



ORDINARY MINUTES

DATE: Tuesday, 11 December 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 Hetherington JP
Cr B Bell
Cr C Pavlovich
Cr J Moir
Cr A Budrikis
Cr G Messmer
Cr L Handasyde

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

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

Members Present:

Cr K Clements	Shire President
Cr M Skinner	Deputy Shire President (Attended the meeting at 2:57pm)
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 (Left the Chamber at 2:56pm, returned 2:58pm)

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Dominic Le Cerf	Manager Works and Services
Mr Brendan Webb	Accountant
Mrs Linda Sounness	Executive Secretary

There were no members of the public present

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 and staff present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

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

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

fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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

3 PUBLIC QUESTION TIME

3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3.2 PUBLIC QUESTION TIME - SECTION 5.24 LOCAL GOVERNMENT ACT 1995

Nil

4 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr C Pavlovich

A Financial/Indirect Financial Interest (Section 5.60(A) and Section 5.61 LGA) was disclosed in Item 9.2.1 – Nature of Interest – Financial.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7 CONFIRMATION OF MINUTES

Moved Cr B Bell, seconded Cr G Messmer:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 27 November 2012 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 571/12

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President distributed notes separately.

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 DEVELOPMENT SERVICES REPORTS

9.1.1 LOT 115 MILL ROAD CORNER HIGGINS STREET, ROCKY GULLY - TELECOMMUNICATIONS INFRASTRUCTURE

File No:	N24866
Attachments:	Location Plan Site Plan Floor Plan Elevation
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	11 December 2012
Applicant	Planning Solutions on behalf of Service Stream Mobile Communications

PURPOSE

The purpose of this report is to consider a proposal for telecommunication infrastructure at Lot 115 Mill Road corner Higgins Street, Rocky Gully.

BACKGROUND

Council records show the registered owners of Lot 115 Mill Road corner Higgins Street are JR and AD Seal.

Service Stream Mobile Communications will be responsible for the installation of the telecommunications infrastructure on behalf of Telstra.

The proposed telecommunications infrastructure forms part of the Western Australian State Government Regional Mobile Communications Project (RMCP) network. The RMCP network has been established to deliver terrestrial mobile, voice and high speed wireless data broadband to improve highway and town to town coverage in regional, rural and remote Western Australian communities. This project is being administered by the Department of Commerce in consultation with the Department of Regional Development and Lands.

The facility proposed involves the installation of a 60.45m high guyed mast, ancillary radio transmission equipment and one equipment shelter at ground level. It is proposed to accommodate four panel antennae mounted on the proposed guyed mast, with provision for Police and Emergency Services communications infrastructure to be co-located on the facility.

The proposed telecommunication infrastructure location at Lot 115 is considered the most appropriate solution to facilitate the RMCP network in the Rocky Gully location.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Enterprise – ‘Telecommunication Infrastructure’ is a discretionary ‘AA’ use under TPS3 meaning that the Council may, at its discretion, permit the use.

Clause 3.11.1 of TPS3 states:

‘The objective of the Enterprise Zone is to encourage a mix of commercial, service trades, and light industrial activity in conjunction with residential development in select parts of Kendenup and Rocky Gully. The Enterprise Zone will allow a wide variety of land uses within the one zone with the majority being at the discretion of the Council. The Council will ensure the protection of residential amenity is paramount as in the avoidance of land use conflict. The Council may in some instances decide a particular use/development proposal should be advertised for comment in accordance with clause 6.2 before a decision is made.’

Public advertising was not considered necessary in this instance as the proponent, prior to lodging this Planning Consent (PC) application, consulted with the Rocky Gully community through the Rocky Gully Action Group. The Rocky Gully Action Group reported that despite some concerns about electromagnetic energy levels, the majority supported the proposal and endorsed a PC application being lodged.

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 mast and guy-wire footings by the Principal Building Surveyor under delegated authority.

Telecommunications Act 1997 – The Act, among other things, establishes the criteria for ‘low impact’ telecommunication facilities. The proposed facility is not considered to be ‘low impact’ under the conditions contained in the Commonwealth legislation. Planning consent is required for the proposed telecommunications facility.

Radio Communications Act 1992 - The Act is to provide for management of the radiofrequency spectrum.

EXTERNAL CONSULTATION

The proponent, prior to lodging this PC application, made contact with the Rocky Gully community through the Rocky Gully Action Group in June 2012. The proponent provided advice on the proposal and its intended aim to improve highway

and town to town mobile coverage in the Rocky Gully location as well as provide facilities for Police and Emergency Services communications infrastructure.

The advice provided included the proposed infrastructure, indicative plans and elevations, estimated maximum cumulative radio frequency (RF), electromagnetic energy levels and other potential sites identified within the Rocky Gully Rural Village.

Following the consultation with the Rocky Gully community, the Rocky Gully Action Group advised that despite some concerns about electromagnetic energy levels, the majority supported the proposal. A particular comment was received strongly endorsing the proposal due to its ability to address fire and ambulance communications inadequacies in the area.

FINANCIAL IMPLICATIONS

The application fee of \$384.00 has been paid.

A building permit fee will be required to be paid.

POLICY IMPLICATIONS

WAPC State Planning Policy 5.2 – Telecommunications Infrastructure.

This policy provides the framework for the preparation, assessment and determination of applications for planning approval of telecommunications infrastructure within the context of the Western Australian planning system. The proposal is consistent with this policy.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 3.5 (Appropriate infrastructure that supports sustainable economic development) the following Strategy 3.5.3:

‘Advocate for improved telecommunications infrastructure in the region.’

OFFICER COMMENT

Lot 115 is located within Rocky Gully Rural Village approximately 500m off Muir Highway on Mill Road. Lot 115 is 5.33ha in area and existing development at the lot consists of a house, outbuilding and two cement water tanks.

The proposed telecommunication facility location is at the north eastern corner of Lot 115 adjacent to the junction with unconstructed Higgins Street and the unconstructed section of Crane Street. This proposed location is approximately 500m from Muir Highway to the north and 120m from Mills Street to the west. The nearest house (other than the one on the subject land) is located approximately 310m (Lot 25 Crane Street) to the north. The proposed telecommunication facility location is surrounded by substantial remnant vegetation to the north, east and south.

The facility proposed involves the installation of a 60.45m high guyed mast, ancillary radio transmission equipment, one equipment shelter at ground level and secure compounds for the guyed mast and three guy wire anchor block foundations. The proposed guyed mast will feature four panel antennae. The equipment shelter will

be finished in Stone Beige Colorbond® colour to blend into the surrounding landscape. The tower will be unpainted (being dull galvanised finish), which will reduce reflection and be a similar colour to the sky.

The proposal involves a constructed gravel driveway to provide access from the facility to Higgins Street. Given Higgins Street is currently unconstructed, it should be a requirement of the planning consent that the driveway is constructed to a basic gravel standard to provide access from the facility to Mill Road.

Pursuant to the Telecommunications Act 1997 and the Radio Communications Act 1992, the Australian Communications and Media Authority (ACMA) sets standards that limit human exposure to electromagnetic energy. The Radio Communications (Electromagnetic Radiation - Human Exposure) Standard 2003 adopted by the ACMA sets the mandatory standards that base stations are to conform to. This telecommunication facility will operate within the required standard.

The Rocky Gully community did raise concerns about electromagnetic energy levels during consultation with the proponent prior to lodgement of this PC application. Development and Resources Decision, WASAT 117, of the Western Australian State Administrative Tribunal noted that perceived health impacts cannot be considered in the determination of a PC application for telecommunications facilities.

The proposed telecommunication infrastructure location at Lot 115 is considered to be the most appropriate location based on radio frequency objectives, planning, environmental issues, community sensitive uses and engineering criteria. The proposed facility is not likely to adversely affect the visual amenity of the location and surrounding area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That in accordance with Clause 6.3.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the proposed telecommunication infrastructure at Lot 115 Mill Road corner Higgins Street, Rocky Gully be approved subject to:

- 1. Development being in accordance with the plan dated 15 November 2012.**
- 2. Access being permitted to the telecommunication infrastructure facility from Mill Road only and this will require construction of a driveway to a basic gravel standard to the satisfaction of the Manager Works and Services.**

ADVICE NOTE

- (i) The applicant is advised that in accordance with the Building Act 2011, certified building permit application is required to be submitted for the anchor blocks for the mast and guy wires.**

CARRIED (8/0)

NO. 572/12

9.1.2 TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 59 - LOT 151 MUIR HIGHWAY AND VACANT CROWN LAND BOURKE STREET, MOUNT BARKER

File No: N24472
Attachments: [Location Plan](#)
[Amendment No 59](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Peter Duncan
Manager Development Services
Proposed Meeting Date: 11 December 2012

PURPOSE

The purpose of this report is to consider a proposed Amendment to Town Planning Scheme No. 3 to rezone Lot 151 Muir Highway (Council depot) from Special Industrial to Industrial and to rezone vacant Crown land south of Bourke Street from Industrial to Recreation Local Scheme Reserve.

BACKGROUND

Lot 151 Muir Highway is owned by the Shire of Plantagenet and the vacant land south of Bourke Street is owned by the Crown. Lot 151 Muir Highway and Langton Road is occupied by the Council depot. Muir Highway divides the lot into two portions.

Lot 151 Muir Highway is zoned Special Industrial in the Shire of Plantagenet Town Planning Scheme No. 3 (TPS3). This Special Industrial zoning category was introduced many years ago and was created primarily for the yet to be developed Yerriminup special industrial area located south of Mount Barker on Albany Highway.

The Special Industrial zoning category was created with the intent of catering for the larger industries that have the potential to require extensive buffer requirements and land use constraints such as pulp mills, tanneries, abattoirs and so on.

The second part of this Amendment involves 4.87ha of vacant Crown land with no lot number, but with the Crown property identifier of PIN 622543. This land is located south of Bourke Street and east of Taylor Road and is zoned Industrial under Town Planning Scheme No. 3. The land is well vegetated.

In work carried out by consultants for LandCorp in December 2008, an Environmental Opportunities and Constraints Assessment found there were areas of P3 and P4 priority flora species present on this vacant Crown land. The Assessment did state these particular species may be well represented in bushland to the south of Langton Road but more work would be needed to determine this. The main obstacle with this land is that there were some 19 trees with recorded Black Cockatoo habitat. This bird is a threatened species and the Federal Department of Environment has very onerous requirements to be achieved before any areas with

such habitat can be cleared. It is highly likely approval would never be obtained to clear this vegetated area to create Industrial lots.

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.

EXTERNAL CONSULTATION

Consultation has taken place between Council officers, LandCorp and the Department of Regional Development and Lands.

The Amendment will need to be advertised for 42 days with letters to affected landowners and government agencies, newspaper notices and a notice on site and on the Council's notice board.

FINANCIAL IMPLICATIONS

The existing and proposed zoning maps were prepared by the Department of Planning in Perth for \$121.50.

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

Any future subdivision of the north western portion of Lot 151 Muir Highway will require financial assistance from Landcorp as part of its Regional Development Assistance Program.

POLICY IMPLICATIONS

Lot 151 Muir Highway is shown as existing Special Industrial zone and the vacant Crown land south of Bourke Street is shown as Industrial in the Council's Town Planning Scheme Policy No. 18 (Planning Vision) and the draft Local Planning Strategy.

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 Strategies:

'Strategy 2.2.1 – Provide supportive planning and development guidance and liaison on major land development;' and

'Strategy 2.2.5 - Encourage industry, business and residential development that is consistent with the individual character of towns.'

OFFICER COMMENT

The majority of the depot infrastructure (buildings and equipment) is located in the south eastern portion of the lot. The north western portion of the lot is used as a storage area for bulk commodities such as gravel, sand, blue metal, timber and bricks.

Two new vehicular entries to the site were provided as part of the construction of the new portion of Muir Highway. There is also an entry and an exit to the south eastern portion of the lot from Langton Road.

The Council has no intention of using any of the present depot site for the kinds of industries envisaged in the Special Industrial zone hence this proposed Amendment to Town Planning Scheme No. 3 will change the zoning to Industrial. The depot will be retained in its present location. The Industrial zone is therefore considered a more appropriate zoning for this Lot 151 Muir Highway.

The second part of the Amendment involves the vacant Crown land to the south of Bourke Street and east of Taylor Road. With the vegetation consisting of priority flora species and the identified habitat for the threatened black cockatoo, clearing of the land would not be permitted by the Federal Environment Department. It is appropriate in this instance to rezone the land from Industrial to Recreation Local Scheme Reserve.

In terms of future industrial land in this area, the Council's Planning Vision and the draft Local Planning Strategy show the adjoining Lot 152 Muir Highway to the north and east as being rezoned from Rural to Industrial. When the owner of Lot 152 wishes to have that property rezoned to Industrial, it will be a decision that owner makes. In the interim this proposal will rezone the Council's Lot 151 Muir Highway from Special Industrial to Industrial.

With Lot 151 Muir Highway being zoned Industrial, the Council will then be in a position to consider the possible subdivision of the north western section to create a variety of lots for industrial use. Discussions have taken place with LandCorp and the Department of Regional Development and Lands on this matter and both agencies are supportive of the concept. The Manager Works and Services has confirmed the north west section is not critical to the depot operations with a rationalisation of the storage of bulk goods and better use of the south east section where the main infrastructure is located.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr J Moir:

That:

1. Amendment No. 59 to Town Planning Scheme No. 3 be initiated and referred to the Environmental Protection Authority in accordance with legislative requirements.
2. Once authorised by the Environmental Protection Authority, the Amendment be advertised for a period of 42 days to enable comment to be made.
3. After advertising, a further report be prepared for the Council to be presented no later than its meeting to be held in April 2013.
4. Staff prepare an application for funding assistance to Landcorp as part of the Regional Development Assistance Program for the 2013 round.

CARRIED (8/0)

NO. 573/12

9.1.3 STALL HOLDER PERMIT - APPLICATION TO TRADE IN A PUBLIC PLACE - LOT 1 LOWOOD ROAD, MOUNT BARKER

File No: N24933
Attachments: [Site Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Eric Howard
Environmental Health Officer
Proposed Meeting Date: 11 December 2012
Name of Applicant: Kristy Henwood

PURPOSE

The purpose of this report is to consider an application for a trader's permit to enable the applicant to conduct trading activities on a public thoroughfare in conjunction with their retail store located at Lot 1 (45) Lowood Road, Mount Barker.

BACKGROUND

The applicant seeks the Council's approval to display assorted children's toys, goods and clothing within the public thoroughfare directly in front of Little Jumbucks store at Lot 1 Lowood Road, Mount Barker. The applicant intends to display the assorted goods at two locations in front of the store occupying a total area of 5.0m² of public thoroughfare. The main display area will be located directly in front of the store window occupying an area of 3.5m². The applicant also seeks approval to hang assorted children's clothing and other soft objects from hooks fixed to the underside of the 5.0m long external verandah beam located approximately 3.4m from the shop front window.

The applicant proposes to display the goods each day of trading, Monday to Friday from 8:30am to 5:00pm.

STATUTORY ENVIRONMENT

Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008: – Part 6 – Division 1 – Subdivision 2 – Permits;
Part 6 – Division 1 – Subdivision 3 – Conduct of Stall Holders and Traders; and
Part 7 – Permits.

FINANCIAL IMPLICATIONS

The applicant has paid the application fee of \$110.00 and the ongoing activity if approved, will be subject to the payment of an annual permit renewal fee of \$55.00 in accordance with the Shire of Plantagenet fees and charges as adopted.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

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

Further, the Shire of Plantagenet Strategic Community Plan 2012-2022 provides at Outcome 2.3: (Pleasant streetscapes, open spaces, parks and gardens) the following Strategy 2.3.2:

‘Develop and maintain township streetscapes.’

OFFICER COMMENT

The proposed trade display areas will be located to provide in excess of 2.0m clear unobstructed pedestrian access between the two display areas to enable free pedestrian movement in front of the store. This will be in accordance with the provisions of the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008.

The Council may consider the proposal to hang assorted children’s clothing and other soft objects from hooks fixed to the underside of the 5.0m long external verandah beam, to be unsightly and also to be an unreasonable obstruction to pedestrians. The applicant has advised that should the Council not support the display of goods being hung from the front verandah beam, a clothes rack of similar dimensions could be placed below the beam as an alternative.

Should approval be granted, the applicant will need to provide proof of public liability insurance to the value of \$5,000,000.00 for the proposed trading area.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That in accordance with Part 7 of the Shire of Plantagenet - Activities in Thoroughfares and Public Places and Trading Local Law 2008, a permit to trade be issued to display goods on a public thoroughfare directly adjacent to and in conjunction with the retail store trading as Little Jumbucks located at Lot 1 (45) Lowood Road, Mount Barker subject to:

- 1. The goods on display are located in accordance with the site plan dated 27 November 2012.**
- 2. The goods on display shall be located to ensure public safety is maintained at all times and a minimum clear unobstructed pedestrian access of 2.0m is provided along the public thoroughfare.**
- 3. The goods shall only be displayed between the hours of 8.30am and 5.00pm daily.**

4. The display area being maintained in accordance with the provisions of the Shire of Plantagenet Activities in Thoroughfares and Public Places and Trading Local Law 2008.
5. The permit is valid for a period of 12 months or part thereof, effective from 11 December 2012 until 30 June 2013.
6. The permit holder shall apply in writing prior to expiry of the permit, for renewal for a further 12 month period.
7. The permit is transferable, subject to written approval by the Council.
8. The permit holder providing and maintaining public liability insurance to a minimum value of \$5,000,000.00 for the proposed trading area.
9. A statement of indemnity from the permit holder indemnifying the Council in respect to any injury to persons or damage to property which may occur in connection with the use of the thoroughfare or public place by the permit holder.

CARRIED (8/0)

NO. 574/12

9.2 WORKS AND SERVICES REPORTS

9.2.1 POLICY REVIEW - ROADS - LOG HAUL REQUIREMENTS

A Financial/Indirect Financial Interest (Section 5.60 (A) and Section 5.61 LGA) was disclosed by Cr Pavlovich. Nature and extent of interest – Financial.

2:56pm Cr C Pavlovich withdrew from the meeting.

File No: N24711
Attachments: [I-R-6 - Roads - Log Haul Requirements with amendments](#)
Responsible Officer: Dominic Le Cerf
Manager Works and Services
Author: Kaye Skinner
Works Administration Officer
Proposed Meeting Date: 11 December 2012

PURPOSE

The purpose of this report is to review Council Policy No. I/R/6 – Roads – Log Haul Requirements.

BACKGROUND

The Policy was last reviewed by the Council at its meeting held on 10 February 2009 (copy attached highlighting amendments).

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

OFFICER COMMENT

This policy is considered relevant and should be retained to provide clear guidelines to tree farm companies regarding log/woodchip haulage on roads within the Shire of Plantagenet. Minor changes are recommended to the policy.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That Council Policy No. I/R/6 – Roads – Log Haul Requirements as follows:

‘OBJECTIVE:

To provide clear guidelines to the Council, its officers and tree farm companies regarding log/woodchip haulage on roads within the Shire of Plantagenet.

POLICY:

1. The Council will provide letters of support for Main Roads WA permits for log/woodchip haulage on roads within the Shire of Plantagenet provided that the Manager Works and Services is satisfied with the proposed haulage route(s) and provided that the following conditions are adhered to by the tree farm companies:
 - a) All heavy haulage permits being obtain from Main Roads WA;
 - b) Neighbouring properties to access routes being notified of the commencement date and anticipated duration, at least one week prior to the commencement of harvest;
 - c) Speeds being limited to 60km/h on unsealed roads and 80km/h on sealed roads without pavement markings and 90km/h on sealed roads with pavement markings or 10km/h lower than the posted speed limited of roads under 80km/h or whichever is the lesser;
 - d) Suitable sign posting for traffic in accordance with Australian Standard AS1742.3-2009, with signs identifying truck movements to be placed at the entrance and exit of the property according to standard;
 - e) All owner/operators adhering to any road closure as specified in Section 3.50 of the Local Government Act 1995 and refraining from driving heavy vehicles on roads affected by wet weather conditions;
 - f) Cartage through townsites being limited to 12 hours daily between the hours of 6.00am and 6.00pm;
 - g) School bus operators being notified of the commencement date and the anticipated duration, at least one week prior to the commencement of harvest;
 - h) All gravel roads covered under the letter of approval being graded, by the tree farm companies during haulage as required;

- i) The Council being advised of any seal failures on bitumen roads within 24 hours so that repairs can be carried out;
 - j) Roads being reinstated to pre-haulage condition, by the tree farm companies, at the completion of harvest;
 - k) Post haulage inspections being carried out on roads covered in the letter of approval, as advised by the Manager Works and Services; and
 - l) Cartage being ceased on Christmas Day and New Year's Day.
2. The Council reserves the right to revoke support if any of the above conditions are not adhered to, or road condition/user safety is in question.'

be endorsed.

2:57pm Cr M Skinner attended the meeting.

CARRIED (8/0)

NO. 575/12

2:58pm Cr C Pavlovich returned to the meeting.

9.3 COMMUNITY SERVICES REPORTS

9.3.1 DISABILITY ACCESS AND INCLUSION PLAN – ADOPTION OF REVISED PLAN

File No:	N24931
Attachments	Disability Access and Inclusion Plan 2012-2017
Responsible Officer:	Nicole Selesnew Manager Community Services
Author:	Rayona Evans Administration Officer (Relief)
Proposed Meeting Date:	11 December 2012

PURPOSE

The purpose of this report is to adopt the revised Disability Access and Inclusion Plan 2012 – 2017.

BACKGROUND

The Disability Services Act 1993 requires Local and State Government authorities to develop, implement and review a Disability Access and Inclusion Plan (DAIP) that will further both the principles and objectives of the Act.

The Shire of Plantagenet adopted its Disability Access and Inclusion Plan 2007-2012 on 24 July 2007. The plan covers strategies aimed at improving access to information, services, facilities and events throughout the Shire.

STATUTORY ENVIRONMENT

Disability Services Act 1993
Equal Opportunity Act 1984

EXTERNAL CONSULTATION

Consultation has occurred with Stephen Dale, Local Area Coordinator, Disability Services Commission.

A public meeting was held on 21 November 2012 to discuss the revised DAIP which was attended by 13 people including people with disabilities and their carers. The feedback was positive and constructive.

FINANCIAL IMPLICATIONS

While there are no financial implications relating to the adoption of the DAIP, there will be financial implications associated with achieving the strategies identified in the plan.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Community Strategic Plan 2012-2022 provides at Outcome 1.7: (Quality of life for the disabled), the following strategies:

'Strategy 1.7.1: Provide and promote services and facilities that meet the needs of disabled persons'; and

'Strategy 1.7.2: Implement the Shire's Disability Access and Inclusion Plan'.

OFFICER COMMENT

The attached DAIP outlines a number of strategies and tasks that will assist the development of a community that is accessible and inclusive for people with disabilities, their families and carers. Each of the tasks is practicable and achievable.

Once endorsed, the DAIP needs to be lodged with the Disability Services Commission.

The Shire is required to report on progress against the DAIP outcomes in its Annual Report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That the Disability Access and Inclusion Plan 2012 – 2017, be endorsed.

CARRIED (9/0)

NO. 576/12

9.3.2 MOUNT BARKER HILL LOOKOUT - APPLICATION FOR FUNDING

File No: N24947
Attachments: [Mount Barker Hill Lookout Plans](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 11 December 2012

PURPOSE

The purpose of this report is to consider an allocation in the 2013 / 2014 Annual Budget for the Mount Barker Hill Lookout project.

BACKGROUND

The Rotary Club of Mount Barker Incorporated (Rotary) has been working on the Mount Barker Hill Lookout project since 2005, with the aim of making the lookout a tourist feature adjacent to the Mount Barker townsite. The lookout project encompasses the Tower Hill Road Reserve and a small portion of Reserve 15162, managed by the Shire of Plantagenet for the purpose of 'Parklands'.

At the Ordinary meeting of the Council held on 14 February 2006, the Council resolved:

'That the Mount Barker Rotary Club be advised their proposal to engage a Landscape Architect to prepare a Mount Barker design concept for the upgrading of the Mount Barker Hill lookout is supported.'

The Rotary Concept Plan was presented to the Shire of Plantagenet Townscape Committee on 10 August 2006 and to the Ordinary Meeting of the Council held on 12 September 2006. The Council resolved:

'That the Mount Barker Rotary Club be advised that their concept plan for the development of the Mount Barker Hill Lookout is supported subject to a further plan being provided to the Council based on an accurate survey of the subject area showing:

- *Limited removal of bushland;*
- *Safe parking and turning areas;*
- *Plans that meet Council engineering standards particularly in terms of bus and caravan parking turning areas and the dimensions of the car parking spaces;*
- *A metal viewing platform; and*
- *Five (5) carparking bays being replaced with two (2) disabled bays.'*

The Lookout Plan was redrawn to scale incorporating the Council's requests. A Memorandum dated 7 July 2011 from the Manager Development Services was distributed to all Councillors with a copy of the final lookout plans. A copy of the plans is attached.

Rotary has previously applied both to the Regional Infrastructure Funding Program and the Regional Grants Scheme. Both applications have been unsuccessful.

On 1 May 2012 Rotary wrote to the Shire seeking assistance to help them move the lookout project forwards. Rotary has committed \$30,000.00 to the project and has sourced engineer designs for the proposed metal lookout platform.

The Lookout Plan has been considered in two Stages to try to make the project more achievable. Quantity surveyor costings have been sought for the Lookout Plan which has costed Stage One at \$349,000.00 and Stage Two at \$166,000.00.

Shire Officers are working on an application to the Federal Government's 'Tourism Industry Regional Development Fund' (the Fund) for the lookout project. The Fund will provide up to \$250,000.00 towards a project on a 'dollar for dollar' basis. In order to progress the application a commitment of matching funds is required.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Consultation has occurred with Rotary members who are keen to support an application to the Tourism Industry Regional Development Fund.

FINANCIAL IMPLICATIONS

A proposed funding breakdown for Stage One of the lookout project in the 2013 / 2014 financial year is:

- Rotary - \$30,000.00 (committed);
- Shire of Plantagenet - \$159,500.00; and
- The Fund - \$159,500.00.

The Shire of Plantagenet would only be required to contribute if the application to the Fund is successful. The Fund closes on 14 December 2012 and decisions will be announced in March 2013.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012 – 2022 provides at Outcome 3.4 (A strong tourism region) the following Strategies:

'Strategy 3.4.1: Promote and support local and regional tourism initiatives

Strategy 3.4.2: Provide infrastructure and services to support tourism'.

OFFICER COMMENT

The Mount Barker Hill Lookout project has been active since 2005. Since the introduction of the lookout concept the Council has upgraded Tower Hill Road and successfully lobbied the Federal Government to improve the signage and information boards by the communications tower.

Work has stalled in the area due to the lack of funds. Shire Officers are actively seeking grant funding and require a matching component for the Tourism Industry Regional Development Funding application to be progressed.

Matching funds is becoming a common requirement for funding agencies as it shows a clear commitment to the project to be undertaken.

This report is seeking confirmation from the Council that it will contribute \$159,500.00 to the lookout project in the 2013 / 2014 financial year provided the application to the Fund is successful. If the application is unsuccessful, the Council may still choose to allocate some funding to the lookout project to help lever future grant funding opportunities.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr C Pavlovich:

That:

- 1. An allocation of \$159,500.00 be made in the 2013 / 2014 Annual Budget for the Mount Barker Hill Lookout Project, as part of the matching contribution required for the Tourism Industry Regional Development Funding application, if that application is successful.**
- 2. The Rotary Club of Mount Barker Incorporated be advised that the Shire's commitment of \$159,500.00 is pending a successful application to the Tourism Industry Regional Development Fund and the receipt of Rotary's \$30,000.00 commitment for the Mount Barker Hill Lookout Project.**

CARRIED (7/2)

NO. 577/12

**9.3.3 RIDING FOR THE DISABLED ASSOCIATION OF WESTERN AUSTRALIA –
PLANTAGENET GROUP INCORPORATED - REQUEST TO INSTALL A
STORAGE CONTAINER AT FROST PARK, MOUNT BARKER**

File No: N24939
Attachments: [Site Diagram](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Nicole Selesnew
Manager Community Services
Proposed Meeting Date: 11 December 2012

PURPOSE

The purpose of this report is to seek Council approval for the installation of a storage container in the Sheep Pavillion, Frost Park, Mount Barker.

BACKGROUND

The Riding for the Disabled Association of Western Australia – Plantagenet Group Incorporated (RDA) conducts its riding sessions at Frost Park, Mount Barker. The group meets weekly during school term in either the steel framed arena in the centre of the racing track or in the Sheep Pavillion if the weather is not conducive for outdoor activities.

The RDA has a mobile trailer which stores all their equipment such as saddles, bridles, chairs, tables and a shade marquee. The number of participants has been steadily increasing and the RDA is having difficulties storing all the equipment required. The Association now seeks Council approval for a secure, rodent proof 6m container to be installed in the Sheep Pavillion at Frost Park which would enable them to store all their equipment on-site and increase their storage capacity.

STATUTORY ENVIRONMENT

There are no statutory implications for this report. However, as the structure is proposed to be placed on Council property, it is preferable to issue a licence to acknowledge that the structure is on Council property but that it is not owned by the Council.

EXTERNAL CONSULTATION

Consultation has taken place with the RDA and the Mount Barker Turf Club.

FINANCIAL IMPLICATIONS

The RDA will be responsible for all costs associated with the purchase, transport, installation, insurance and maintenance / repairs to the proposed storage container in the Sheep Pavillion. All equipment stored inside the container would also fall under the RDA insurance policy.

The RDA is part of the Equine User Group that is based in the steel framed arena in the centre of Frost Park. The group pays a \$375.00 fee annually for the use of the arena space and the use of the Sheep Pavillion area. RDA has also provided the

soft flooring and retaining boards required in the Sheep Pavillion for their riding activities.

It is proposed that the RDA not be charged any fees to store the container in the Sheep Pavillion.

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 17.1 – Sea Containers does not apply to the RDA's request as the container will be located within the Sheep Pavillion.

The RDA had originally sought approval to store the container outside and adjacent to the Sheep Pavillion but could not afford to comply with the requirements detailed in the Sea Container Policy including an engineer certification of tie down structures and screening around the container.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Community Strategic Plan 2012 – 2022 provides at Outcome 1.3 (A cohesive and supportive community) the following Strategies:

'Strategy 1.3.2: Promote and support the initiatives and achievements of our volunteers

Strategy 1.3.3: Work in partnership with community groups to assist in attracting new volunteers

Strategy 1.3.4: Actively promote and assist community groups and clubs

Strategy 1.3.5: Review access to community services within the Shire.'

The Strategic Plan also provides at Outcome 1.7 (Quality of life for the disabled) the following Strategy:

'Strategy 1.7.1: Provide and promote services and facilities that meet the needs of disabled persons.'

OFFICER COMMENT

The RDA has been seeking storage solutions since June 2012. After investigating a number of options, the purchase of a storage container (sea container) is their preferred storage strategy. They are proposing a storage container which is 6.06m long, 2.44m wide and 2.59m high.

The storage container can be relocated to other potential sites if the RDA was to move their activities. They have investigated the potential to move to the Mount Barker Community College as this would provide them with a ready group of volunteers (students) and is in close proximity to their client base. There may also be potential to keep the horses at the College. The RDA has discussed their proposal with the College and although co-location is not possible at this point in time, it may be revisited in the future.

The Frost and Sounness Parks Precinct Development Plan (adopted by the Council on 13 October 2009) involves the long term removal of the Sheep Pavillion to allow

for racecourse expansion. In this scenario the RDA would be relocated to an indoor arena planned for Frost Park.

The storage container would best fit inside the western entrance of the Sheep Pavillion, positioned along the northern wall (refer to the attached site plan). This would require the relocation of some poultry cages and sheep pens stored in this area. The old basketball score board may need to be removed.

The container would not impede access to the switchboard located on the western wall of the Pavillion. The Mount Barker Turf Club racing barriers, which are also stored in the Pavillion, would not be impacted by the container. The Plantagenet Company of Archers, which currently works with the RDA in relation to the use of the Pavillion, will also be unaffected.

It is proposed that a licence be entered into between the RDA and the Shire to clearly outline the ownership and responsibilities associated with the installation of a storage container.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr L Handasyde:

That:

- 1. A licence be granted to the Riding for the Disabled Association of Western Australia Plantagenet Group Incorporated (RDA) to install a storage container (sea container) up to 6.06m long, 2.44m wide and 2.59m high along the north western wall of the Sheep Pavillion, Frost Park, Mount Barker as shown on the site diagram attached and dated 3 December 2012, subject to the RDA:**
 - a) Funding the purchase and installation cost of the storage container;**
 - b) Being responsible for maintaining the storage container including repairs from vandalism;**
 - c) Insuring the container and all of the contents; and**
 - d) Removing or relocating the structure if requested by the Council.**
- 2. No fee be charged to the RDA for the placement of the storage container (sea container) inside the Sheep Pavillion.**

CARRIED (9/0)

NO. 578/12

9.3.4 WILSON INLET MANAGEMENT STRATEGY - ENDORSEMENT OF STRATEGY

File No:	N24922
Attachments:	WICC Management Strategy 2013-2022 (Separate Attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	Nicole Selesnew Manager Community Services
Proposed Meeting Date:	11 December 2012

PURPOSE

The purpose of this report is to endorse the Wilson Inlet Management Strategy 2013 – 2022 (copy attached).

BACKGROUND

The Wilson Inlet Catchment area covers the south western portion of the Plantagenet Shire (refer to the attached map). The remainder of the Catchment area is located in the City of Albany and Shire of Denmark.

The Wilson Inlet Catchment Committee has been updating its Management Strategy to cover activities from 2013 to 2022. The Strategy has been prepared to progress the Catchment Committee's work over the past 10 years, guided by the Wilson Inlet Nutrient Reduction Action Plan.

The Wilson Inlet Management Strategy has been drafted by representatives from the Wilson Inlet Catchment Committee, Department of Water, South Coast Natural Resource Management, Department of Agriculture and Food, Water Corporation, City of Albany and the Shire of Denmark and Plantagenet. Community consultation was sought throughout the formation of the Strategy through meetings and a community survey. A draft Strategy was made available for comment prior to the final Strategy being endorsed.

Elissa Stewart, Wilson Inlet Catchment Committee Officer, presented an overview of the Strategy to the Council at a workshop held on 27 November 2012. During the presentation she outlined their wish to have the local government authorities encompassed within the Wilson Inlet Catchment endorse the plan. Local Government endorsement provides them with 'project partners' to help support bids for funding and to indicate community support for their objectives.

The Council adopted a Memorandum of Agreement (MoA) with the Wilson Inlet Catchment Committee at its Ordinary Meeting held on 1 March 2011. The MoA forms a strong relationship between the Shire and the Committee and highlights the opportunity to work collaboratively on projects that are identified in the Council's adopted budget. The Mount Barker Wetlands Project is an example of a joint project between the Wilson Inlet Catchment Committee and the Shire.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

EXTERNAL CONSULTATION

Consultation has occurred with Elissa Stewart from the Wilson Inlet Catchment Committee.

FINANCIAL IMPLICATIONS

Endorsing the Wilson Inlet Management Strategy does not bind the Council to expenditure on the Strategy.

The Strategy outlines the need to collaborate with landholders, community groups and local, state and federal government to achieve the Action Plan, but also acknowledges that obtaining funding for the Actions and a Project Officer to facilitate the Actions is essential for the success of the Management Strategy. This funding has been sought from State and Federal bodies in the past.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

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

‘2.7.4: Promote and support community based environmental initiatives and protections.’

OFFICER COMMENT

The Wilson Inlet Management Strategy 2013 – 2022 objectives are to protect, maintain and where possible, enhance the ecological health of the Wilson Inlet. The focus for the next 10 years is nutrient reduction, balancing water needs for all users of the Inlet and surrounding catchment as well as maintaining and where possible, enhancing habitat for native flora and fauna.

A majority of the Wilson Inlet area is located in the Shire of Denmark. A number of the key tributaries for the Inlet start in the Shire of Plantagenet including the Hay River, Denmark River, Pwakkenbak Creek and the Sleeman Creek. One of the two Wilson Inlet Catchment Committee Project Officers is located in the Shire of Plantagenet and has successfully completed fencing, weed management and water improvement projects within the Shire’s boundary.

While the Management Strategy covers a 10 year period, it is planned to review the Strategy within five years to ensure all activities are achievable.

The endorsement of the Plan will provide the Wilson Inlet Catchment Committee with the opportunity to promote its partnership with the Shire in funding applications and key agency briefings. Recognition of the 10 year Strategy will also align with the Council’s existing MoA with the Wilson Inlet Catchment Committee.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr B Bell:

That the Wilson Inlet Management Strategy 2013 – 2022, as attached be endorsed.

CARRIED (9/0)

NO. 579/12

9.4 CORPORATE SERVICES REPORTS

9.4.1 FINANCIAL STATEMENTS – NOVEMBER 2012

File No:	N24937
Attachment:	Financial Statement (separate attachment)
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Brendan Webb Accountant / Office Manager
Proposed Meeting Date:	11 December 2012

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the month ending 30 November 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 G Messmer, seconded Cr M Skinner:

That the Financial Statements for the month ending 30 November 2012 be received.

CARRIED (9/0)

NO. 580/12

9.4.2 LIST OF ACCOUNTS - NOVEMBER 2012

File No: N24930
Attachments: [List of Accounts](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Emma Gardner
Accounts Officer
Proposed Meeting Date: 11 December 2012

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of November 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 (22 May 2012). 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 B Bell, seconded Cr G Messmer:

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended November 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 \$1,114,660.46;
- b. Municipal Cheques 43341 – 43422, 43424 – 4325 and 43427 - 43443 totalling \$1,278,330.79; and
- c. Cancelled cheques 43423 and 43426.

CARRIED (9/0)

NO. 581/12

9.4.3 POLICY REVIEW - SELF SUPPORTING LOANS

File No: N24742
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources
Officer
Proposed Meeting Date: 11 December 2012

PURPOSE

The purpose of this report is to review Council Policy No. F/FM/1 – Self Supporting Loans.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 9 November 2010.

STATUTORY ENVIRONMENT

The Local Government Act 1995 stipulates the requirements for a local authority when borrowing money. It does not differentiate between normal loans and self supporting loans.

FINANCIAL IMPLICATIONS

Self supporting loans are taken out in the Council's name, however all repayments relating to self supporting loans are met by the applicant and therefore there is no cost to the Council.

The purpose of this policy is to minimise the Council's exposure to inheriting a self supporting loan, by ensuring all applicants can financially meet the repayments of the loan.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr G Messmer:

That Council Policy No. F/FM/1 – Self Supporting Loans:

‘OBJECTIVE: To assist clubs and organisations in improving community based facilities.

POLICY: Eligible Organisations

Loans will only be considered for applicants that are incorporated bodies occupying land either owned by, or vested in the care, control and management of a community organisation.

Organisations are to provide:

1. Three years audited financial statements.
2. A business plan for the proposed term of the loan that clearly demonstrates an ability to repay.
3. Their constitution.
4. Minute agreeing to borrow funds.
5. Whatever security or guarantees that the Council considers appropriate to ensure that the loan is repaid.
6. Any other information that the Council requires.

Funding Details

Funds will only be provided for capital works on the subject land when ownership of all infrastructure ultimately vests in the community (notwithstanding established leasehold arrangements).

Loans will be provided at the State Treasury interest rate when drawing the loan and will be fixed for the duration of the loan. The term of the loan is not to exceed ten years. Loan repayments will be amortised and will generally be six monthly unless the applicant organisation requests otherwise.

Approval Process

The Council will consider the approval of the loan on the following basis:

1. Demonstrated ability to repay.
2. Maximum loan amount 50% project cost or 50% of value of completed structure (not to include land content).
3. Stability, sound management, membership base, community accessibility and longevity of applicant organisation.
4. Funds being used for capital improvements.
5. Debenture security over assets (including lease) of organisation if considered appropriate.

Organisations will be required to:

1. Enter into a Deed of Agreement for the period of the loan repayments.
2. Pay all costs associated with the preparation of documents concerning the raising of the loan.

3. Insure and keep insured premises where the premises are security over repayment of a loan.

Any proposal to lend to a community organisation that has not been included in the Council's annual budget must be advertised for one month in accordance with Section 6.20 (2) of the Local Government Act 1995.

Other

Funds will only be released after documentary proof of significant expenditure (or committed expenditure) is submitted.

The Council will seek any remedy available to it under law in terms of the recovery of delinquent instalments of loans.'

be endorsed.

CARRIED (9/0)

NO. 582/12

9.4.4 POLICY REVIEW - VEHICLE REGISTRATION PLATES

File No: N24744
Attachments: [Vehicle Registration Plates Policy with amendments](#)
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna McDonald
Senior Administration/Human Resources Officer
Proposed Meeting Date: 11 December 2012

PURPOSE

The purpose of this report is to review Council Policy No. A/PA/12 – Vehicle Registration Plates.

BACKGROUND

This policy was last reviewed by the Council at its meeting held on 19 October 2010.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

It is considered that the current policy is sufficient and should be endorsed. However the wording has been changed for ease of interpretation.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr C Pavlovich, seconded Cr G Messmer:

That amended Council Policy No. A/PA/12 - Vehicle Registration Plates, as follows:

'OBJECTIVE:

To apply restrictions to the allocation of local authority (Numeral-PL) vehicle registration plates.

POLICY:

That with respect to the issue of local authority vehicle registration plates (Numeral-PL), the Council will not issue plates with a zero prefix.'

be endorsed.

MOTION TO ADJOURN THE QUESTION

Moved Cr B Bell, seconded Cr J Moir:

That the question be adjourned until the meeting of the Council to be held in March 2013 to allow the Chief Executive Officer to undertake investigations and present a report providing the original reasoning behind this policy.

CARRIED (9/0)

NO. 583/12

9.5 EXECUTIVE SERVICES REPORTS

9.5.1 POLICY REVIEW - BRIEFING SESSIONS FOR COUNCILLORS

File No: N24728
Attachments: [Briefing Sessions for Councillors](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Linda Sounness
Executive Secretary
Proposed Meeting Date: 11 December 2012

PURPOSE

The purpose of this report is to recommend that Policy CE/CS/6 – Briefing Sessions for Councillors be revoked.

BACKGROUND

At its meeting held on 15 December 2009 the Council resolved:

‘That new Council Policy No. CE/CS/6 – Briefing Sessions for Councillors’ (copy attached) be adopted.

At its meeting held on 27 November 2012 the Council resolved:

‘That:

- 1. Council Policies CE/CS/3 – Committee Meetings Attendance by the Public and CE/CS/5 – Workshops – Attendance by the Public be revoked; and*
- 2. New Council Policy CE/CS/3 – Committee Meetings and Workshops – Attendance by the Public, as follows:*

‘OBJECTIVE:

To give direction as to when members of the public may attend Council Committee meetings and workshops.

POLICY:

The Council acknowledges that:

- 1. Members of the public may be permitted to attend Council appointed Committee meetings and workshops.*
- 2. Although members of the public have no specific right to be in attendance at Committee meetings and workshops, the Council may allow such attendance unless the matters to be discussed could have been classified as confidential pursuant to the Local Government Act 1995 Section 5.23 (2).’*

be adopted.

STATUTORY ENVIRONMENT

Section 5.23 (1) and 5.23 (2) of the Local Government Act 1995 applies.

As Council committees and workshops held do not enjoy any delegation of a power or duty, they need not be open to members of the public.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

This report seeks to revoke Policy CE/CS/6 – Briefing Sessions for Councillors.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet Strategic Community Plan 2012-2022 at Outcome 4.1 (Effective governance and leadership) provides the following Strategy 4.1.6:

‘Provide administrative support to Shire for governance functions’

OFFICER COMMENT

It is considered that the use of workshops has become integral in assisting Councillors to obtain information, raise questions and clarify direction.

As Council workshops and briefing sessions are treated the same under the requirements of the Local Government Act Section 5.23(2) and the use of workshops is provided for under Policy CE/CS/3, it is considered that this Policy – CE/CS/6 Briefing Sessions for Councillors is no longer required.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Policy CE/CS/6 – Briefing Sessions for Councillors, as follows:

OBJECTIVE:

To provide briefing sessions for Councillors to assist Councillors in becoming fully informed on complex matters.

POLICY:

When considering complex matters and where, in the opinion of the Chief Executive Officer in consultation with the Shire President, Councillors will benefit and better decision making will result, the Chief Executive Officer will at least two weeks prior to the matter coming before the Council for decision, arrange a Councillor briefing session.’

be revoked.

COUNCIL DECISION

Moved Cr J Moir, seconded Cr B Bell:

That Policy CE/CS/6 – Briefing Sessions for Councillors, as follows:

OBJECTIVE:

To provide briefing sessions for Councillors to assist Councillors in becoming fully informed on complex matters.

POLICY:

When considering complex matters and where, in the opinion of the Chief Executive Officer in consultation with the Shire President, Councillors will benefit and better decision making will result, the Chief Executive Officer will at least two weeks prior to the matter coming before the Council for decision, arrange a Councillor briefing session.'

be endorsed.

**CARRIED (9/0)
NO. 584/12**

Reason for Change

Councillors believed that the need for briefing sessions to discuss complex matters still remained.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Moved Cr L Handasyde, seconded Cr J Moir:

That new business of an urgent nature, namely:

- Budget amendment – Purchase Landfill Compactor; and
- Sounness Park Encroachment onto Trust Land

be introduced to the meeting.

CARRIED (9/0)

NO. 585/12

11.1.1 BUDGET AMENDMENT – PURCHASE LANDFILL COMPACTOR

File No:

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Dominic Le Cerf
Manager Works and Services

Proposed Meeting Date: 11 December 2012

PURPOSE

The purpose of this report is to recommend amending the 2012/2013 adopted budget to allow for the purchase of a landfill compactor from the City of Rockingham Tender (T12/13-50).

MOTION TO PROCEED BEHIND CLOSED DOORS

Moved Cr L Handasyde, seconded Cr G Messmer:

3:35pm That the meeting be closed to members of the public pursuant to Section 5.23 (c) of the Local government Act 1995 as the matter to be considered relates to a contract that may be entered into, by the Local Government and which relates to a matter to be discussed at the meeting.

CARRIED (9/0)

NO. 586/12

MOTION TO PROCEED IN PUBLIC

Moved Cr B Bell, seconded Cr J Moir:

3:41pm That the meeting proceed in public

CARRIED (9/0)

NO. 587/12

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

1. The Chief Executive Officer be authorised to purchase the second hand Bomag Landfill Compactor in accordance with the tender submitted to the City of Rockingham (Tender T12/13-50) at a purchase price of \$190,000.00.
2. The Council's adopted budget for 2012/2013 be amended to reflect the authority referred to in 1 above) by transferring from the Plant Replacement Reserve Fund the sum of \$190,000.00 and that the Mack Hook Lift truck be carried over to 2013/2014, and the surplus \$65,000.00 remain in the Plant Replacement Reserve Fund.

CARRIED (9/0)

NO. 588/12

Absolute Majority

11.1.2 SOUNNESS PARK ENCROACHMENT ONTO TRUST LAND

File No: N25013
Attachments: [Application for a new Title and Deed of Amendment of Trust](#)
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Rob Stewart
Chief Executive Officer
Proposed Meeting Date: 11 December 2012

PURPOSE

The purpose of this report is to seek the consent of the Council to affix the seal of the Council to a Deed of Amendment of Trust relating to the Scheme of Arrangement which the Attorney General has approved regarding the encroachment of the Council's Library onto Sounness Park Trust Lands.

BACKGROUND

This matter was last considered by the Council at its meeting held 8 November 2011.

At that meeting the Council was advised:

'By letter dated 19 May 1950, Mr TG Sounness wrote to the Chairman of the Plantagenet Road Board advising of his desire to '...assist in the provision of a suitable sports ground in Mount Barker and as a practical means to this end ... transfer that eastern portion of Location 148 to the Board to be used as a public sports ground.'

The 'eastern portion of Location 148' is identified as Lot 149.

Unfortunately Mr Sounness died before the land could be conveyed to the Road Board and it was necessary to then deal with Mr Sounness' heirs to ensure that the gift was appropriately recorded.

An indenture was drawn up dated 6 September 1954 between the Plantagenet Road Board and members of the Sounness family. That indenture records the conveyance in the form of a Trust of the land known as 'Sounness Park' to the Plantagenet Road Board for the sum of one shilling.

The indenture provides that the land will always be used as a sporting ground and although the Council (as Trustees) could dispose of the land, it would need to include provisions of the indenture in any contract of sale.

An ongoing problem has resulted from the construction of the then Recreation Centre across the boundary of the Trust land and the contiguous Lot 53. Although the provision of a recreation centre on the Trust land fitted with the Trust requirements, when the use became that of a Library, the terms of the Trust were no longer being met. When this anomaly was discovered, processes were commenced to seek an excision of the land from the Trust land to resolve the breach. This matter has taken many years to solve however it would appear that the matter is potentially nearing completion.

The Shire President and the Chief Executive Officer met with, in the company of our legal advisors in Perth, a representative of the State Solicitors Office to discuss a Scheme of Arrangement whereby the land now used as tennis courts and owned by the Council (Lot 52) would be transferred into the Trust so that the encroaching land could be excised from the Trust. It should be noted that Lot 52 also encroaches onto Trust land and this arrangement would also rectify this anomaly.'

The draft Scheme of Attachment was attached to that November 2011 report.

Attached to this report is the Deed of Amendment of Trust.

STATUTORY ENVIRONMENT

Charitable Trust Act 1962

EXTERNAL CONSULTATION

Although no public consultation has occurred with regard to this matter, the Baptist Church has previously indicated its interest that the encroachment is settled as Lessee of the Council.

FINANCIAL IMPLICATIONS

This matter has taken some 10 years to solve.

Legal costs have been substantial and over that time in the order of several thousands of dollars.

Further, surveying and subdivision costs have been in the order of \$36,000.00.

Some minor costs also apply with regard to filing fees for Landgate in the order of \$172.00.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

The Shire of Plantagenet's Strategic Community Plan 2012-2022 at Outcome 2.5 (Council buildings and facilities that meet community needs) provides at Strategy 2.5.1:

'Ensure Council buildings, facilities and public amenities are provided and maintained to an appropriate standard'

The encroachment onto Trust land has put at risk the Council's ability to achieve this Strategic outcome.

OFFICER COMMENT

It is recommended that the Deed of Amendment be endorsed by the Council. The Deed of Amendment removes a breach of the Trust and supports the continuing use of the Library and Community Resource Centre for those purposes.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr G Messmer, seconded Cr L Handasyde:

That:

- 1. The Deed of Amendment of Trust pursuant to the Charitable Trust Act 1962 which provides for the deletion of portion of Plantagenet Location 148 and being Lot 10 on Land Titles Office Diagram 16245 and the insertion of Lot 150 on Deposited Plan 74000 being a portion of the land in Certificate of Title volume 2713 folio 26 and Lot 52 on Deposited Plan 222823 being the whole of the land contained in Certificate of Title 1124 folio 313 be endorsed; and**

2. Authority be granted to the Shire President and Chief Executive Officer to affix the Common Seal of the Council to the:
- a) Deed of Amendment of Trust; and
 - b) Application for Title describing the boundary realignment between Lot 149 on Deposited Plan 63264 and Lot 53 on Deposited Plan 222823, thereby creating Lot 150 and Lot 151 on Deposited Plan 74000.

CARRIED (9/0)

NO. 589/12

12 CONFIDENTIAL

13 CLOSURE OF MEETING

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

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