenses be met in accordance with Council Policy No. CE/CS/1 and charged to budget item 20026.0029 (Conferences, Training & Accommodation).

CARRIED (8/0)

NO. 184/12

9.5.2 ENTRY STATEMENT - ALBANY HIGHWAY (CHICKEN REPRESENTATION)

A Financial/Indirect Financial (Section 5.60(A) and Section 5.61 LGA) Interest was disclosed by Cr A Budrikis. Nature and extent of interest – Relative and business partner of land adjacent to current site of chicken structure.

3:41pm Cr A Budrikis withdrew from the meeting.

File No: N23861
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 4 September 2012

PURPOSE

The purpose of this report is to reconsider the relocation of a 3 metre high steel representation of a chicken from its present location near the Tourist Bureau on Albany Highway to a position adjacent to the southern gazebo in Centenary Park.

This report will also address a request from the Shire President for a proposal for a number of miniature chicken representations to be fabricated by students at the Mount Barker Community College with the cost of materials being borne by the Council.

BACKGROUND

At its meeting held on 14 August 2012 the following motion:

'That notwithstanding the Council's resolution of 12 June 2012 regarding the placement of a two dimensional entry statement in the shape of a chicken, the installed representation be relocated to the mound directly to the north east of the southern gazebo in Centenary Park and the cost of such relocation to a maximum of \$2,000.00 be charged to Budget Item Account No. 51480.0252 (Street Art)'

was adjourned so that a further report could come before the Council.

STATUTORY ENVIRONMENT

Although the existing chicken representation needed a building permit to be issued, there is no need for a building permit to be issued for the smaller chicken representations.

EXTERNAL CONSULTATION

Consultation has occurred with the Mount Barker Community College.

FINANCIAL IMPLICATIONS

The fabrication of the smaller chicken representations will be approximately \$800.00. Three sheets of 2mm x 1200mm x 2400mm sheet metal will be required at around \$130.00 per sheet (paint will cost around \$400.00 as well). These costs would be charged to Budget Item Account No. 51480.0252 (Street Art).

Relocation of the larger chicken representation presently erected adjacent to the Tourist Bureau would cost approximately \$2,000.00. The existing footings would need to be removed to avoid any trip hazard.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

As with the large chicken representation, the small chicken representations will become the property of the Council.

Maintenance of the smaller chicken representations will become the responsibility of the Council.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides under Goal 1, Community Pride and Wellbeing, at Outcome 1.8 (Cultural, arts and learning opportunities that contribute to vibrancy and diversity in the community) the following Strategy 1.8.3:

'Support the provision of appropriate, accessible arts facilities and activities to encourage artistic and cultural expression.'

Further at Strategy 1.8.4:

'Include arts and cultural considerations in all aspects of urban and social planning.'

Further, at Goal 2, Enhancing Natural and built Environment, at Outcome 2.3 (Pleasant streetscapes, open spaces, parks and gardens) the following Strategy 2.3.2:

'Develop, maintain and enhance town streetscapes and public places.'

OFFICER COMMENT

At its last meeting the matter of relocation of the larger chicken representation was adjourned.

It is now suggested that the chicken representation remain in its present location until such time as the smaller chicken representations have been fabricated, should the Council agree to such fabrication. In this way a considered approach to the location of the entire installation (large and smaller chicken representations) can be made.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr B Bell:

That:

1. The fabrication of 12 chicken representations of varying sizes between 30cm and 60cms in height by students at the Mount Barker Community College be endorsed.
2. The cost of the metal and paint for the fabrication be met by the Council from Budget Item Account No. 51480.0252 (Street Art).
3. The existing large chicken representation remain '*in situ*' until fabrication of the smaller chicken representations is completed and a further report be presented to the Council at that time, and in any case, no later than 11 December 2012.

CARRIED (6/1)

NO. 185/12

3:47 pm Cr A Budrikis returned to the meeting.

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 WORKS AND SERVICES REPORTS****12.1.1 TENDER C02-1213 PROVISION OF WASTE AND RECYCLING
COLLECTION SERVICES AND LANDFILL SITE MANAGEMENT**

File No: N23708
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Dominic Le Cerf
Manager Works and Services
Proposed Meeting Date: 4 September 2012

PURPOSE

The purpose of this report is to consider submissions from the advertising of Tender C02-1213 Provision of Waste and Recycling Collection Services and Landfill Site Management.

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr B Bell, seconded Cr L Handasyde:

3:47pm 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 being entered into, or which may be entered into.

CARRIED (8/0)

NO. 186/12

MOTION TO PROCEED IN PUBLIC

Moved Cr L Handasyde, seconded Cr B Bell:

4:25pm That the meeting proceed in public.

CARRIED (8/0)

NO. 187/12

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1. The tender submitted by Warren Blackwood Waste, for the provision of kerbside waste and recycling collection services, for the town sites of Mount Barker, Kendenup and Narrikup for a two year period (with commencement of recycling services in January 2013), in accordance with the following pricing schedule, be accepted:

		Warren Blackwood Waste
		Rates
Section 1		
Rates for Residential - Waste, Recycling Service - Collection and Transport Services		
1.Domestic Waste Collection (Weekly 120L) Kerbside		
1.1 Collection Rate		1.25
2.Domestic Recycling Service (Fortnightly 240L) Kerbside		
2.1 Collection Rate		2.75
Section 2		
Rates for Commercial – Waste		
1. General Waste Collection from Commercial Properties (Weekly 240L) Kerbside		
1.1 Collection Rate		1.25
Section 3		
Rates for Waste from Street Litter Bins and from Reserves – Collection and Transport Services (Weekly 240L)		
1. Bulk Waste Collections from Reserves		1.25
2. Waste Collections for Special Events		1.25
Section 4		
Rates for Repair and Replacement of Refuse Bins and Recycling		
1. Refuse Bins – 120L Bin		
1.1 Delivery of Bin		No cost
1.2 Replacement of Bin		70.00
2. Recycling Bins – 240L Bin		
2.1 Delivery of Bin		No cost
2.2 Replacement of Bin		80.00

2. That no tender be awarded for the daily maintenance, supervision and staffing at the O'Neill Road Waste Management Facility.
3. The Chief Executive Officer be authorised to negotiate a suitable start date for the various elements of the contract.
4. The Chief Executive Officer be authorised to extend the contract for a further two year period at the conclusion of the initial two year period, subject to the satisfactory performance, in the opinion of the Manager Works and Services, of Warren Blackwood Waste.

5. Notification letters be sent to all unsuccessful Tenderers advising the outcome of the Tender, as required by the Local Government (Functions and General) Regulations 1996.
6. That a charge of \$55.00 (Inc GST) be adopted for 120L bin purchases by ratepayers or residents.

CARRIED (8/0)

NO. 188/12

13 CLOSURE OF MEETING

4:26pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ DATE: ____/____/____